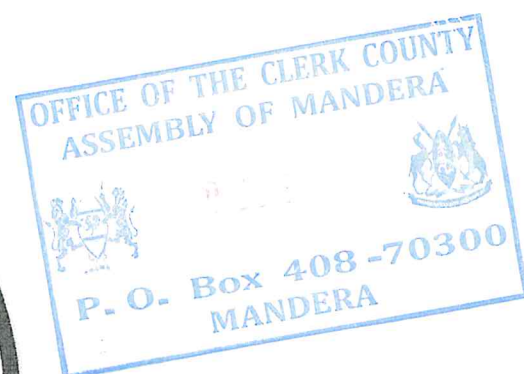


REPUBLIC OF KENYA
MANDERA COUNTY ASSEMBLY



SECOND ASSEMBLY- FOURTH SESSION 2020

THE COMMITTEE ON APPOINTMENTS

**THE SIXTH REPORT OF THE COMMITTEE ON APPOINTMENTS ON
VETTING OF MANDERA COUNTY PUBLIC SERVICE BOARD MEMBER
NOMINEE (HALIMA DAHIR ABDI).**

*THE CLERK'S CHAMBER,
MANDERA COUNTY ASSEMBLY,
JUNE 2020*

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**THE SIXTH REPORT OF THE COMMITTEE ON APPOINTMENTS ON
VETTING OF MANDERA COUNTY PUBLIC SERVICE BOARD MEMBER
NOMINEE.**

ABBREVIATION

CG – County Government

CoK – Constitution of Kenya

CPSB – Mandera County Public Service Board

CRB – credit Reference Bureau

DCI – Directorate of Criminal Investigation

EACC- Ethics and Anti- Corruption Commission

ECD – early Childhood Education

H.E – His Excellency

HELB – Higher Education Loans Board

KRA – Kenya Revenue Authority

MCPSB – Mandera County Public Service Board

PWDs - Persons with Disabilities

ANNEXURES

ANNEXURE 1 Letter from H.E. the Governor forwarding the nominee's name

ANNEXURE 2 Newspaper advertisement dated 27th May, 2020 calling for public memoranda and informing the public and the nominee of the date and venue of the Approval Hearing

ANNEXURE 3 Kampala University certificate

ANNEXURE 4 KCE certificate

ANNEXURE 5 Clerk's letter to KNEC, EACC and Kampala University

ANNEXURE 6 Response from the EACC

ANNEXURE 7 response from Kampala University on nominee's Bachelor's degree

ANNEXURE 8 Clearance from CUE, KRA Certificate and DCI (Acknowledge Receipt)

ANNEXURE 9 Certified copy of National Identity Card

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PREFACE

Pursuant to the provision of Standing Order No. 187(4) the Committee on Appointments hereby presents the Report on the vetting of the nominee for Mandera County Public Service Board Member, Mandera County Government.

COMMITTEE MANDATE

The Committee derives its mandate from the provisions of Constitution of Kenya, County Government Act 2012, Public Appointments (County Assemblies) Approval Act No 5 of 2017 as well as the Mandera County Assembly Standing Order No. 187.

COMMITTEE MEMBERSHIP

The Committee comprises of the following Honourable Members as constituted by the County Assembly pursuant to Standing Order No. 187

- | | |
|---------------------------------|--------------|
| 1. Hon. Mohamed Adan Khalif | -Chairperson |
| 2. Hon. Abdi Adan Ali | -Member |
| 3. Hon. Jimale Abdi Hassan | - Member |
| 4. Hon. Abdirashid Maalim Osman | -Member |
| 5. Hon. Halima Billow Omar | -Member |
| 6. Hon. Issack Dahir Abdi | -Member |

POWERS OF THE COMMITTEE

The Committee derives its power from Standing order No 187(4).

Section 12 of Public Appointments (County Assemblies) Approval Act No 5 of 2017 mandates the Committee to;

- (1) Summon any person to appear before it for the purpose of giving evidence or providing information during the approval hearing.***
- (2) For the purposes of subsection (1), the committee shall have the same Powers as the High Court to;***
 - (a) Enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;***
 - (b) Compel the production of documents; and***

(c) Issue a commission or request to examine witnesses abroad.





(3) Any person who is summoned by the committee and who

(a) Disobeys any order made by a committee for attendance or for production of papers, books, documents or records; or

(b) Gives false or misleading information or refuses to be examined before, or to answer any relevant question put by a committee; commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

ADOPTION OF THE REPORT

Pursuant to the provision of section 58(1) (b) (3) & (4) of the County Government Act 2012, section 9(2) of the Public Appointments (County assemblies Approval) Act, No 5 of 2017 and Mandera County Assembly Standing Orders No. 187(4) We, the members of the Committee on Appointments do hereby adopt this Report on vetting of the Mandera County Public Service Board member and affix our signatures to confirm its accuracy, validity and authenticity on today Monday 8th, June, 2020.

S/NO.	NAME	SIGNATURE
1.	Hon. Mohamed Adan Khalif	
2.	Hon. Abdi Adan Ali	
3.	Hon. Jimale Abdi Hassan	
4.	Hon. Abdirashid M. Osman	
5.	Hon. Halima Billow Omar	
6.	Hon. Issak Dahir Abdi	

ACKNOWLEDGEMENT


Mr. Speaker Sir, the Committee wishes to thank the offices of the Speaker and the Clerk for the support accorded throughout the vetting process.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the Mandera County Public Service Board Member.

Further the committee appreciates all other stakeholders who participated in the approval hearing. On behalf of the Committee on Appointments and pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, and the provisions of Standing Order No. 187.

It is my pleasure and duty to present to the County Assembly, the Committee's Report on the vetting of the nominee for appointment to the position of Board Member, Mandera County Public Service Board

Thank you.

Signed

HON. ABDI ADAN ALI

FOR; CHAIRPERSON, COMMITTEE ON APPOINTMENTS

BACKGROUND

The Committee on Appointments is established pursuant to provisions of Standing Order No 187 and is mandated to vet Appointments under Articles 179 (2) of the Members of County Executive Committees, County Secretary and County Public Service Board Members

Section 4 of the Public Appointments (County Assemblies) Approval Act No 5 of 2017 states that "An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with Public Appointments (County Assemblies) Approval Act No 5 of 2017"

APPOINTMENT PROCESS

H.E. the Governor of Mandera County forwarded to the office of the Clerk of the County Assembly the name of nominee for Board Member, Mandera County Public Service Board vide a letter dated 21st April, 2020 **REF NO; MCG/MCA/GOV/2020/009** in accordance with Section **58** of the County Government Act 2012 for consideration and approval of the nominee by the County Assembly as follows-

S/NO	NOMINEE NAME	ID/NO	GENDER	POSITION
1.	Halima Dahir Abdi	8760022	Female	Board Member

The Governor explained that one of the MCPSB Member **Mr Mohamed Alio Issak ID/NO 8760448** declined the offer of appointment despite giving him sufficient time to clear with his employer the Ministry of Education. He further stated that he found it necessary to replace him with the Nominee who is among the applicants who did the interview for the same position and the selection was also based on Community of interest.

On 29th, April, 2020 the Honourable Speaker in a communication from the Chair notified the County Assembly that His Excellency the Governor submitted to his office the name of the Nominee for Board Member, Mandera County Public Service Board pursuant to Section 58 of the County Government Act, 2012. The notification of nomination was thereafter referred to the

Committee on the Appointments pursuant to the provision of Section 7(1) of the Public Appointments (County Assemblies Approval) Act, no 5 of 2017 and Standing order No.187 (4) for vetting and reporting to the County Assembly in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, No.5 of 2017.

PROCEDURE USED TO ARRIVE AT THE APPOINTMENTS OF THE NOMINEE

1. On 25th, July, 2019, the Clerk of the Assembly made communication to the County Secretary through letter **REF MCA/CS/GEN/VOL.1(072)** on the issues for consideration on the procedure used to arrive for short listing and selection of the nominees, any constitutional or statutory requirements relating to the office in question and the suitability of the nominees for the appointment proposed having regard to whether the nominees credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made as per Section 8 of the Public Appointments (County assemblies Approval) Act, No 5 of 2017
2. The County Secretary through letter to County Assembly dated 29th, July, 2019 **REF MCG/ CS/MCA/2019(005)** provided documentation on procedure used for shortlisting and selecting the nominees of the Board Members, Mandera County Public Service as follows-
 - i. The vacant position of the Board Members was advertised on February, 23rd, 2019 on National Newspapers.
 - ii. List of all short listed candidates for the position of Board Members, Mandera County Public Service Board
 - iii. Provided the criteria used for selecting successful candidates for the position of the Board Members, Mandera County Public Service Board which includes:-
 - Be Kenyan Citizen
 - Holder of first Degree
 - Master's degree as added advantages
 - At least five years' experience in administration and management.
 - Requirement of chapter six of the Constitution of Kenya
 - Gender, marginalized group/special Group
 - Performance and a merit pass mark of 60%

3. The Panel interviewing Committee recommended the appointment of the Five Nominees out of twenty three candidates who were interviewed based on the qualification, experience, and consideration of marginalized group, Gender and compliance to Constitutional requirements.

4. The Committee on Appointments observed that the nominee was among the twenty three candidates interviewed and submitted to the County Assembly. Therefore she was picked from the list as replacement for **Mr Mohamed Alio Issak** who resigned from his position as MCPSB Member.

NOTIFICATION TO THE PUBLIC AND SUBMISSION OF MEMORANDA

On 27th, May 2020 the Clerk to the County Assembly placed an advertisement in the Standard newspaper in accordance with Section 7(4) & (5) of the Public Appointments (County Assemblies Approval) Act no 5 of 2017, Section **58 (1)(b)(2)(3)(4)** of the County Government Act of 2012, and Mandera County Assembly standing Orders No. **187(4)** .

The nominee was required to appear before the Committee on Appointments on Thursday, 4th June 2020 in Committee room 1 as specified on print media advertisement for vetting (Notification to the public).

In compliance with the National Government's directive on COVID-19 the Committee invited views regarding the suitability of the nominee from members of the public, stakeholders and other interest groups **ONLY** in the form of written memoranda accompanied by an affidavit addressed to the Office of the Clerk of the County assembly of Mandera **P.O. BOX 408-70300 MANDERA** or e-mail to **clerk@manderaassembly.go.ke** on or before **Wednesday 3rd June, 2020, at 10.00am.**

CLEARANCE REQUIREMENT

In Compliance with Ethics and Anti-Corruption Commission Circular. **EACC.7/10/5/VOL.V (44)** dated **26th, April, 2018** on the vetting of persons nominated for appointments to County Public offices requiring the approval of the County assemblies, the Clerk to County Assembly wrote to the Commission Secretary of EACC vide a letter **REF No. MCA/EACC/GEN/VOL1 (077)** dated **11th, May, 2020** requesting for any information which may be useful to the

committee in the vetting of the nominee for the Board Member, Mandera County Public Service Board. The Ethics and Anti-Corruption Commission through letter REF No. **EACC.7/10/5 VOL.XIX (1)** dated 14th, May, 2020 confirmed that that they have **NOT** undertaken any investigation on the nominee as per their records as at 14th, May, 2020. **(Annexed)**

On 11th, May, 2020 the Clerk of the Assembly wrote to Kenya National Examinations Council (KNEC) vide letter **REF NO. MCA/KNEC/GEN/1/VOL.I (012) for KCSE certificate and degree from** Kampala University in Uganda.

In a letter dated 27th May 2020 vide **REF No; AR-KU/VRF/05/20/047**. Kampala University confirmed that the nominee was bonifide student of the institution and her degree certificate presented to the County Assembly is authentic and true reflection of the original one **(Annexed)**.

With respect to her KCSE certificate the Council did not reply at the conclusion of this report

COMMITTEE MEETINGS

The Committee held five (5) meeting in total, two planning meetings prior to the vetting of nominee, the vetting meeting and two meetings to compile this report. The Committee held its sittings on Wednesday 6th May and 3rd June 2020 with regards to planning, compliance to Chapter Six, and verification of certificates from respective institution of higher learning, Letter to EACC on integrity, setting of Approval Hearing Date and other preparations relevant to the task at hand.

On Thursday 4th June 2020, the committee held an approval hearing during which the nominee appeared before it at 9.00am in Committee room 1 and was vetted.

After Approval hearing the Committee held 2 Meetings for compiling the report as required in section 9(2) of the Public Appointments (County Assemblies Approval) Act, No 5 of 2017.

APPROVAL HEARING PROCESS

The nominee appeared before the Committee and was vetted in accordance with the provisions of Article 185.195, and 196 of Constitution of Kenya, Section 58(1)(b)(2)(3) and(4) of the County Government Act, 2012, the Public

Appointments (County Assemblies Approval) Act, No. 5 of 2017 and Mandera County assembly Standing order No 187.

Below is the venue, date and time the nominee appeared before the committee:-

S/NO	NOMINEE NAME	ID/NO	GENDER	POSITION	VENUE	DATE	TIME
1.	Halima Dahir Abdi	8760022	Female	Board Member	Committee Room 1	04/06/2020	9.00AM

CRITERIA FOR VETTING

In undertaking the vetting exercise the Committee on the Appointments applied the requirements/ procedures as indicated here below

Constitution of Kenya 2010

1. Articles 185, 195, and 196(1)(a)

County Government Act of 2012

1. Section 58 1(b)
2. Compliance to provision of Section 58(2) of the County Government Act, 2012 which states that- ***The Appointment of the Members of the Board shall be through competitive process***
3. Section 58(3) of CGA, 2012, states that - A person shall be qualified to be appointed as a member under Section 58 Sub-Section (1) of CGA, 2012 if that person-
 - a. Satisfies the provision of Chapter Six of the Constitution of Kenya
 - b. Is not a state or public officer
 - c. In case of the Chairperson or Vice Chairperson, possesses a minimum qualification of bachelor's degree from recognized University and working experiences of not less than ten years
 - d. **In case of any other members**
 - I. Possesses a minimum of bachelor's degree from recognized university and a working experience of not less than five years
 - II. Is a professional, demonstrate absence of breach of relevant professional code of conduct

4. Section 58(4) of CGA, 2012 outlines provision of terms of office for the Board Members and procedures related to removal of the Board Member.

PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) ACT NO 5 OF 2017

Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, provides that;

The issues for consideration by the relevant House in relation to any nomination shall be:-

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which nomination is being made.

Further, in conducting the vetting process, the Committee examined the nominee against the following criteria, amongst others, as set out in the second schedule to the Public Appointments (County Assemblies Approval) Act No. 5 of 2017.

- (i) Academic qualifications
- (ii) Work Experience (as it relates to the Position)
- (iii) Compliance with Chapter Six of Cok 2010
- (iv) Interest and knowledge relating to specific position
- (v) Overall suitability for the position
- (vi) Communication skills
- (vii) Decision making/Problem solving skills
- (viii) Potential conflict of interest

BACKGROUND INFORMATION

The nominee took the members through her career achievement and work experience as follows;

- ID/No 8760022
- Hails from Mandera South Sub-county (Elwak town)

EDUCATION BACKGROUND

- 2010-2012 - Bachelor of Education (Early Childhood Education-Kampala University)
- 2007-2009 - Diploma in Early Childhood Education –Kitui ECD College
- 1989-1991 -Certificate of Primary Teachers Education – Shanzu Teachers College
- 1984-1987 -Mandera Moi Girls Secondary School
- 1977-1983 - Elwak D.E.B Primary School

EMPLOYMENT RECORDS AND WORK EXPERIENCE

- **2012-2020** -ECD trainer in Narok County
- **2009-2012** -transferred to Kitui District as Tutor
- **1997-2008** -promoted to Tutor and posted to Mandera Central District
- **1991-1997** -Teacher in Khadija Primary School in Mandera East

COURSE ATTENDED

- 30th August – 3rd September 2006- Training developing inclusive Child-Friendly schools by Ministry of education
- 14th August 2011 - Professional development training Programme – Kampala University

Potential conflict of interest

- None

Compliance with Chapter, 6, CoK, 2010

- She has provided requirement on clearance by the Ethics and Anti-Corruption Commission EACC (self-declaration), Directorate of criminal investigation clearance, Kenya Revenue of Authority on tax compliance, Higher Education Loan Board (HELB) and Clearance certificate from

Credit Reference Bureau (CRB) and clearance from Commission of University Education (CUE).

APPROVAL HEARING OF THE NOMINEE

Some of the Devolved functions as per the fourth schedule of the Constitution of Kenya 2010

- i. Water and energy
- ii. Agriculture
- iii. Health services
- iv. County roads
- v. Trade development
- vi. Education particularly Early childhood

Composition of the County Public service board

- i. Chairperson of the Board
- ii. Secretary to the Board
- iii. Five members

How she will address gender parity and persons living with disabilities in MCPSB employment opportunities

- i. Gender rule is constitutional requirement and will ensure that the one third rule and 5% for PWDS is followed
- ii. Ensure that there is transparency, fairness and adherence to legal provisions that regulate employment
- iii. Encourage PWDS to apply for job opportunities in the County

Reasons that can lead to dismissal of employee from the job

- i. Misappropriation of public funds
- ii. Incompetency
- iii. Engaging in conflict of interest
- iv. Chronic absentism

How to address conflict of interest

- i. Follow the law
- ii. Escalate to higher offices and authorities if it arises
- iii. Declare it and record it in conflict of interest register

- iv. Uphold public values enshrined Article 10 of the Constitution of Kenya 2010.

How to balance work - life

- i. She has twenty eight years work experience and therefore she will manage to handle the new position.
- ii. Her children are grown ups and are helping her in household chores.

Functions of the County Public Service Board

- i. Establish and abolish offices
- ii. Submit annual board activities report to the County Assembly every year
- iii. Appointment of persons to offices
- iv. Exercise disciplinary control over County Public Service Board
- v. Advise the County on human resource issues
- vi. Promote the values and principles of Articles 10 and 232

Whether she applied for the position or was approached by the appointing authority.

- i. She applied for the position when it was first advertised
- ii. She was shortlisted and attended the interview

The success of devolution in Mandera County

- i. Improved provision of health care with Mandera County Referral Hospital most improved
- ii. Increased employment opportunities
- iii. Good roads especially Mandera Town
- iv. Urban development with new houses

Achievements

- i. From classroom teacher she rose to the position of tutor and currently ECD trainer
- ii. In Kitui she was given many appreciations because of her outstanding performance
- iii. She trains teachers and provides supervisory services
- iv. She has nurtured many girls who are today holding important positions in the society


COMMITTEE'S OBSERVATION

The Committee having considered the nominee's curriculum vitae and heard her oral submission during the vetting made the following observations

- i. **THAT**, as at the time of expiry of submission of memorandum, the Clerk of the County Assembly had not received any from the public contesting suitability of the nominee for appointment to the position
- ii. **THAT**, she is resident of Mandera County and hails from Mandera South Sub-County
- iii. **THAT**, prior to her nomination, she served as the ECD trainer in Narok Sub-County
- iv. **THAT**, she has Bachelor degree in Early Childhood Education-Kampala University which is pre-requisite requirement for appointment to this position as provided for in section 58(3)(d)(1) of the County Government Act No 17 of 2012.
- v. **THAT**, she has Work Experience with Teachers Service Commission for twenty five years and five years with Narok County Government and has eleven years' experience in administration and management. .
- vi. **THAT**, she has provided requirement on clearance by the Ethics and Anti-Corruption Commission EACC (self-declaration), Directorate of criminal investigation clearance, Kenya Revenue of Authority on tax compliance, Higher Education loan board (HELB), Clearance certificate from Credit Reference Bureau (CRB) and clearance from CUE.
- vii. **THAT**, she has exhibited good knowledge of issues touching on the position she was nominated for
- viii. **THAT**, the nominee portrayed good communication skills
- ix. **THAT**, she had very good understanding of the functions of the County Public Service Board and other entities in the County Government.
- x. **THAT**, she has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution of Kenya, 2010.
- xi. **THAT**, the Nominee's Bachelor's certificate has been verified and authenticated by kampala University.
- xii. **THAT**, as per the provision of Public Appointments (County Assemblies Approval) No. 5 of 2017 second schedule, the nominee scored a mean score of 71%.
- xiii. **THAT**, her nomination is a positive direction towards the achievement of gender mainstreaming.

RECCOMENDATION

Having conducted the approval hearing for the nominee and Pursuant to the provision of section 9(2) of the Public Appointments (County Assemblies) Approval Act No 5 of 2017 and Mandera County Assembly Standing Order 187(4), the Committee recommends that, this County Assembly approves the appointment of **HALIMA DAHIR ABDI** as a **Member of Mandera County Public service Board**.

Signed 

HON. ABDI ADAN ALI

FOR; CHAIRPERSON, COMMITTEE ON APPOINTMENTS

Date  08-06-2020