



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 27th March, 2019

The House met at 9:24a.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated. Yes, Clerk.

PAPERS

Yes, Hon. Juma Renson Thoya, please table the Report.

(Paper laid)

Hon. Thoya: Yes, Mr. Speaker Sir on behalf of the Committee of Labour, I stand to table the report, the report on vetting of Mr. Jeizan Faruk, Nominee for the position of Chief Executive officer to the Mombasa County Public Service Board, thank you.

(Paper laid)

The Speaker (Hon. Khatri): Yes, Clerk.

NOTICE OF MOTION

REPORT OF VETTING OF CHIEF EXECUTIVE OFFICER TO THE MOMBASA COUNTY PUBLIC SERVICE BOARD (CPSB) MR. JEIZAN FAROUK

I now call upon Hon. Juma Renson Thoya, to give the Notice of Motion.

Hon. Thoya: Mr. Speaker Sir I rise, I beg to give a notice of the following Motion, that this House adopts the report of vetting of Chief Executive Officer to the Mombasa County Public Service Board (CPSB) Mr. Jeizan Farouk.

The Speaker (Hon. Khatri): Thank you Hon. Juma Renson Thoya. Yes Clerk.

STATEMENT

RESPONSE TO STATEMENT BY THE LEADER OF MAJORITY HON. MWIDANI ON THE REIMBURSEMENT OF HON. MEMBERS AND STAFF WHO ATTENDED THE DEVOLUTION CONFERENCE IN KIRINYAGA COUNTY

Yes, Hon. Hamisi Musa Mwidani.*

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker Sir for giving me this opportunity to respond on the Statement which was raised in this House. Mr. Speaker Sir the request for Statement was raised in the House, regarding the reimbursement of Hon. Members and staff who attended the devolution conference. Mr. Speaker Sir my office wrote to the Clerk of the County Assembly seeking to be furnished with a written response to the Statement, the County Assembly Clerk wrote to the County Executive Member for Finance and Economic Planning and Chief Officer in the same Department, seeking further clarification, subsequently the County Assembly Clerk wrote back to me and I wish to report the Assembly as follows;

Mr. Speaker Sir we had a meeting with the Committee and then it was resolved;

1. Supplementary budget upload is currently ongoing and therefore no item can be committed in the IFMIS until is finalized,
2. Central Bank Recurrent Account balance is not sufficient to pay for the above event. Request for funds dated 7th February, 2019 remains pending due to delays in disbursement of funds by both the National Treasury and approval by the County Executive Member, Finance and Economic Planning.
3. Honorable Members and staff who attended the conference are encouraged to submit their claims for reimbursement to the Finance and Accounts Department so as to enable them proceed with the preliminary task of processing individual payment vouchers.

Thank you Mr. Speaker but...

The Speaker (Hon. Khatri): Yes, you can continue Hon. Hamisi Musa Mwidani.

The Leader of Majority (Hon. Mwidani): I think Mr. Speaker on that issue I am very happy that I have received a report that the money is on the process now maybe here up to Friday Members will be getting their allowances so I think we should accept it to give it more time up to Friday and I would like Members to stand with the prayer number three that they should prepare for the claim because most of the Members up to this moment have never prepared their claims so I wish if they can prepare the claim so that when the money is there it will be easy for them to be reimbursed. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Renson Thoya.

Hon. Thoya: Mr. Speaker I wonder if the County of Mombasa how many Houses do we have, because I think I have heard a vocabulary that, Supplementary budget is uploading, I think when did we pass through the Supplementary budget?

Maybe if there is another Assembly that did that, we understand that we have the Supplementary budget that had not been brought in this House, how is it being uploaded?

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Amur.

Hon. Murfad Amur: Mr. Speaker, my learned friend is like a witchdoctor who knew what I wanted to say, we cannot allow the uploading that is going on, yet the Supplementary budget did not appear in this House. Mr. Speaker it is an unconstitutional matter for them to upload before this House approved.

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Hamisi can you clarify. Mr. Speaker I have to be very frank because I concur with the Members for what has been done, it is against our process but it is good as a Member to be very open to say the truth but I am happy that we are going to have a meeting on Thursday with the finance, these are the questions which we have to ask them...

(Applause)

Yes because actually I cannot hide and while I know there is uploading there taking on; although it has gone in a different way but actually because Mr. Speaker with your due respect we are now calling the meeting on Thursday so these are the issues they should be raised. Thank you.

The Speaker (Hon. Khatri): But Hon. Hamisi Musa where did you get this information of the supplementary upload is currently going on? Because, as I understand that you have not met the Minister! So I do not know where did you get this information, are you sure about this information or ...?

The Leader of Majority (Hon. Mwidani): Mr. Speaker I am very much sure because the Clerk could not mention things which are not correct, to be very sincere and it is better I am saying I have to be very open to this House; that is why now we have called a meeting on Thursday to know in which position made them to upload the budget before it has not passed to the House.

The Speaker (Hon. Khatri): Yes Hon. Murfad Amur?

Hon. Murfad Amur: Mr. Speaker Sir this is a House of law and all procedures must be followed, we cannot be taken for granted as rubber stamps. It has been there in the Daily Nation and every Media that this Mombasa County has been turned to be a rubber stamp! And this is now proving to be yes, we are rubber stamps!

We want an immediate stop to the uploading Mr. Speaker through this House we cannot accept. It is unacceptable Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Hon.... Yes Hon. Renson Thoya?

Hon. Thoya: I think there is a problem Mr. Speaker and unless the Statement response is expunged out of the proceedings of today, we want the Chairman or the Acting Chairman to give us direct message from the CEC not a report from Salim. That report must be withdrawn with immediate effect. Thank you.

(Loud consultations)

The Speaker (Hon. Khatri): Yes Hon. Hamisi Musa please can you just go back to the CEC and clarify this issue so that in the afternoon we get the full report because I believe that they cannot be uploading the Supplementary budget without the House seeing it unless your Clerk gave you wrong information, please so just go and clarify.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker Sir.

The Speaker (Hon. Khatri): Yes so that in the afternoon we get the answer please.

The Leader of Majority (Hon. Mwidani): Thank you Sir.

The Speaker (Hon. Khatri): Yes Clerk?

MOTION

ADOPTION OF REPORT OF THE VETTING OF MR. JEIZAN FAROUK, NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER TO MOMBASA COUNTY PUBLIC SERVICE BOARD

Yes Hon. Renson Juma, please move the Motion?

Hon. Thoya: Thank you Mr. Speaker. I rise once again to propose the adoption of the report on the vetting of Mr. Jeizan Farouk, Nominee for the position of Chief Executive Officer to Mombasa County Public Service Board.

(Loud Consultation)

1. Introduction

Mr. Speaker Sir and Hon. Members of the County Assembly, it is with great pleasure to table this report on the vetting of Mr. Jeizan Farouk, His Excellency the Governor's nominee for the position of Chief Executive Officer, Mombasa County Public Service Board in the County Government of Mombasa.

During the 8th Sitting held on 21st February, 2019 the Hon. Speaker conveyed the message of His Excellency, the Governor vide his letter dated 11th February, 2019 of Ref. Msa CG/APP/CECM/1/208.

Pursuant to the provision of Section 58(1)(c) of the County Government Act, 2012, Section 7 of the Public Appointment (County Assemblies Approval) Act No 5. of 2017 and Standing Order 191 (5)(f)(g) the nomination stood committed to the Committee on Labour and Social Welfare of this County Assembly.

Pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017, Section 42 (2) of the County Governments Act, 2012 (Revised, 2016) and Standing Orders 191(5)(f)(g), the nomination stood committed to the Committee on Labour and Social Welfare of this Honourable County Assembly.

Through a press advertisement appearing in The Star Newspaper on Thursday, 7th March, 2019 and the County Assembly Website, the Nominee and the public were informed of the vetting and the public was invited to send written memorandum on the suitability or otherwise of the Nominee.

The vetting exercise was conducted by the Committee on Monday, 18th March, 2019 from 9:00a.m. at the office of the Clerk, County Assembly Building.

This report provides the findings and recommendations on the suitability for appointment to the position of the Nominee for consideration by this House and approval of the same.

Mr. Speaker Sir and Hon. Members of the County Assembly let me now present the report of the Committee on Labour and Social Welfare for consideration by the House.

2. Observations and Findings

Mr. Speaker Sir, the following are the observation and findings of the vetting exercise.

- 2.1 The Committee on Labour and Social Welfare is mandated under Standing Orders 42(1) and 191(5)(f)(g) to hold approval hearings and make recommendations to the County Assembly for appointment of Members to the County Executive Committee.
- 2.2 The Committee did not receive any adverse reports, presentations or complaints for or against the appointment of Mr. Jeizan Farouk for the position of Chief Secretary Officer, Mombasa County Public Service Board of the County government of Mombasa.
- 2.3 The Nominee being vetted answered all written and oral questions that were asked by the Committee satisfactorily. These questions included those provide for in the First Schedule of the Public Appointments (County Assemblies) Approval Act, 2017.
- 2.4 The Committee asked the Nominee on meaning and his understanding of integrity. He was able to satisfactorily explain the same and he did inform the Committee when asked, that he had not been adversely mentioned in matters of corruption.
- 2.5 The Nominee, Mr. Jeizan Farouk has excellent educational credentials. He holds a Bachelor of Laws (LLB), among other relevant professional courses. He therefore meets the educational threshold as provided in Section 58(c) of the County Government Act. He presented his academic certificates as well as his numerous testimonials to the Committee.
- 2.6 The Nominee has a wide knowledge experience and competence in handling County Public Service Board issues. He is currently the Acting Chief Executive Officer and Legal Advisor for the County Public Service Board and among his achievements are:-
 - He introduced result based management system, methodologies and tools such as the Performance Appraisal System and employees dashboard to harmonized development.

- Coupled with employee training to cope with the changing technological times.

The Nominee submitted the following documents:-

- Clearance Certificate from Ethics and Anti-Corruption Commission
- National Identification Card
- Compliance Certificate from Higher Education Loans Board (HELB)
- Director of Criminal Investigation Clearance Certificate
- Kenya Revenue Authority Compliance Certificate
- Customer Credit Report

The original of the aforementioned, including original national I/D card were also availed to the Committee for verification during the approval hearing as required.

- 2.7 Mr. Jeizan Farouk (Born on 16th September 1984), the Nominee for the position of Chief Executive Officer – County Public Service Board presented the following certificates/testimonials to the Committee:

Educational Background:

2019	Certified Secretary (KASNEB)
2011	Advocate – Admission to the Bar
2009 – 2010	Post graduate Diploma – Kenya School of Law
2005 – 2008	Bachelor of Law (LLB) – Moi University
2000 – 2003	(KCSE) Kenya Certificate of Secondary Education – Sunshine Secondary School
1991 – 1999	(KCPE) Kenya Certificate of Primary Education – Lang'ata West Primary

Offices held:

1. January 2017–Date	Acting Chief Executive Officer and Legal Advisor to the Mombasa County Public Service Board (CPSB).
2. Aug 2015- Dec 2016	County Government of Mombasa – Deputy Director Board Management Services & Legal Advisor County Public Service Board.
3. Feb 2014 – Jul 2015	County government of Mombasa – Legal Officer
4. Mar 2012 – Jan 2014	Abdulswamad, Abeid Said & Co. Advocate (Mombasa) Associate Advocate.
5. Mar 2011- Feb 2012	Abdulswamad, Saad & Associates Advocates
6. Jul 2010- Feb 2011	Consortium for the Empowerment& Development of Marginalized Communities (CEDMAC) – Program Officer

7. Aug 2008-Aug 2009 Children Legal Action Network – Volunteer

- 2.8 That having considered the credentials, suitability, capacity and integrity of the Nominee, and pursuant to Standing Order 42(1) and 191 (5)(f)(g), the Committee at its meeting held on 26th March, 2019 at the Mombasa County Assembly Buildings at 11:30a.m. resolved to recommend that the County Assembly approves the appointment by His Excellency the Governor of Mr. Jeizan Farouk to the position of Chief Executive Officer, to the Mombasa County Public Service Board in the County government of Mombasa.

3. Conclusions

- 3.1 The Committee conducted the vetting exercise as per the law and was satisfied with the credentials, experience and capacity of Mr. Jeizan Farouk, Nominee for the position of Chief Executive Officer to the Mombasa, County Public Service Board, in the County government of Mombasa and therefore recommended him for appointment to the position.

4. Recommendations

- 4.1 That this report containing the Committee introduction, observation/finding, conclusion and recommendation on the vetting of Nominee for the position of Chief Executive Officer to the Mombasa County Public Service Board be adopted by the County Assembly of Mombasa.
- 4.2 Thank you Mr. Speaker Sir, I now beg to move that this report be adopted by Members of this House.

Thank you Mr. Speaker, Hon. Naliaka will second this Motion. Thank you.

The Speaker (Hon. Khatri): Yes Hon. Naliaka?

Hon. Naliaka: Mr. Speaker Sir I beg to second the Motion.

(Question proposed)

The Speaker (Hon. Khatri): Thank you Hon. Naliaka. Thank you Hon. Members I now propose the question that the Motion by Hon. Renson Juma Thoya be considered by this Honourable House in the same terms as moved?

(Applause)

Yes Hon. Renson Juma Thoya?

Hon. Thoya: Thank you Mr. Speaker. Once again I want to appreciate that the Members are ready to debate on this, what I want to tell this House that the officer said Mr. Jeizan Farouk submitted his documents and we are very certain he is out to prove a lot of changes in matters of labour in this County.

We understand we have issues in this County here and there but I know given this opportunity and the regular interaction between Jeizan Farouk and the Committee he will bring changes of great benefit to this County. I urge the Honourable House to support this report.

The Speaker (Hon. Khatri): Thank you Hon. Thoya. Yes Hon. Salama?

Hon. Ahmed Salama: Ahsante Mheshimiwa Spika. Ningependa kumuunga mkono asilimia mia moja Mheshimiwa Thoya kwa ripoti alioileta kwa sababu huyu ni kijana na ana nguvu na pia ashawahi kutekeleza majukumu mengi kabla ya ripoti hii kufika. Kwa hivyo mimi nasema naunga mkono *mia fil mia*. Ahsante.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Kitula?

The Chief Whip (Hon. Kitula): Ahsante Mheshimiwa Spika. Mheshimiwa Spika *on the observations and findings under 2.2* naona kuna tofauti ya kazi alioweza kupatiwa, kulingana na sheria Mheshimiwa Mwenyekiti inastahili kuwa *Chief Executive Officer not Chief Secretary Officer*. Kwa hivyo kuna tofauti hapo kwa hivyo nafikiri ni makosa ya Karani waweze kurekebisha hiyo kwa sababu hii ripoti isiye baadae ikaweza kutufunga Mheshimiwa Mwenyekiti lakini licha ya hayo naunga mkono hoja kama Mwanakamati wa masuala ya leba katika Bunge la Mombasa kwamba kweli tulimkagua kijana Jeyzan Farouk na kama sisi serikali ya Kaunti ya Mombasa tunafahamika kuweza kuwaajiri vijana katika serikali ili kuweza kupata huduma bora.

Mheshimiwa Mwenyekiti na kufikia hadi sasa Gavana kweli anatimiza kama alivyoweza kuajiri katika hotuba yake ya kwanza katika Bunge hili akasema ya kwamba kipao mbele zaidi atapatia vijana. Kwa hivyo langu namuunga mkono ikiwa ataendelea na ari hii na motisha huo Mheshimiwa Mwenyekiti itakuwa bora zaidi vijana wakiweza kuajiriwa kwa wingi hata nafasi iliyoweza kutolewa hivi karibuni itakuwa bora kuwa ikiwa asilimia kubwa itaweza kupatiwa vijana. Kwa hivyo kwa hayo machache naunga mkono kuteuliwa kwa Jeyzan Farouk. Ahsante.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Hamisi Musa Mwidani, Majority Leader.

The Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika. Mimi nasimama pia kuunga mkono na naunga mkono Kamati kwa kazi nzuri walioifanya...

(Applause)

Kwa sababu nimeona wamepitia kila kipengele kinachotakikana. Bwana Spika ukiangalia *the Nominee* ni mtu amesoma kwa hivyo mimi naona anastahili kuwa kwa hiyo nafasi hivyo basi ningependa hii hata isichukue zaidi ya lisaa limoja kusudi tuweze kumuwezesha aweze kuingia ofisini mwake atekeleze kazi muhimu sana kwa sababu najua hapo ndio kipengee ambacho kina umuhimu zaidi. Kwa hivyo mimi naiunga mkono na pia naunga mkono Kamati ya Leba kwa kufanya kazi yao nzuri. Ahsante sana.

The Speaker (Hon. Khatri): Yes Hon. Kombe Nzai?

Hon. Nzai: Thank you very much Mr. Speaker Sir for giving me this chance to air my views. I wish to concur with my fellow Honorables to support this Motion, what matters Mr. Speaker when it comes to issues of appointment is the background qualification of that particular person and when I looked on the academic qualifications of the officer I feel very much impressed that indeed yes he can make a change to this Department. In addition to that Mr. Speaker this County lacks a lot of policy making so if this tendency will continue I believe much policy documents will come and many changes shall arrive. Thank you very much Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Kombe Nzai. Yes Hon. Bwire?

Hon. Bwire: Thank you Mr. Speaker for this opportunity. Mr. Speaker I happen to be one of the Members who interviewed the said fellow Hon. Jeizan Farouk and according to me Jeizan has all the qualifications required to hold the said position. He had tough times Mr. Speaker; I had so many questions concerning the current scenario in our County system but indeed he explained himself.

I just want to make clear because we had some Members who had some doubts but as a Committee we recommended that Jeizan to be given this position simply because of those areas that had issues. Mr. Speaker he clarified accompanied by the County Secretary and they gave us the information that we were looking for and I therefore agree with my Chairman that this House in solidarity recommend that Jeizan Farouk be given that position. Thank you Mr. Speaker Sir.

The Speaker (Hon. Khatri): Thank you very much Hon. Bwire. Yes Hon. Murfad Amur?

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker I want to congratulate the Committee first for the good job done...

(Applause)

Mr. Speaker the young man who is in his early 30s or the 35 has shown according to this report he has all the qualifications that need somebody to be given a certain chance, being a legal advisor to the County government I believe he grew with that in that Board.

Mr. Speaker it is high time now we put young and energetic guys to the Departments other than still holding those who are now going to retire being given contracts; the system should change, and if we have energetic young boys and girls like these the first priorities should be given to these young boys and girls...

(Applause)

Thank you Mr. Speaker.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Members I now give the Hon. Juma Renson Thoya to reply to the Motion.

Hon. Thoya: Thank you Mr. Speaker. It is not just normal to miss even a dissenting voice, it means the Committee did a wonderful job and I want to congratulate it...

(Applause)

...As the Members were debating, I expected even a single dissenting voice, but I think this man is out to prove greater changes and therefore I appreciate all these people who have given their views towards this Motion and congratulate them and we say that we are together as one in this. Thank you.

(Question put)

The Speaker (Hon. Khatri): Thank you very much Hon. Renson Juma Thoya. Hon. Members I now put the question that the Motion by Hon. Renson Juma be adopted by this Hon. House in the same terms as moved?

(Question put and agreed to)

(Applause)

Yes Clerk?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 27th March, 2019 at 2:30p.m.

The House rose at 10:56a.m.