COUNTY GOVERNMENT OF NAIROBI CITY



Erral by Majortynhup.

Hon Jame Ndefw4(n.c.

ERVICE BOARD 27/2020

NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD

REPORT OF THE COUNTY ASSEMBLY SERVICE BOARD

ON

THE RECRUITMENT OF THE CLERK OF THE COUNTY ASSEMBLY

Clerk's Chambers City Hall Buildings NAIROBI

JULY, 2020

CASB Report on the recruitment of the Clerk



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ADOPTION LIST

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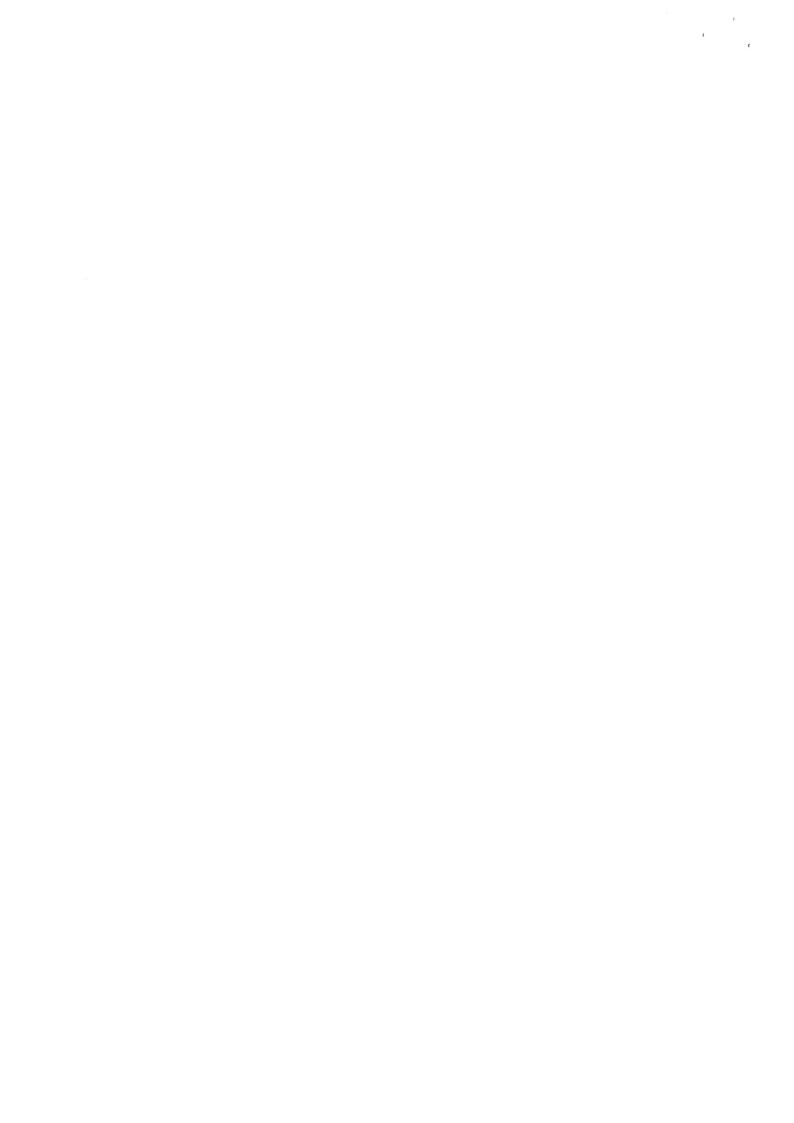
The following Members appended their signatures to signify their agreement with this report and recommendations therein:-

No.	Name	Signature
1.	Hon. Beatrice Elachi CBS, Chairperson.	
2.	Hon. Mark Ndung'u, Vice-Chairperson	Blaumi
3.	Hon. Maurice Gari, MCA- Member	
4.	Hon. (Dr.) Fatuma Affey – Fourth Member	TEO
5.	Hon. Willis Okello – Fifth Member	TIANTED



1.0. INTRODUCTION

Ano Todo



The County Assembly Service Board (CASB) is a statutory entity established pursuant to Section 12 of the County Governments Act, 2012 with a specific mandate of providing services and facilities to Members of the County Assembly in order to ensure the efficient and effective functioning of the County Assembly. Pursuant to Section 11 of the County Assembly Services Act, 2017, the Service Board performs the following functions:-

- a) Direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- b) Determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;
- c) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service; and
- d) Initiate programmes; for training and capacity building of members and staff of the county assembly and other persons; that promote ideals of parliamentary democracy as set out in Article 127(6) (d) of the Constitution; and that promote public awareness and participation in the activities of the county assembly

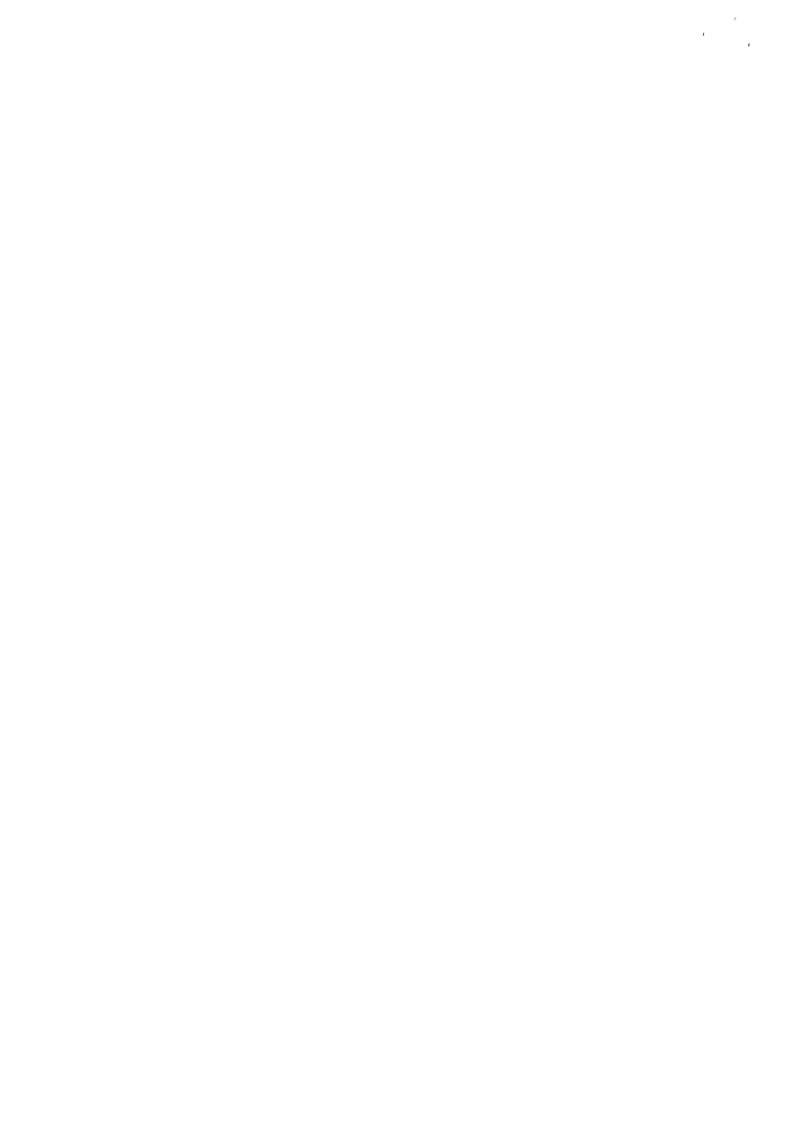
Section 13 of the County Governments Act, 2012 provides that there shall be a Clerk of the County Assembly, appointed by the County Assembly Service Board with the approval of the County Assembly. The functions of the Clerk are set out in Section 19 of the County Assembly Services Act, 2017 and include the following amongst others:-

- i) The Chief Administrative Officer of the County Assembly; and
- ii) Rendering of expert, non-partisan and impartial advice to the members of the county assembly on the legislative process, and parliamentary procedure and practice.

Pursuant to Section 148 (4) of the Public Finance Management Act, 2012, the Clerk is the Accounting Officer of the County Assembly.







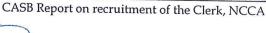
2.0. BAKGROUND

Following the advent of devolution under the Constitution of Kenya (2010), the Transition Authority seconded to County Governments Interim Officers from the National Government to guide/aide the in transition process. Interim Clerks of County Assemblies were among officers seconded to serve during the transition period. The Transition period lapsed after three (3) years after the March 2013 elections i.e. in March, 2016. Upon conclusion of the transition period, officers seconded had an option to revert to their previous work stations or compete for positions in the devolved units. While the law was explicit on the procedure of appointment or assuming the position of the Clerk, Mr. Jacob Ngwele circumvented the law and assumed the Office of the Clerk in the year 2017.

The County Assembly in full exercise of its oversight mandate on County Government entities (which includes the County Assembly Service Board), conducted an in-depth inquiry on the employment of Mr. Ngwele as the Clerk of the Assembly. The Officer and Members of the defunct Board were given opportunity to appear before a Committee established to inquire into this matter but declined to appear before it. The Committee's report brought to fore the irregularities committed in confirming Mr. Ngwele as the Clerk of the Assembly. Consequently, on 14th November, 2019, the Assembly revoked his employment and resolved that the same be regularized. The Officer was properly informed of the decision of the Assembly.

Consequently, a Member of the County Assembly having realized that the Service Board had not regularized the employment of the Clerk as resolved by the County Assembly, sued the Board under *ELRC Petition No. 71* demanding that the Board regularizes the employment of the Clerk as provided for in Section 13 of the County Governments Act, 2012 and Section 18 of the County Assembly Services Act, 2017. Accordingly, in order to avoid a long litigation process, the Board being aware of the facts regarding this matter, resolved to consent with the petitioner and agreed to regularize the employment of the Clerk within 45 days as decreed.

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3.0. APPLICABLE PROCEDURE FOR APPOINTMENT OF CLERK

Regarding appointment of the Clerk, Section 13 of the County Governments Act, 2012 provides that:-

"(1) there shall be a Clerk of the County Assembly, appointed by the County Assembly service board with the approval of the County Assembly".

Section 18 of the County Assembly Services Act, 2017 further expounds on the appointment process as follows:-

- "18. (1) The nomination of a person for appointment as a Clerk of the County Assembly under section 13 of the County Governments Act shall be done through an open, transparent and competitive recruitment process.
- (2) The name of a person nominated by the Board for appointment as the Clerk of the county assembly shall be submitted to the county assembly for approval in accordance with the Standing Orders of the county assembly.
- (3) The Board shall, within seven days of receipt of the resolution of the county assembly approving a person for appointment as Clerk of the county assembly, appoint that person as Clerk of the county assembly.

The import of these two critical provisions of the law is that CASB has the primary mandate of sourcing (recruiting) a person to serve in the position of the Clerk and in doing so, CASB must competitively recruit that person. However, the person so recruited by the Service Board cannot assume office unless he/she is approved by the County Assembly.

4.0. THE RECRUITMENT PROCESS

4.1. Advertisement

The advertisement for the position of the Clerk was published in the Star, the Daily Nation and the Standard newspapers on 29th June 2020. Mr. Jacob Ngwele was given opportunity to compete for the position. The deadline for submission of applications was 13th July 2020 at 5:00 pm. By the close of the deadline, a total number of 18 applications were received and recorded, however, one applicant submitted a double application therefore the actual applicants were 17.



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4.2. Shortlisting Criteria

The shortlisting process was carried in line with the set criteria as outlined in the advertisement placed in the local dailies. The requirements were as follows:

- i) Must be a Kenya Citizen
- ii) Bachelor's Degree from a recognized University.
- iii) At least fifteen (15) years' experience in public service of which 5 years should be at senior administrative management level.
- iv) Has at least 5 years' experience in commonwealth parliamentary practice and should be well vast with parliamentary procedures
- v) Meets the requirements of Leadership and Integrity as prescribed in Chapter Six of the Constitution of Kenya, 2010.
- vi) Proficiency in computer applications
- vii) Demonstration of managerial, administrative, integrity and professional competence in work performance
- viii) A certificate in strategic leadership development programme lasting not less than six weeks from a recognized institution will be an added advantage.
- ix) Membership to a professional body.

Candidates were also required to possess the following:-

- i) KRA Clearance Certificate
- ii) Compliance Certificate from Higher Education Loans Board (HELB)
- iii) Certificate of Good Conduct from the Department of Criminal Investigations
- iv) Clearance Certificate from Credit Reference Bureau
- v) National ID or passport and a copy of CV
- vi) Candidates with foreign degree were required to obtain accreditation from Commission of Higher Education of Kenya

Based on the established criteria, the shortlisting committee shortlisted a total of eleven (11) eligible candidates for the position of the Clerk NCCASB 13 (Job Group

T). Consequently, the following candidates were shortlisted:-

No.	Name	Gender	County
1.	Sammy Kiptoo Kiplimo	Male	Elgeyo Marakwet
2.	Arnold Jefwa Nkare	Male	Kilifi
3.	Ibrahim Ali Leruk	Male	Marsabit

CASB Report on recruitment of the Clerk, NCCA

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4.	Edward Gichana Ombwori	Male	Kisii
5.	James Kinyanjui Njenga	Male	Unknown
6.	Mbugua Kabiro Chrispine	Male	Trans Nzoia
7.	Ngigi David Gitau	Male	Nakuru
8.	Abel Nyagwa Apiyo	Male	Migori
9.	Evans Makori Ombongi	Male	Unknown
10.	Joseph Lemarkat	Male	Samburu
11.	Gad Otieno Awuonda	Male	Migori

A detailed shortlisting report is hereby annexed.

4.3. Interviewing Panel

The Service Board constituted an interview panel on 16th July 2020 comprising Members of the Board, two officers from the public service, one council member from the Institute of Human Resource Management (IHRM), one consultant on legislative matters and one officer from Scan Group to enhance the independence of the panel and provide technical support. The following was the list of panellists.

No.	Name				
		Position	Organization		
1.	Hon. (Dr.) Fatuma Aden Affey	Chairperson	NCCASB Member		
2.	Hon. Mark Ndungu Member	Member	NCCASB Vice Chairperson		
3.	Hon. Willis Oluoch Okello	Member	NCCASB Member		
4.	Hon. Maurice Gari	Member	NCCASB Member		
5.	Mr. Daniel Okwiri	Member	Ministry of Devolution		
6.	Ms. Margaret Kamoni	Member	Commission of Higher		
			Education		
7.	Ms. Catherine Mwangi	Member	IHRM Council Member		
8.	Ms. Eunice Khanaga	Member	Scan Group		
9.	Mr. Murumba Werunga	Member	Clerk of Parliament Emeritus		

4.4. Interview venue and dates

The interviews were conducted at Windsor Golf Hotel & Country Club, Kiambu County on 18^{th} and 19^{th} July 2020.







4.5. Criteria for Interview

The interview assessment was based on the advertisement for the position of the Clerk and the score sheet where candidates responded to questions on duties and responsibilities attached to the job; Principles and organs of devolution; Structure of the County Government and relationship among its organs; terms like procedure, practice, petitions, statements, and standing orders, public participation in the transaction of business by the County Assembly, steps in the preparation and approval of the County Government Annual/ Supplementary Budget; legal and institutional frameworks applicable in the management of human resource and performance management.

4.6. Interview results

Following the interviews, the candidates scored as follows:-

No.	Name	Score
1.	Edward Gichana Ombwori	79.13
2.	Gad Otieno Awuonda	69.63
3.	Sammy Kiplimo Kiptoo	66.00
4.	Ngigi David Gitau	60.25
5.	Mbugua Kabiro Chrispine	60.00
6.	Evans Makori Ombongi	56.13
7.	Joseph Lemarka	54.25
8.	Ibrahim Ali Leruk	50.75
9.	Arnold Jefwa Mkare	Did not attend interview
10.	James Kinyanjui Njenga	Did not attend interview
11.	Abel Nyagwa Apiyo	Did not attend interview

A detailed interviewing report is hereby annexed.

5.0. RECOMMENDATION OF THE SUCCESSFUL CANDIDATE TO THE COUNTY ASSEMBLY

Section 18 (2) of the County Assembly Services Act, 2017 provides that:-

(2) The name of a person nominated by the Board for appointment as the Clerk of the county assembly shall be submitted to the county assembly for approval in accordance with the Standing Orders of the county assembly.

At its special sitting held on **Monday 20**th **July, 2020**, the County Assembly Service Board resolved to recommend the candidate who ranked highest in oral interviews to the County Assembly for consideration and approval

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Accordingly, the County Assembly Service Board resolved to forward to the County Assembly the name of Mr. Edward Gichana Ombwori as the candidate chosen to be approved for appointment to the position of the Clerk, Nairobi City County Assembly under Section 13 of the County Governments Act, 2012 and Section 18 of the County Assembly Services Act, 2017 (His curriculum vitae and testimonials are attached hereto).

6.0. RESOLUTION SOUGHT

The Nairobi City County Assembly is requested to consider the contents of this report and resolve to approve for appointment **Mr. Edward Gichana Ombwori** to the position of the Clerk, Nairobi City County Assembly under Section 13 of the County Governments Act, 2012 and Section 18 of the County Assembly Services Act, 2017.

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HON. BEATRICE K. ELACHI, CBS
SPEAKER NAIROBI CITY COUNTY ASSEMBLY/

CHAIRPERSON, NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD

ANNEXES

Annex I; Decree of the Court in the ELRC Petition No. 71

Annex II; Advert for the Vacancy

Annex III; Detailed report of the shortlisting panel

Annex IV; Detailed report of the interviewing panel

Annex V; Curriculum vitae and Testimonials for Mr. Edward Gichana









COUNTY GOVERNMENT OF NAIROBI NAIROBI CITY COUNTY ASSEMBLY

COUNTY ASSEMBLY SERVICE BOARD

REPPORT ON INTERVIEW FOR THE
POSITION OF THE CLERK OF NAIROBI CITY COUNTY ASSEMBLY

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1. INTRODUCTION

This report contains the results of the interviews for the position of the Clerk advertised by Nairobi City County Assembly Service Board (NCCASB).

The advertisement for the position of the Clerk was published in the Star, the Daily Nation and the Standard newspapers on 29th June 2020. The deadline for submission of applications was 13th July 2020 at 5:00 pm. By the close of the deadline, a total number of 18 applications were received and recorded, however, one applicant submitted a double application therefore the actual applicants were 17. Based on the established criteria, the shortlisting committee shortlisted a total of eleven (11) eligible candidates for the position of the Clerk NCCASB 13 (Job Group T).

1.1. ADVERTISED POSITION

The position of the Clerk of Nairobi City County Assembly as advertised is shown in figure I below:



Figure 1: Advertisement for the position of the Clerk

1.2. SUMMARY OF CANDIDATES INTERVIEWED FOR THE POSITION OF THE CLERK

A total of eleven (11) candidates were invited for the interviews for the position of the Clerk.

Table 1-1: Shortlisted candidates for the position of the Clerk.

SNO	CANDIDATES NAME	IDNO
1	Sammy Kiplimo Kiptoo	24272346
2	Arnold Jefwa Mkare	11375666
3	Ibrahim Ali Leruk	21367547
4	Edward Gichana Ombwori	12840089
5	James Kinyanjui Njenga	9860362
6	Mbugua Kabiro Chrispine	23661201
7	Ngigi David Gitau	22535858
8	Abel Nyagwa Apiyo	10599741
9	Evans Makori Ombongi	11295773
10	Joseph Lemarkat	4202191
11	Gad Otieno Awuonda	10820129

2. INTERVIEW PANEL

The Chair of the Nairobi City County Assembly Service Board (NCCASB) constituted an interview panel on 16th July 2020 comprising members from the Board, two officers from the public service, one council member from the Institute of Human Resource Management (IHRM), one consultant on legislative matters and one officer from Scan Group to enhance the independence of the panel and provide technical support. The following is the list of panelists.

	NAME	POSITION	ORGANIZATION
1.	Hon. Dr. Fatuma Aden Affey	Chairperson	(NCCASB Member)
2.	Hon. Willis Oluoch Okello	Member	(NCCASB Member)
3.	Hon. Mark Ndungu	Member	(NCCASB Vice Chairperson)
4.	Hon. Maurice Gari	Member	(NCCASB Member)
5.	Mr. Daniel Okwiri	Member	(Ministry of Devolution)
6.	Ms. Margaret Kamoni	Member	(Commission of Higher Education)
7.	Ms. Catherine Mwangi	Member	(IHRM Council Member)
8.	Ms. Eunice Khanaga	Member	(Scan Group)

9. Mr. Murumba Werunga Member (Clerk Emiratus)

The panel members held a preparatory meeting on 17th July 2020. The exercise commenced with preparation of the necessary documents and tools including interview score sheet and a matrix for candidates to indicate their profile.

2.1. INTERVIEW VENUE AND DATES

The Interviews were conducted at Windsor Golf Hotel & Country Club, Kiambu County on 18th and 19th July 2020.

3. INTERVIEW OF CANDIDATES

3.1. CRITERIA FOR INTERVIEW

The interview assessment was based on the advertisement for the position of the Clerk and the score sheet where candidates responded to questions on duties and responsibilities attached to the job; Principles and organs of devolution; Structure of the County Government and relationship among its organs; Terms like PROCEDURE, PRACTICE, PETITIONS, STATEMENTS, and STANDING ORDERS; Public Participation in the transaction of business by the County Assembly; Steps in the preparation and approval of the County Government Annual/ Supplementary Budget; Legal and institutional frameworks applicable in the management of human resource; Performance management.

The above enabled the panel to assess the suitability of the candidates for the position of the Clerk.

3.2. RESULTS FOR THE INTERVIEW FOR THE POSITION OF THE CLERK

0.00	0	NA	NA	NA	N A	NA	NA	NA	NA	10599741	Abel Nyagwa Apiyo	11.
0.00	0	NA	9860362	James Kinyanjui Njenga	10.							
0.00	0	NA	11375666	Arnold Jefwa Mkare	9.							
50.75	406	68	53	54	56	40	36	44	55	21367547	Ibrahim Ali Leruk	8.
54.25	434	57	56	54	57	44	43	60	63	4202191	Joseph Lemarkat	7.
56.13	449	53	68	50	57	49	47	55	70	11295773	Evans Makori Ombongi	6.
60.00	480	54	61	63	67	51	48	69	67	23661201	Mbugua Kabiro Chrispine	5.
60.25	482	56	60	65	67	51	52	61	70	22535858	Ngigi David Gitau	4.
66.00	528	58	69	66	57	58	77	81	62	24272346	Sammy Kiplimo Kiptoo	ω.
69.63	557	58	69	80	77	54	69	73	77	10820129	Gad Otieno Awuonda	2.
79.13	633	76	92	82	73	90	58	74	88	12840089	Edward Gichana Ombwori	÷
AVERAGE	TOTAL	Panel 8	Panel 7	Panel 6	Panel 5	Panel 4	Panel 3	Panel 2	Panel 1	IDNO	CANDIDATES NAME	ONS

4. OBSERVATIONS AND RECOMMENDATIONS

4.1. OBSERVATIONS

The panel made the following observations:

- i. There were neither female nor persons living with disability among the shortlisted candidates.
- ii. The Panel noted that the applicants age ranged between 34-55 years
- iii. The advertisement had indicated that the possession of a Master's degree and a certificate in Strategic Leadership Development Programme (SLDP) were added advantage. It was observed that seven (7) candidates presented Masters Degrees and one had a certificate in SLDP.
- iv. Virtually all the candidates understood the questions from the panelists.

 Nonetheless some of the candidates could not fully express the crucial aspects in certain areas like the County Governments Act 2012, County Assembly Service Act 2017, Nairobi City County Assembly Standing Orders 2017 and other legal frameworks that were required to be discussed during the interview.
- v. It was also observed that both the Majority Leader (Hon. Charles Thuo) and Minority Leader (Hon. David Mberia) were present in the interview room as independent observers.
- vi. Three of the candidates who did not turn up for interviews were contacted and explained the cause of their absence.

4.2. RECOMMENDATIONS

THAT, the interview report be submitted to the Nairobi City County Assembly Service Board (NCCASB) for consideration and final decision in line with provisions of the Constitution Article 232, County Assembly Service Act 2017 and other relevant regulations that guide Human Resource Management in the County Assembly and Public Service.

4.3. SIGNATURE OF PANELISTS

NAME	POSITION	SIGNATURE/DATE
Hon. Dr. Fatuma Aden Affey	Chairperson	TAAW 19/7/2020
Hon. Willis Oluoch Okello	Member	19 7 2020
Hon. Mark Ndungu	Member	19/7/2020
Hon. Maurice Gari	Member	Mt.
Mr. Daniel Okwiri	Member	Danie 19/7/2020
Ms. Margaret Kamoni	Member	Deam 19/07/2020
Ms. Catherine Mwangi	Member	Denning 19/7/2020
Ms. Eunice Khanaga	Member	Dr. 19/07/2020
Mr. Murumba Werunga	Member	19:07:20 20

5. APPENDICES

5.1. APPENDIX 1. LIST OF CANDIDATES INTERVIEWED

SNO	CANDIDATES NAME	IDNO	MOBILE
1	Sammy Kinlima Kintaa	24272346	+254724105820
1	Sammy Kiplimo Kiptoo	24272340	+254722577881
2	Ibrahim Ali Leruk	21367547	+254721232091
3	Edward Gichana Ombwori	12840089	+254722222143
4	Mbugua Kabiro Chrispine	23661201	+254723984454
4		23001201	+254733984454
5	Ngigi David Gitau	22535858	+254725785351
		22333636	+254722459259
6	Evans Makori Ombongi	11295773	+254711558143
7	Joseph Lemarkat	4202191	+254722243164
8	Cod Otiona Auguanda	10020120	+254722771227
8	Gad Otieno Awuonda	10820129	+254771779359

5.2. APPENDIX 2. LIST OF CANDIDATES WHO DID NOT SHOW UP FOR THE INTERVIEW

SNO	CANDIDATES NAME	IDNO	MOBILE
1	Arnold Jefwa Mkare	11375666	+254722520731
			+254733975702
2	James Kinyanjui Njenga	9860362	+254726225458
3	Abel Nyagwa Apiyo	10599741	+254721390949

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