



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FOURTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 23, 2020 AT 2:30 PM

1. The Assembly assembled at Thirty Minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following communication:-

GUIDANCE OF BUSINESS BEFORE THE ASSEMBLY

“Hon. Members, as you can recall, during our last sitting, I directed that in order to adhere to the government guidelines on containment of Covid-19, we shall be holding our sittings virtually. Indeed, today we are running a test of the virtual system by combining both virtual and restricted physical sitting.

However, Hon. Members, we shall go full virtual beginning next week Tuesday, 28th July, 2020 at 9.30 a.m. I will allow members in and those who are outside because we have others on virtual; kindly adhere because the noise will be too much for them.

Hon. Members, without appearing to pre-empt debate on the business of today's sitting, I am compelled to guide the Assembly on the business appearing as Order No. 8 in the Supplementary Order Paper. This business has been scheduled by the Assembly Business Committee in today's meeting. Hon. Members, 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 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. Upon conclusion of the transition period, officers seconded had an option to revert to their previous workstations 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. Hon. Members, 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 an 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, Hon. Members, 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 Employment and Labour Relations Petition No. 71 of 2020 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. Hon. Members, in compliance with this decree of the Court, 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 an 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. Hon. Members, based on a criteria set in the advert, the shortlisting committee shortlisted a total of eleven (11) eligible candidates.

Consequently, the following candidates were shortlisted: -

Sammy Kiptoo Kiplimo	Male	Elgeyo Marakwet
Arnold Jefwa Nkare	Male	Kilifi
Ibrahim Ali Leruk	Male	Marsabit
Edward Gichana Ombwori	Male	Kisii
James Kinyanjui Njenga	Male	Unknown
Mbugua Kbiro Chrispine	Male	Trans Nzoia
Ngigi David Gitau	Male	Nakuru
Abel Nyagwa Apiyo	Male	Migori
Evans Makori Ombongi	Male	unknown
Joseph Lemarkat	Male	Samburu
Gad Otieno Awuonda	Male	Migori

The Service Board constituted an interview panel on 16th July 2020 comprising two (2) 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 interviews were conducted at Windsor Golf Hotel & Country Club, Kiambu County on 18th and 19th July 2020. The Leader of the Majority and the Leader of the Minority observed the process.

Hon. Members, following the interviews, the candidates scored as follows:

S/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

In that regard, Hon. Members, the report before you is the report of the Board after the interviews and the candidate who ranked first is automatically the candidate who has been forwarded for approval by the Assembly pursuant to Section 13 of the County Governments Act, 2012. I want also to reiterate that after the report has been forwarded to the Assembly Business Committee, it becomes the business of the House and as such, the Majority Whip shall be tabling and moving the report. Indeed, this was a practical adopted during the approval of the Clerk of the National Assembly Mr. Michael Sialai on 25th January, 2017.

You are so guided! Thank you.”

4. PAPERS

The following papers were laid on the Table of the Assembly: -

- i) **THE REPORT OF THE NAIROBI CITY COUNTY ASSEMBLY BOARD ON THE RECRUITMENT OF THE NAIROBI CITY COUNTY ASSEMBLY CLERK.**

(Hon. June Ndegwa, MCA)

- ii) **THE REPORT THE REPORT OF THE CONTROLLER OF BUDGET ON NATIONAL AND COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR THE FIRST NINE MONTHS FOR THE FINANCIAL YEAR 2019-2020**

(Hon. June Ndegwa, MCA)

5. NOTICE OF MOTION:- (HON. JUNE NDEWA, MCA)

- I. **THE REPORT OF THE NAIROBI CITY COUNTY ASSEMBLY BOARD ON THE RECRUITMENT OF THE NAIROBI CITY COUNTY ASSEMBLY CLERK**, laid on the table of this Assembly on 23rd July, 2020.

6. MOTION:- ADOPTION OF REPORT

Motion moved and Question proposed-

THAT, this Assembly adopts **THE REPORT OF THE NAIROBI CITY COUNTY ASSEMBLY BOARD ON THE RECRUITMENT OF THE NAIROBI CITY COUNTY ASSEMBLY CLERK**, laid on the table of this Assembly on 23rd July, 2020.

(Hon. June Ndegwa, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to**

7. MOTION:- (ADOPTION OF REPORT)

Motion moved and Question proposed-

THAT, this Assembly adopts **THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON VETTING OF NOMINEE FOR THE POSITION OF SECRETARY TO THE NAIROBI CITY COUNTY PUBLIC SERVICE BOARD**, laid on the Table of the Assembly on Thursday, 2nd July, 2020.

Debate ensued;

Mover replied;

Question put and **agreed to**

There being no other business and the time being Thirty Eight minutes past Four O'clock, the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

ASSEMBLY ROSE - Thirty minutes past Four O'clock

MEMORANDUM

The Speaker will take the Chair on
Tuesday, July 28th, 2020 at 9.30 a.m.

