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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIRST SESSION – 2022

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

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REPORT ON THE VETTING OF MR. BENEDICT MUASYA MUTISO,  
MR. WILFRED KOITAMET OLEKINA NCHOSOI, HON. FATUMA  
GEDI, CBS, DR. GEORGE MIDIWO (MD MPH), MS HADIJAH  
NGANYI JUMA, DR ISABEL NYAMBIRA WAIYAKI AND MR. JONAS  
VINCENT MISTO KUKO FOR APPROVAL FOR APPOINTMENT AS  
MEMBERS OF THE COMMISSION ON REVENUE ALLOCATION

08 DEC 2022 THURSDAY

CHAIR-DC - FINANCE & NATIONAL  
PLANNING  
HON. CPA KURIA KIMANI, MP

JOYCE LEMERRELE

CLERK'S CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

PARLIAMENT BUILDINGS

NAIROBI

DECEMBER 2022

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## LIST OF ABBREVIATIONS AND ACRONYMS

KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
ORPP	-	Office of the Registrar of Political Parties
CBS	-	Chief of the Burning Spear
CWR	-	County Women Representative
NHIF	-	National Health Insurance Fund
CRA	-	Commission on Revenue Allocation
KeSRA	-	Kenya School of Revenue Administration
UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
CPA	-	Certified Public Accountant

## **ANNEXURES**

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## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Finance and National Planning during the approval hearings of the seven (7) nominees for approval for appointment as members of the Commission on Revenue Allocation (CRA) pursuant to Article 215(2) (b) and (c) of the Constitution of Kenya and as communicated to the House by the Hon Speaker on Tuesday, 29<sup>th</sup> November, 2022.

Pursuant to Article 215(2) (b) and (c) as read with Article 215 (3) of the Constitution and Section 5 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011) and Standing Order 45(1), the Leadership of Majority and Minority parties in the Houses of Parliament notified the National Assembly of the nomination of seven (7) nominees to be members the Commission of Revenue Allocation (CRA) vide letters dated 25<sup>th</sup> and 26<sup>th</sup> November 2022. The Hon Speaker vide a communication made on Saturday 26<sup>th</sup> November, 2022 conveyed to the House the Message from the Leadership of Majority and Minority parties in the Houses of Parliament and subsequently referred the names of the nominees, curricula vitae to Departmental Committee on Finance and National Planning for approval hearings.

While referring the matter to the Committee, the Speaker directed that, the Committee undertakes the vetting within twenty-eight (28) days pursuant to Section 8 of the Public Appointments Parliamentary Approval Act (No. 33 of 2011). The Speaker further directed the Clerk of the National Assembly to notify the nominees and the general public of the vetting. In this regard, an advertisements were placed in two daily newspapers of nationwide circulation and on the Parliamentary Website, of the time and place of holding the approval hearings by Sunday, 27<sup>th</sup> November 2022.

In compliance with Article 118 (b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the Committee placed an advertisement in the print media on Saturday, 26<sup>th</sup> November 2022 informing the public of the nomination, date, time and place of the approval hearing. The Committee also invited the public to submit memoranda by way of written statements on oath on the suitability of the nominees in conformity with section 6 (9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The memoranda were to be received on or before Friday, 2<sup>nd</sup> December 2022 at 5.00 p.m. (East African Time). The Committee received two memoranda (affidavits) contesting the suitability of Hon. Fatuma Gedi Ali, CBS by the set deadline.

The Committee also conducted background checks with KRA, EACC, DCI, HELB, and ORPP on the nominee's suitability to hold office.

The nominees appeared before the Committee on Monday, 5<sup>th</sup> December 2022 for vetting. The Committee examined their suitability based on the criteria set out in Section 6 of the Commission on Revenue Allocation Act 2011 and Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity. The Committee paid due regard to the procedure used to arrive at 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' abilities, experience and qualities meet the needs of the Commission.

Further, the Committee considered the memoranda by Mr. Julius Kairu Kiambati and Mr. Abass Adam that were in form of written statements contesting the suitability of Hon. Fatuma Gedi Ali, CBS. The statements were sworn on 30<sup>th</sup> November, 2022 and 1<sup>st</sup> December, 2022 respectively. In their respective affidavits, the deponents averred that the nominee was a member of the governing body of the Jubilee Party contrary to Article 77 (2) of the Constitution. Further, one of the deponents raised concerns on

the validity of the nominee's academic credentials, stating that he was aware that the nominee's results in the Kenya Certificate of Secondary Education (KCSE) examination would not have qualified her to join a university and therefore to hold a bachelor's degree.

Pursuant to Article 215 (2) (b) and (c), section 6 of the Commission for Revenue Allocation Act, and section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee observed that the nominees met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment as members of the Commission on Revenue Allocation.

Having conducted approval hearings of the nominees and examined certificates, testimonials and other documents in its possession, the Committee was persuaded that due process was followed in the nomination process of the nominees as provided for under Article 215 of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). Given the foregoing, the Committee recommends as follows -

- i) pursuant to Article 215(2) (b) of the Constitution, the House **APPROVES** the nomination of **Mr. Benedict Muasya Mutiso** and **Mr. Wilfred Koitamet Olekina Nchosoi** for appointment as Commissioners of the Commission on Revenue Allocations (CRA).
- ii) pursuant to Article 215(2) (c) of the Constitution, the House **APPROVES**, the nomination of **Hon. Fatuma Gedi Ali, CBS, Dr. George Jalang'o Midiwo (MD, MPH), Ms. Hadijah Nganyi Juma, Dr. Isabel Nyambura Waiyaki** and **Mr. Jonas Misto Vincent Kuko** for appointment as Commissioners of the Commission on Revenue Allocations (CRA).

The Committee registers its appreciation to the Office of the Speaker, Office of the Clerk of the National Assembly, Office of the Director, Departmental Committees and the Committee Secretariat for the logistical support extended during the vetting process. The Committee thanks the nominees for their cooperation during the vetting process and while appreciating KRA, EACC, DCI, HELB and ORPP for providing references and background checks relating to the suitability of the nominees.

Finally, I wish to acknowledge and appreciate Committee Members for their patience, sacrifice and commitment to duty which enabled the Committee complete the vetting task within the required timelines.

On behalf of the Departmental Committee on Finance and National Planning, and pursuant to Article 215 of the Constitution and Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199(6), it is my pleasant duty to present the Report of the Committee on the approval hearings of the seven (7) nominees as Commissioners at the Commission on Revenue Allocations (CRA) for debate and adoption by the House.

**Hon. CPA. Hon. Kuria Kimani, M.P.**

**Chairperson, Departmental Committee on Finance and National Planning**

## CHAPTER ONE

### 1.0 PREFACE

#### 1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Finance and National Planning is one of the twenty (20) Departmental Committees of the House established under Standing Order 216 which mandates Departmental Committees-

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. To study and review all legislation referred to it;*
- v. To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

#### 1.2. Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, public audit policies, monetary policies, financial institutions (excluding those in securities exchange), economy, investment policies, competition, banking, insurance, national statistics, population, revenue policies including taxation, national planning and development, digital finance, including digital currency.
3. The Committee oversees the Ministry of National Treasury and Planning, Commission on Revenue Allocation and Office of the Controller of Budget.



### 1.3. Committee Membership

4. The Committee was constituted by the House on 27th October 2022 and comprises the following Members:

#### Chairperson

Hon. CPA. Kuria Kimani, MP  
Molo Constituency  
UDA Party

#### Vice-Chairperson

Hon. CPA. (Amb). Langat Benjamin Kipkirui, MP  
Ainamoi Constituency  
UDA Party

#### Members

Hon. Kipkoros, Joseph Makilap, MP  
Baringo North Constituency  
UDA Party

Hon. CPA. Oyula, Joseph H. Maero, MP  
Butula Constituency  
ODM Party

Hon. CPA. Rutto Julius Kipletting, MP  
Kesses Constituency  
UDA Party

Hon. Okuome Adipo Andrew, MP  
Karachuonyo Constituency  
ODM Party

Hon. Biego Paul Kibichiy, MP  
Chesumei Constituency  
UDA Party

Hon. Mboni, David Mwalika, MP  
Kitui Rural Constituency  
WDM Party

Hon. Sunkuyia, George Risa, MP  
Kajiado West Constituency  
UDA Party

Hon. CPA. Dr. Ariko John Namoit, MP  
Turkana South Constituency  
ODM Party

Hon. Munyoro Joseph Kamau, MP  
Kigumo Constituency  
UDA Party

Hon. Keynan, Wehliye Adan, MP  
Eldas Constituency  
Jubilee Party

Hon. Sheikh Umul Ker Kassim, MP  
Mandera County  
UDM Party

Hon. Machele Mohamed Soud, MP  
Mvita Constituency  
ODM Party

Hon. Dr. Ithinji Shadrack Mwiti, MP  
South Imenti Constituency  
Jubilee Party

**1.4. Committee Secretariat**

5. The Committee is facilitated by the following staff:

**Mr. Benjamin Magut  
Senior Clerk Assistant /Head of Secretariat**

**Mr. Joshua Ondari  
Clerk Assistant II**

**Mr. Benson Kamande  
Clerk Assistant III**

**Mr. Salem Lorot  
Legal Counsel I**

**Mr. Josephat Motonu  
Senior Fiscal Analyst**

**Mr. George Ndenjeshe  
Fiscal Analyst III**

**Ms. Terry Ondiko  
Fiscal Analyst III**

**Mr. Andrew Jumanne Shangarai  
Principal Serjeant-At-Arms**

**Mr. Simon Odhiambo Ouko  
Assistant Serjeant-At-Arms**

**Ms. Shamsa A. Abdi  
Research Officer III**

**Ms. Nelly W. N Ondieki  
Research Officer III**

## CHAPTER TWO

### 2. BACKGROUND INFORMATION

#### 2.1 Establishment, composition and term of the Commission on Revenue Allocation

6. The Commission on Revenue Allocation, hereinafter referred to as “Commission”, is one of the Constitutional Commissions provided for under Chapter Fifteen of the Constitution. The Commission is established pursuant to the provisions of Article 215(1) of the Constitution and charged with the functions assigned to it under Article 216 of the Constitution.
7. Article 215(2) (b) and (c) of the Constitution as read together with Article 215(3) requires political parties represented in the National Assembly and the Senate to nominate two (2) and five (5) persons respectively, for appointment as members of the Commission on Revenue Allocation from among persons who are not Members of Parliament. Article 215(2), (3) and (4) of the Constitution provides as follows—

*215 (2) The Commission shall consist of the following persons appointed by the President—*

- (a) a chairperson, who shall be nominated by the President and approved by the National Assembly;*
  - (b) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly;*
  - (c) five persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate; and*
  - (d) the Principal Secretary in the Ministry responsible for finance.*
- (3) The persons nominated under clause (2) shall not be members of Parliament.*
- (4) To be qualified to be a member of the Commission under clause (2) (a), (b), or (c), a person shall have extensive professional experience in financial and economic matters.*

8. The term of the current Commissioners of the Commission on Revenue Allocation comes to an end on 31<sup>st</sup> December, 2022. Article 250(6) of the Constitution as read together with section 9(2) of the Commission on Revenue Allocation Act, No. 16 of 2011, provides that persons appointed as members of the Commission shall serve for six years and will not be eligible for re-appointment.

#### 2.2 Nomination of nominees of Commission on Revenue Allocation by political parties

9. Article 215 (2) (b) and (c) of the Constitution provides that the Commission on Revenue Allocation shall consist of *two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly and five persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate.* These persons are appointed by the President.

#### 2.3 Speaker’s Communication and Committal to the Committee

10. The Speaker, in Communication from the Chair (No. 023 of 2022), informed the House that the term of office of the current members of the Commission on Revenue Allocation (CRA) was set to end on 31<sup>st</sup> December 2022 in accordance with the provisions of Article 250(6) (a) of the Constitution. The Speaker therefore, directed that the appointment process needed to be concluded before the said date.

11. The Speaker stated that Article 215(2) (b) and (c) of the Constitution as read together with Article 215(3) requires political parties represented in the National Assembly and the Senate to nominate two (2) and five (5) persons respectively, for appointment as members of the Commission on Revenue Allocation from among persons who are not Members of Parliament.
12. Pursuant to the said provisions and having been notified of the impending vacancies, the Clerks of the Houses of Parliament, by advertisements published in the dailies on 15th November 2022, invited applications from interested persons seeking to be nominated as members of the Commission and set out the qualifications for appointment in accordance with Article 215(4) of the Constitution and section 6 of the Commission on Revenue Allocation Act, 2011.
13. A total of one-hundred and seventy-six (176) applications were received, being thirty-seven (37) and one hundred thirty-nine (139) applications received by the National Assembly and the Senate, respectively. At the closure of the submission period, the Clerks of the Houses of Parliament forwarded the particulars of qualified applicants to the Leaders of the Majority and Minority Parties in both Houses to facilitate the nomination of qualified persons for appointment.
14. On Friday, 25th November 2022 and Saturday, 26th November 2022, the Speaker received communication from the leadership of the Majority and Minority Parties conveying the nomination of the seven (7) persons for appointment to the membership of the Commission on Revenue Allocation in accordance with Article 215(2) (b) and (c) of the Constitution.
15. Regarding nominees from the political parties in the National Assembly under Article 215(2) (b) of the Constitution, the Speaker had received the names of **Benedict Muasya Mutiso** and **Wilfred Koitamet Olekina Nchoshi**, having been nominated by the Majority Party and Minority Party, respectively.
16. With regard to nominees under Article 215(2) (c) of the Constitution, the Speaker informed the House that the leadership of political parties represented in the Senate nominated—
  - (i) **Jonas Misto Vincent Kuko, Dr. Isabel Nyambura Waiyaki and Hadija Nganyi Juma** (the three having been nominated by the Majority Party);
  - (ii) **Dr. George Jalang'o Midiwo and Hon. Fatuma Gedi Ali, CBS** (the two having been nominated by the Minority Party)
17. The Speaker referred the names of the seven persons nominated to the Committee on Finance and National Planning to commence the vetting processes as contemplated under the Public Appointments (Parliamentary Approval) Act and Standing Order 45.
18. The Speaker directed the Committee to expeditiously undertake the approval hearings and report back to the House. The Speaker further directed that the Committee concludes the approval hearings by the 6<sup>th</sup> of December 2022 and table its report before the expiry of the constitutional deadline.

#### 2.4 Notification to the Public

19. Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

20. The Committee on Saturday, 26<sup>th</sup> November 2022 placed an advertisement in the print media informing the general public of its intention to conduct approval hearings, as provided for by Article 118 (1) (a) (b) and (2) of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, which allows public participation in committee proceedings. The advertisement invited the public to submit memoranda, by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advertisement indicated that the submissions were to be received by **Friday, 2<sup>nd</sup> December 2022 at 5.00 pm (East African Time)**. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

#### 2.5 Notification to the Nominee

21. The Committee vide an advertisement placed in the print media on Saturday, 26<sup>th</sup> November 2022 and letters dated 29<sup>th</sup> November informed the nominees of their nomination by political parties and requested them to appear for vetting by the Departmental Committee at County Hall, Mini Chamber, Parliament Buildings.

22. The Committee further requested the nominees to bring with them their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Office of the Registrar of Political Parties (ORPP).

#### 2.6 Clearance Requirements

23. On 28<sup>th</sup> November 2022, the Committee wrote to KRA HELB, EACC, ORPP) and DCI) requesting for tax, education loans, integrity, affiliation to political parties and criminal record status of the nominees. The following institutions wrote back to the National Assembly clearing the nominees: KRA (letter Ref. KRA/5/1002/5(8244) dated 30<sup>th</sup> November 2022); KRA (letter Ref. KRA/5/1002/5(8176) dated 6<sup>th</sup> December 2022); DCI (letter Ref. DCI/CRO/SEC/6/7/2/A/VOL.XII/7 dated 30<sup>th</sup> November 2022); HELB (letter Ref. HELB/RR/112009/193 dated 1<sup>st</sup> December,2022; ORPP (letter Ref: RPP/ORG/34 VOL. VI (43) dated 28<sup>th</sup> November 2022 and ORPP (letter Ref: RPP/FRP/3/2/VOL. XIII (72) dated 1<sup>st</sup> December,2022

#### 2.7 Committee proceedings

24. The Committee having received the names of the nominees was obligated to conduct approval hearings and make a determination of the nominees' suitability or otherwise expeditiously within the constitutional timelines.

25. The Committee held four (4) sittings during which it examined and reviewed the nominees' Academic certificates and testimonials as well as conducted approval hearings.

## 2.8 Constitutional and statutory requirements in parliamentary approval of public appointments

26. The Constitution and various statutes provide a clear framework for the conduct of parliamentary approval of public appointments. They are listed below:

- (a) The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (b) Article 215 of the Constitution (*establishment of the Commission on Revenue Allocation*) Chapter 6 of the Constitution (*leadership and integrity*); Article 10 of the Constitution (*national values and principles of governance*); Article 124(4) of the Constitution (*parliamentary approval of public appointments*); Article 118 of the Constitution (*public access and participation*); Article 232 of the Constitution (*values and principles of public service*);
- (c) The Leadership and Integrity Act (Cap. 182);
- (d) The Commission on Revenue Allocation Act (No. 33 of 2011);
- (e) The Public Service (Values and Principles) Act (No. 1A of 2015)
- (f) The Public Officer Ethics Act (Cap. 183)

## 2.9 The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

27. Section 7 of the Public Appointments (Parliamentary Approval) Act provides for issues which the National Assembly is supposed to consider in relation to any nomination. These are:

- (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 the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.

28. Section 6 of the Public Appointments (Parliamentary Approval) Act provides direction on the conduct of approval hearings. These are:

- (a) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7));
- (b) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8));
- (c) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9));
- (d) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10)).

29. The period for consideration of nomination is spelt out in the Act. Section 8(1) of the Public Appointments (Parliamentary Approval) Act provides that the Committee shall consider the nomination and table its report to the House for debate and decision within twenty-eight (28) days from the date on which the notification of nomination was given. Section 9 of the Act stipulates that

where the House does not meet the prescribed timelines, the nominee shall be deemed to have been approved. However, since the term of the current Commissioners of the Commission on Revenue Allocation comes to an end on 31st December, 2022, the Speaker directed the Committee to expeditiously conduct the approval hearing and table its report within the constitutional timelines.

30. Pursuant to section 6(8) of the Act, the criteria for vetting is comprehensively contained in the Questionnaire in the Schedule to the Act. The Questionnaire allows the Committee to obtain information on, among other things—

- (a) Name of the nominee—to enable the Committee to ascertain the regional background and ethnicity of the nominee.
- (b) Gender of the nominee—to enable the Committee to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) that requires the State to take measures to ensure that not more than two-thirds of members of appointive bodies shall be of the same gender;
- (c) Age of the nominee—to enable the Committee to ascertain compliance with the provisions of Article 55 of the Constitution on the inclusion of the youth in public appointments;
- (d) Nationality of the nominee—to enable the Committee to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens;
- (e) Educational background of the nominee;
- (f) Employment record of the nominee;
- (g) Honours or awards given to the nominees;
- (h) Membership of the nominee to professional bodies;
- (i) Public office and political affiliations held by the nominee—to enable the Committee to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution which precludes appointed State officers from holding office in a political party;
- (j) Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State Officer who has been removed from office under Article 75 (3) of the Constitution from holding any other State Office;
- (k) Nominee's finances;
- (l) Outside commitments that the nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full-time State Officer from participating in any other gainful employment;
- (m) Tax compliance status of the nominee;
- (n) Potential conflict of interest—Article 75(1) of the Constitution bars State officers from engagements or associations that may give rise to conflict between official or public duties and personal interests;
- (o) Whether a nominee has been charged in a court of law in the past three years; and
- (p) Whether a nominee has been adversely mentioned in a report of Parliament or a Commission of inquiry in the past three years.

31. The Questionnaire is largely formulated based on Constitutional and statutory requirements for State Officers and other considerations that are of importance to make a determination on the suitability of a nominee.

## 2.10 Article 215 of the Constitution

32. Article 215 of the Constitution provides for the establishment and composition of the Commission on Revenue Allocation. Article 215(2), (3) and (4) of the Constitution provides as follows—

- 215 (2) The Commission shall consist of the following persons appointed by the President—*
- (a) a chairperson, who shall be nominated by the President and approved by the National Assembly;*
  - (b) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly;*
  - (c) five persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate; and*
  - (d) the Principal Secretary in the Ministry responsible for finance.*
- (3) The persons nominated under clause (2) shall not be members of Parliament.*
- (4) To be qualified to be a member of the Commission under clause (2)(a), (b) or (c), a person shall have extensive professional experience in financial and economic matters.*

33. Further, Article 250(2) of the Constitution provides that the chairperson and each member of a commission and the holder of an independent office shall be—

- (a) identified and recommended in a manner prescribed by national legislation;*
- (b) approved by the National Assembly; and,*
- (c) appointed by the President.*

## 2.11 Chapter Six on Leadership and Integrity

34. The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the Committee took cognizance of the following provisions-

- i. Article 73(2) of the Constitution provides that the guiding principles of leadership and integrity include-
  - (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
  - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
  - (c) selfless service based solely on the public interest, demonstrated by —
    - (i) honesty in the execution of public duties; and
    - (ii) the declaration of any personal interest that may conflict with public duties;
  - (d) accountability to the public for decisions and actions; and
  - (e) discipline and commitment in service to the people.
- ii. Article 75(1) of the Constitution requires a State Officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution prohibits a State Officer who has been removed from office under that Article from holding any other State Office.
- iii. Article 77(1) of the Constitution prohibits a full-time State officer from participating in any other gainful employment.



- iv. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party.
- v. Article 78 (1) of the Constitution disqualifies persons who are not Kenyan citizens and persons holding dual citizenship from appointment as State Officers.

#### **2.12 Article 10(2) of the Constitution on national values and principles of governance**

35. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development.

#### **2.13 Article 118 of the Constitution**

36. Article 118 of the Constitution obligates Parliament to conduct its business openly, and that its sittings and those of its committees shall be in public; and that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also provides that Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

#### **2.14 Article 124(4) of the Constitution on parliamentary approval of public appointments**

37. Article 124(4) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a committee of the relevant House; the committee's recommendation shall be tabled in the House for approval; and the proceedings of the committee and the House shall be in public.

#### **2.15 Article 232 of the Constitution on Values and Principles of Public Service**

38. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

#### **2.16 The Leadership and Integrity Act**

39. The Leadership and Integrity Act provides a number of obligations to a State Officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to an abuse of office, not to misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, and conflict of interest.

40. In addition, section 10 of the Leadership and Integrity Act, 2012 in particular provides that a State officer shall, to the best of their ability—

- (a) carry out the duties of the office efficiently and honestly;
- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office; and
- (d) report truthfully on all matters of the organization which they represent.

## 2.17 The Commission on Revenue Allocation Act (No. 33 of 2011)

41. Section 5(1) of the Commission on Revenue Allocation Act (No. 16 of 2011) provides that the chairperson and members of the Commission shall be appointed in accordance with the provisions of Article 215 of the Constitution and the Act.

42. Section 6 of the Act provides for the qualification for appointment of chairperson and members of the Commission. It provides as follows—

### 6. Qualification for appointment of chairperson and members

(1) A person shall be qualified for appointment as the chairperson or a member if the person—

- (a) holds a degree from a university or an equivalent professional qualification recognized in Kenya;
- (b) has professional experience in financial and economic matters of at least fifteen years in the case of the chairperson and ten years in the case of any other member;
- (c) has had a distinguished career in their respective fields; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person shall not be qualified for appointment as the chairperson or member if the person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is an elected member of a local authority;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the provisions of the Constitution or any other law;
- or
- (f) has not met his or her legal obligations relating to tax and other statutory obligations.

43. Section 9 of the Act provides for the appointment procedure where a vacancy occurs in the membership of the Commission. In particular, it provides for the term of the Commissioners of six years which cannot be renewed. The section provides as follows—

### 9. Filling of vacancy

(1) Where a vacancy occurs in the membership of the Commission under section 8, the appointment procedure provided for under the Constitution and this Act shall apply.

(2) A member appointed under subsection (1) shall serve for a term of six years but shall not be eligible for reappointment.

## 2.18 The Public Service (Values and Principles) Act

44. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, and observance of rule of law.

## **2.19 The Public Officer Ethics Act**

**45.** The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using the office as a venue for soliciting or collecting harambees; not acting for foreigners; care of the property; political neutrality, not practicing nepotism or favoritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, and submission of the declaration of income, assets and liabilities once every two years.

## CHAPTER THREE

### 3. APPROVAL HEARINGS

46. The Committee conducted approval hearings on the nominees on **Monday, 5<sup>th</sup> December 2022**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Commission on Revenue Allocation Act, 2011, the Public Appointments (Parliamentary Approval) Act, 2011, the Public Service Act, the Public Finance Management Act and the Standing Orders.
47. The Committee examined the nominees using the criteria in the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee also considered the following in vetting the nominees:
- a. Academic qualifications
  - b. Employment record and work experience
  - c. Affiliation to Professional bodies/association
  - d. Public office, political activities and affiliations
  - e. Potential conflict of interest
  - f. Suitability to the position
  - g. Tax compliance and other statutory requirements
  - h. Nominee's Vision and leadership
  - i. Integrity
  - j. Expectations and Key priorities

#### 3.1 Mr. Benedict Muasya Mutiso

48. Mr. Benedict Muasya Mutiso appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows:

##### 3.1.1 Personal Background

49. Mr. Benedict Muasya Mutiso is a Kenyan citizen born in Kitui County in 1979 and possesses a national identity card number 21913625.

##### 3.1.2 Educational Background

50. The nominee attended Katheka Primary School where he sat for the Kenya Certificate of Primary Education (KCPE) in 1994, Starehe Boys' Centre and School where he sat for the Kenya Certificate of Secondary Education (KCSE).

51. Further, Mr. Benedict Muasya Mutiso joined the Catholic University of Eastern Africa where he was awarded a Bachelor of Commerce Degree in 2004.

52. He holds a Certificate in Customs and Tax Administration from Kenya Revenue Authority.

##### 3.1.3 Work experience/career progression

53. The nominee has worked in both public and private sector in the following capacities:

- a) Serves as a Director of Bemarc Limited, a position he holds since 2015 to date; and
- b) Compliance officer and Team leader Audit Programme at Kenya Revenue Authority between January 2005- 2015.

54. The nominee is a Tax auditor by profession.

#### 3.1.4 Professional Associations & Affiliations

55. The nominee has no affiliation to any professional body.

#### 3.1.5 Honors and Awards

56. The nominee has not received any honors or awards.

#### 3.1.6 Clearance Requirements

57. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

#### 3.1.7 Other issues under consideration

58. To examine his grasp of knowledge about the Commission and to test suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) **On his net-worth**, Mr. Benedict Muasya Mutiso said he was Kshs. 215m accrued from his business which he started in 2009 and 2010 from loan capital, company shares, companies owned together with his business associates, land, and buildings;
- b) **On whether he was a governing member of a political party**, the nominee informed the Committee that, he was a member of the United Democratic Alliance (UDA) however, he did not hold any governing position;
- c) **Regarding potential conflict of interest if approved**, the nominee pointed out that he did not foresee any such situation in future.
- d) **On his Membership to any professional body**, he informed the Committee that he was not a member of any professional body, more specifically he is neither a member of Institute of Certified Public Accountants (CPA) nor Institute of Certified Public Secretaries (CPS) since he had not completed his CPA and CPS courses;
- e) **In regards to his Tax Consultancy services**, the Committee wanted to know whether KRA recognizes his services as a consultant owing to the fact he was not Certified Public Accountant. The nominee stated that the Authority only recognized Certified Public Accountants (CPA) members and his training in Kenya School of Revenue Administration (KESRA) was an in-house;
- f) **Why the nominee choose to join the Catholic University of Eastern Africa (CUEA) as opposed to a Public University where he was fully qualified to enter owing to attaining a scored an A- in KCSE**, the nominee informed the Committee that after his completion of high

school, he was offered a job at Mastermind Tobacco which eventually enabled him to get a sponsorship from the company to pursue his studies at Catholic University of Eastern Africa (CUEA);

- g) **Regarding his early exit as an employee of Kenya Revenue Authority (KRA)**, he stated that he voluntarily resigned from the institution as he felt that he would achieve more outside his formal employment;
- h) **On his vision as a Commissioner if approved**, Mr. Benedict Muasya Mutiso said that if approved he would work to ensure laws passed by the National Assembly and the Senate are fully implemented;
- i) **On the nominee's views on how in future to avoid a stalemate on revenue sharing between National Government and County Governments as witnessed in 2019**, he informed the Committee that most of the time recommendations by the Commission had not been implemented by Senate, National Assembly, and National Treasury. If approved, he would ensure the Commission had proper conflict resolution mechanisms and consultation with relevant stakeholders to ensure consensus;
- j) **On Commission's adherence to the Public finance management regulations**, the nominee stated that he'll ensure that the budget-making process in the Commission is efficient, and funds are used for what they were budgeted for. He also said that as a Commissioner, he would ensure that budget projections set by the Commission adhere to the relevant laws on public finance and are realistic;
- k) **Regarding policies to mitigate marginalization and the nominee's views on Equalization Fund**, Mr. Benedict Muasya Mutiso averred that if approved he would consider recommending additional parameters to determine the level of marginalization at the County level that would not only look at counties as units of measure but focus on the ward level with regard to resource mobilization, poverty indices and the extent of livelihood deprivation. He further noted that it was for the Commission to encourage counties to prioritize budget frameworks that enhanced prudent use of the equitable share of revenue by instituting county-specific measures to address marginalization.; and
- l) **In respect to own revenue collection by counties**, the nominee informed the Committee that there was a need for further recommendations to not only look at counties as units of measure but also look at Wards for resource mobilization. He stated that he would engage with county governments in ensuring governments had realistic projections.

### 3.2 Hon Fatuma Gedi Ali, CBS

59. Hon. Fatuma Gedi Ali, CBS appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows:

#### 3.2.1 Personal Background

60. Hon. Fatuma Gedi Ali, CBS, is a Kenyan Citizen born in 1985 in Wajir County and possesses a national identity card number 24910809.

### **3.2.2 Educational Background**

61. In respect to her educational background, the nominee informed the Committee as follows:

- a) she sat for the Kenya Certificate of Primary Education (KCPE) at Wajir Primary School in 2000 and sat for the Kenya Certificate of Secondary Education (KCSE) at Star Sheikh Academy in 2004;
- b) she was awarded a Higher Diploma in Human Resource Management and a Higher Diploma in Public Relations from the Regional Institute of Business Management which she attained in 2006 and 2008 respectively; and
- c) she is an holder of Bachelor of Commerce Degree in Human Resource Management from Greta University (2017)2012-2017.

### **3.2.3 Work experience/career progression**

62. Regarding her work experience, the nominee informed the Committee as follows that;

- a) the nominee served as a County Member of Parliament representing Wajir County as the County Women Representative (CWR) 2017-2022;
- b) she has served as Gender Issues Consultant at the Centre for Multiparty Democracy and Women Participation in Leadership and Project Account Manager of Greenland AID Development (GLAD) from 2014-2017, she served as the;
- c) she has worked as an Accounts Assistant at Hass Petroleum Group and a Community Mobilization Officer at Save the Children (UK) Wajir South in the year 2011-2012 and 2010-2011 respectively ;
- d) from 2009-2010, the nominee worked as a Human Resource Administrator at Kenya Red Cross; and a Team Leader of a study on Female Genital Mutilation conducted by the Population Council in Habaswein in the year 2008-2009.

### **3.2.4 Professional Associations and Affiliations**

63. The nominee has no affiliation with any professional body or association.

### **3.2.5 Honors and Awards**

64. The nominee was awarded the following awards:

- a) Chief of Burning Spear (CBS)
- b) Best Northern Kenya Women Representative
- c) The Young MP of the Year in 2018

### **3.2.6 Clearance Requirements**

65. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect. Further, the Committee received a letter from the ORPP confirming the nominee's resignation from her position in the Jubilee Party.

### 3.2.7 In respect to Petitions touching on the nominee's suitability

66. The Chairperson informed the nominee that Mr. Abass Adam, in his written statement on oath sworn on 1<sup>st</sup> December, 2022 and received by the Clerk of the National Assembly on Thursday, 1<sup>st</sup> December, 2022, contested the suitability of Hon. Fatuma Gedi, CBS to hold office on the following grounds:
- a) That, the nominee does not possess a University degree or equivalent professional qualification as required by section 6(1) of the Commission on Revenue Allocation Act. In the Parliamentary records and website as at 2017, the nominee had a Diploma in Public Relations. That, any degree that she purports to hold, would have been obtained fraudulently after 2017. The nominee got a grade of D in KCSE thus not eligible for entry to a degree course as the minimum is C+.
  - b) That, the nominee does not have extensive professional experience in financial and economic matters as required by Article 215(4) of the Constitution of Kenya. Section 6 of the Commission on Revenue Allocation Act requires a person to be qualified for appointment as a member to have professional experience in financial and economic matters of at least ten years and have a distinguished career in their field. In a similar case with a nominee for the Salaries and Remuneration Commission, Ms. Halima Abdille, the Speaker ruled that experience should be counted from the date of graduation. The nominee championed and lobbied for the fall of Senator Halima Abdille on the experience question. The nominee does not have the required 10 years of professional experience.
  - c) That, the nominee does not meet the requirements of Chapter Six of the Constitution of Kenya. She has conducted herself badly in public office against the standards set in Article 75. She is untruthful, disrespectful, manipulative and abusive person who will not hold the public office of a CRA Commissioner in respect. Mr. Abass Adam stated that he believed that the nominee will use the office to harass Governors as she did when she served as Vice Chairperson of the Administration and National Security Committee. Further, she abused her office and mistreated many people and she is not fit to serve in the office of a Commissioner of CRA.
67. Further, the Chairperson informed the nominee that Mr. Julius Kairu Kiambati, in his written statement on oath sworn on 30th November, 2022 and vide a letter to the Clerk of the National Assembly dated 30th November, 2022 and received on Thursday, 1st December, 2022, contested the suitability of Hon. Fatuma Gedi, CBS to hold office on the following grounds:
- a) Gazette Notice No. 3195 of 21<sup>st</sup> March, 2022 lists Hon. Fatuma Gedi Ali, CBS as a member of the Party's National Executive Committee which is the governing body of the Jubilee Party. Section 6(2) (a) of the Commission on Revenue Allocation Act states that a person shall not be qualified for the appointment as a member of the Commission if the person is a member of a governing body of a political party. Mr. Julius annexed a copy of the Gazette



Notice and a letter dated 28<sup>th</sup> November, 2022 sent to him by the Registrar of Political Parties;

- b) Hon. Fatuma Gedi Ali, CBS does not have extensive professional experience in financial and economic matters as required by Article 215(4) of the Constitution of Kenya;
- c) Hon. Fatuma Gedi Ali, CBS does not possess a University degree or equivalent professional qualification as required by section 6(1) (a) of the Commission on Revenue Allocation Act;
- d) Hon. Fatuma Gedi Ali, CBS nomination is not supported by a resolution of the relevant organ of the Minority Coalition Party nor of the Jubilee Party.

**68. In response to the two affidavits, the nominee informed the Committee as follows,**

- a) That, she pursued a Bachelor of Commerce Degree in Human Resource Management Option at Greta between 2012- 2017. Further, the nominee said is an holder of Higher Diploma in Public Relations and a Higher Diploma in Human Resource Management from the Regional Institute of Business Management which she attained in year 2006 and 2008 respectively (certificates attached in the report)
- b) During her stint as a Member of Parliament from 2017-2022, she served as a Member of the Budget and Appropriations Committee where she participated in determining the allocation of national revenue between the national and county governments, appropriation of funds for expenditure by the national government and national state organs, investigating into and inquiring into all matters related to coordination, control and monitoring of the national budget, discussing and reviewing the estimates and recommendations to the National Assembly, examining the Budget Policy Statement and Bills related to the national budget including Appropriation Bills and evaluated tax estimates. Further, she participated in the oversight of public debt and guarantees, consolidated fund services, examined reports on the status of the economy in respect of the public debt and examined the public debt and its sustainability. Also, she was instrumental in the determination of the basis for allocating among the counties the share of national revenue under Article 217 of the Constitution and participated in the consideration of the Division of Revenue Bills and County Allocation of Revenue Bills for the five financial years during her term as a Member of Parliament;
- c) Similarly, during her term as a Member of Parliament, she served as Vice Chairperson of the Committee on Delegated Legislation where the Committee considered the Public Finance Management (Equalization Fund Administration) Regulations, 2021, among other regulations which were finance-related;
- d) She has atleast fourteen years' experience in financial and economic matters;

- e) She meets the requirements of Chapter Six of the Constitution of Kenya having being cleared by all the relevant statutory bodies; and
- f) She had resigned as the National Chairperson of Jubilee Party' Women League vide a letter dated 21<sup>st</sup> November, 2022(letters attached in this report)

### 3.2.8 Other issues under consideration

69. To examine his grasp of knowledge about the Commission and to test suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) **In respect to her Net-worth**, the nominee indicated that she was worth Kshs 194.2m this mainly contained in investments in real estate, land, camels, cows, goats, and vehicles;
- b) **On the nominee's views on how counties in marginalized areas are to increase their own source revenue**, she stated that she would ensure that revenue collection systems in counties were automated and integrated, this would ensure that all revenue collected was known. She also stated that if approved she would encourage the Commission to engage the Council of Governors in ensuring that the county government staff are trained;
- c) **Regarding her comments on the Equalization funds**, the nominee noted that one of the major contributory factors to the non-operationalization of the fund was that the Commission was not represented on the Equalization Fund Board. She reiterated that if approved she would ensure the Commission had a representative presenting the interests of the Commission. She would also engage relevant stakeholders in ensuring more funds are allocated and released to marginalized counties;
- d) **In respect to the County government's compliance with Public Finance Management Act and Regulations**, she stated that the law was clear and non-negotiable fact and counties had no recourse but to follow the law to its letter. However she pointed incase where the counties present valid reasons on inefficacies in the law then CRA and the Houses of parliament would consider it but while safeguarding devolution ;
- e) **Concerning policy formulation within the Commission**, the nominee informed the Committee that as a former Member of Parliament she would use her experience to champion public participation when coming come with any policy. She undertook that, if approved she would come up with a proposal on a legal framework for public participation;
- f) **Regarding nominee's views on actualizing equitable distribution of funds to the counties**, Hon. Fatuma Gedi Ali, CBS stated that if approved she would support initiatives where money not less than the required 15% goes to the counties and champion for more;
- g) **In respect to reported misappropriations of public funds by counties contained in the Auditor General reports in the past years**, the nominee stated that she would ensure that the provisions of the Public Finance Management Act and the Public Auditing Act were adhered fully to and ensure all funds appropriated are properly accounted;
- h) **On her Vision of the Commission**, Hon. Fatuma Gedi Ali, CBS informed the Committee that, if approved she would be guided by the Commission on Revenue Allocation (CRA) Vision in ensuring no Kenyan is left behind in terms of development; and

- i) **In relation to the management of Public debt at the National government and the Counties**, the nominee indicated that, she would support and encourage counties to prioritize development projects that generate revenue and spend on what had been budgeted. She would also engage with the Council of Governors in a bid to tame the appetite of borrowing to finance recurrent votes like salaries.

### **3.3 Dr. George Jalang'o Midiwo**

70. Dr. George Jalang'o Midiwo appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows;

#### **3.3.1 Personal Background**

71. Dr. George Jalang'o Midiwo is a Kenyan citizen of identity card number 5478467 and was born in 1961 in Mombasa County.

#### **3.3.2 Educational Background**

72. The nominee attended Ndori Primary School from 1968 to 1974 and proceeded to Allidina Visram High School in Mombasa from 1975 to 1980. He graduated with a Degree in Medicine in 1991 from Kuban State Medical Academy in Russia and a Master's degree in Public health in 1995 from the same institution.

#### **3.3.3 Work experience/career progression**

73. In respect to his work experience, the nominee informed the Committee as follows; -

- a) that, he has served as a Medical officer in the Ministry of Health in various areas such as Rachuonyo and Suba Districts Hospital as well as Mbagathi Hospital in Nairobi between 1999 and 2003 and as a Medical officer in the then New Russia Hospital, Kisumu in 1995;
- b) he has also served as General manager in charge of Benefits and Quality Assurance in National Hospital Insurance Fund (NHIF) between the years 2003 and 2014 before serving as a Chief Officer for Health in the County Government of Siaya from 2014 to 2017; and
- c) he is currently serving as the Chief Executive Officer of Siaya Medical Centre a position he has held since 2018.

#### **3.3.4 Affiliations to Professional Bodies and Associations**

82. Dr. George Jalang'o Midiwo is a member of the following professional bodies

- a) Kenya Medical Practitioner and Dentist Board (KMPDC)
- b) Kenya Medical Association (KMA)
- c) Africa Association of Health Care Finance
- d) Joint Learning Networks for Universal Health Coverage

### 3.3.5 Honors and Awards

83. Dr. George Jalang'o Midiwo has not received any award or honor.

### 3.3.6 Clearance Requirements

84. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

### 3.3.7 Other issues under consideration

85. To examine Dr. George Jalang'o Midiwo's grasp of knowledge about the Commission and to test suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) **In respect to her Net-worth**, Dr. George Jalang'o Midiwo indicated that he was worth an estimated KSh. 30 million comprising of various properties in terms of land, a house in the Nairobi metropolitan area, a house in Siaya and a Motor vehicle;
- b) **Whether Dr. George Jalang'o Midiwo possessed the requisite experience for the job**, the nominee stated that having worked at NHIF for eleven (11) years where he was charged with the responsibility of defining benefits, processing payments and quality assurance has enhanced his competencies in financial management and makes him suitable for the position that he has been nominated for;
- c) **In respect to a potential conflict of interest if approved**, the nominee indicated that, he does not foresee any conflict of interest and if it would arise, he would declare and recuse himself from any Commission's deliberation on the matter;
- d) **Regarding the nominee's views on the criteria used for sharing revenue that does not consider devolved function**, Dr. George Jalang'o Midiwo noted that funds are supposed to follow functions and over time, the allocation of revenue to county governments had been increasing but continued to remain insufficient. He averred that, there was a need to focus on fiscal management at the county level. He was also of the opinion that the Commission should support counties to mount training and capacity building to enhance their own source revenue generation and adhere to the expenditure ceilings, especially on personnel emoluments that were capped at 35% according to the Public Finance Management Act;
- e) **On his comments regarding the operationalization of Equalization Fund**, the nominee pointed out that the operationalization and utilization of the Fund had not been realized. He stated that if approved he would advocate for robust stakeholders' engagement to devise mechanisms of operationalizing the Fund to benefit the marginalized areas;
- f) **In respect to equitable sharing of national revenue pursuant to Article 202 of the Constitution**, the nominee underscored the importance of considering national interests as balanced with the need to finance the devolved functions when determining the vertical sharing of revenue. He opined that the counties could capitalize on their own source revenue enhancement to significantly reduce overreliance on equitable share. In addition, they should consider focusing on upscaling the coverage of the NHIF to enhance revenue for hospitals;

- g) **In respect to the apparent conflict between the Commission and County Governments regarding non-adherence to the fiscal responsibility principles by the counties, Dr. George Jalang'o Midiwo** said that his experience working at NHIF would come in handy in rallying fellow Commissioners in advising counties to strictly adhere to the human resources manual that specifies how vacancies are established and filled optimally. He noted that most counties were not using HR manuals which was a crucial management tool. Further, he would advocate for ISO certification of counties to standardize processes to in turn comply with the fiscal responsibility principles as well as ensure robust Treasury management;
- h) **Asked about his views on the unstable and inequitable criteria used for sharing revenue** the nominee said that one of his first assignments would be to urge his fellow commissioners to study the previous sets of criteria for revenue sharing, engage stakeholders to review, and propose a new one that would be widely acceptable; and
- i) **Regarding public debt and the continued piling up of pending bills by counties,** the nominee indicated that reliance on bank overdraft facilities by county governments ought to be discouraged and that the pending bills at the county level needed a rethink. He also noted that the National government should be encouraged to ensure the timely disbursement of funds to the County revenue fund accounts to minimize the utilization of the overdraft facility.

#### **3.4 Ms. Hadija Nganyi Juma**

86. Ms Hadija Nganyi Juma appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows:

##### **3.4.3 Personal Background**

87. Ms. Hadija Nganyi Juma is a Kenyan citizen born in Kakamega County in 1980 with a national identity card number 21903578.

88. The nominee also submitted an affidavit (annexed to this report) as to the disparity in her names on various document submitted in support of nomination.

##### **3.4.4 Educational Background**

89. Ms. Hadija Nganyi Juma holds a Bachelor's degree in Sociology with IT from Maseno University, a Diploma in Early Childhood Development from the University of Nairobi and a Diploma in Community Development from Kenya Institute of Development Studies.

##### **3.4.5 Work experience/career progression**

90. In respect to her work experience, the nominee informed the Committee as follows, that

- a) she has served in the Ministry of Labour, Social Security and Services as a Gender and Social Development Officer where she oversaw the implementation of National Safety Net

programmes specifically targeting, mobilizing, registering and training cash transfer beneficiaries and capacity building of community development groups;

- a) she also has served as a Programme Assistant at the Citizen Assembly a Non-Governmental organization promoting issues related to Human Rights and representation in addition to serving as a Social Development Officer in Kisumu, Vihiga, Bungoma and Busia counties;
- b) She possessed a total of eleven (11) years of work experience in managing finances and this has prepared her for the role she has been nominated.
- c) She unsuccessfully vied for position of County Woman Member of Parliament in Kakamega County in August 2022.

#### **3.4.6 Affiliation to Professional Bodies/Associations**

91. Ms. Hadija Nganyi Juma has no affiliation to any professional association/body.

#### **3.4.7 Honors and Awards**

92. Ms. Hadija Nganyi Juma has previously been awarded the following honours-

- a) The personality of the Year in 2006 by Kenya Human Rights Commission; and
- b) Social Worker of the Year by Al-Muslima Organization.

#### **3.4.8 Clearance Requirements**

93. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

#### **3.4.9 Other issues under consideration**

94. To examine Ms. Hadija Nganyi Juma's grasp of knowledge about the Commission and to test suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) **In respect to the noted disparity in her names in the various documents presented before the Committee**, the nominee responded that all the names refers to one and same person and further that she had a sworn an affidavit deponing the same which she adduced to the Committee.
- b) **In respect to her Net-worth**, Ms. Hadija Nganyi Juma stated that, she was worth KSh. 50 million that comprised of pieces of land, a house in Kakamega and another in the Nairobi metropolitan area;
- c) **In relations to her views on how she will implement the Commission's Vision of "no Kenyan left behind"**, she averred that the Commission's vision was in congruence with hers, which focuses on equity and fairness. She said that she would take responsibility for rallying her fellow Commissioners around the resource allocation in a manner that creates a positive impact on communities up to the lowest level of sub-location;

- d) **In regards to advisory and recommendation to County governments by the Commission on Revenue Allocation**, Ms. Hadija Nganyi Juma informed the Committee that she would encourage the Commission to institute a mechanism of working with other stakeholders to help counties establish and utilize automated revenue systems and keep tax registers as well as explore and exploit revenue potential;
- e) **In respect to fast-tracking of the implementation of the Equalization Fund**, the nominee stated that she would push for Equalization Fund Board to robustly engage communities and other stakeholders from marginalized areas to ensure speedy implementation of the fund to achieve its intended purpose. In addition, she indicated that, the Commission's oversight of the Counties would ensure that the current policy that focuses on sub-location as the lowest unit in determining the allocation and utilization of the fund is adhered to. Further, disparities inherent in the policy on marginalization ought to be addressed in the next review of the policy by Commission; and
- f) **On how Commission's budget for the would be utilized in light of the current austerity measures instituted by the National Government**, Ms. Hadija Nganyi Juma submitted that, recognizing the need to be in sync with government financial prudence, she would urge the Commission to try and live within the available budget and if need be, further recommend reduction of expenditure on non-core areas and focus on funding critical areas.

### **3.5 Dr. Isabel Nyambura Waiyaki**

95. Dr. Isabel Nyambura Waiyaki appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows:

#### **3.5.1 Personal Background**

96. Dr. Isabel Nyambura Waiyaki is a Kenyan citizen born in Kiambu County in 1982 and possess a national identity card number 22722000.

#### **3.5.2 Educational Background**

97. The nominee holds a Ph.D. in Economics from the University of Nairobi awarded in 2016, a Master of Arts in Leadership and Governance from Pan African Christian University awarded in 2017, a Master of Arts, Economics from the University of Nairobi awarded in 2010 and a Bachelor of Arts, Economics from University of Nairobi awarded in 2006;

98. Dr. Isabel Nyambura Waiyaki did her Certified Public Accounts (CPA) Part 1 at Kenya Accountants and Secretaries National Examination Board in 2004 and did her Kenya Certificate of Secondary Education at St. Annes Secondary School Lioki.

### **3.5.3 Work experience/career progression**

99. In respect to her work experience, the nominee informed the Committee as follows,
- a) she currently serves as a Director at the National Government Constituency Development Fund (NG-CDF) Board and a Project Manager at the Local Development Research Institute (LDRI), Kenya positions she has held since 2019;
  - b) apart from working as a part-time lecturer at the University of Nairobi School of Economics since 2015, the nominee served as a County Executive Committee (CEC) Member for the Department of Trade and Industry, Tourism, Cooperatives, and Enterprise Development-County Government of Kiambu in 2017 to 2018; and
  - c) The nominee also worked as a consultant at Kenya Health Sector Support Project (KHSSP), World Bank, Kenya from 2013 to 2014; as a Chairperson at National Government-Constituency Development Fund (NG-CDF) committee from 2013 to 2017; as Research Analyst at Centre for Economic and Social Research (CESR) Kenya (part-time) from 2012-2015; as an Economic Research Advisor at Bank of Africa Ltd from 2009 to 2011; a corporate Relationship Manager at Bank of Africa Ltd from 2009 to 2011; a Financial Analyst at Bank of Africa Ltd from 2008 to 2009; and as an operations officer a Bank of Africa Kenya Ltd from 2007 to 2008.

### **3.5.4 Honours and Awards**

100. Dr. Isabel Nyambura Waiyaki indicated that she was awarded a scholarship to undertake Ph.D. in Economics by the African Economic Research Consortium in collaboration with the Government of Kenya.

### **3.5.5 Affiliation and Membership to Professional Association/bodies**

101. The nominee informed the Committee that she is a member of the Institute of Economic Affairs; the African Economic Research Consortium; the Africa Health and Policy Association; the African Finance and Economic Association; and the Africa Association of Agricultural Economists.
102. Dr. Isabel Nyambura Waiyaki is serving as a member of Kikuyu Constituency Education Foundation (KICE) Foundation.

### **3.5.6 Holding of Public Office, Political Activities and Affiliations**

103. The nominee stated that she was appointed as a Board Member at the National Government Constituency Development Fund in March 2019 and has served as a County Executive Committee for Trade Tourism Co-operatives and Enterprise Development in the County Government of Kiambu from 2017 to 2018.



### **3.5.7 Deferred Income/ Future Benefits**

104. If she was expecting any deferred income, the nominee indicated that she expects to derive a total amount of Kshs. 386,000 from the University of Nairobi as salary arrears.

### **3.5.8 Potential conflict of interest**

105. In relations to potential of conflict of interest if appointed, Dr. Isabel Nyambura Waiyaki declared that she does not have any persons or matter that would present a conflict of interest should she assume the office of Commissioner, the Commission on Revenue Allocation herein appointed. However, the nominee stated that, if appointed, she would resign from other public positions she is currently holding.

### **3.5.9 Pro Bono/ Charity Work/Donation to Charity**

106. On the whether the nominee offering Pro Bono or charity works to the community, Dr. Isabel Nyambura Waiyaki stated that she is a Trustee and Board Member of the KICE foundation which sponsors needy students, and she contributes Kshs. 100,000 per annum and give about six hours a month towards the foundation activities. In addition, she is the Chairperson of the Board of Management (BoM) of Kikuyu Boys High School since 2018, and a Board of Management (BoM) member of Father Kelvin Kerry Secondary School since 2015.

### **3.5.10 Other issues under consideration**

107. To examine Dr. Isabel Nyambura Waiyaki's grasp of knowledge about the Commission and to test suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) **In respect to measures that counties in marginalized areas would implement to increase the generation of own revenue**, the nominee submitted that, currently the fiscal space is constrained and that it was important for the counties to generate their own revenue. She stated that she would introduce the aspect of financial innovation that would ensure automation of the revenue collection system to avoid leakages. Further, she would ensure that each county concentrates on the activities they have a comparative advantage citing the case of Samburu County which is well-known for game parks;
- b) **In relations of taming the rising wage bills at the Counties**, Dr. Isabel Nyambura Waiyaki stated that for counties to reduce expenditure on personal emoluments they should ensure that no employment is being undertaken and that there is adequate capacity building for the available staff to undertake their mandate effectively and efficiently;
- c) **On her views on leadership and integrity as a principle in Public service**, the nominee intimated to the Committee that in the past, she has conducted herself with the utmost integrity in all the positions she has held both in the private and public sectors and she is committed to serving Kenyans equally. She further acknowledged that she resigned after serving as a County Executive Committee (CEC) Member for the Department of Trade and

Industry, Tourism, Cooperatives, and Enterprise Development in the County Government of Kiambu County for only one year in order to preserve her integrity;

- d) **Regarding proposals on how to increase sharable revenue in the country**, the nominee stated that enriching the economic activities in counties especially the agriculture sector would automatically increase the tax base horizontally. Further, providing affordable loans to Small and Medium Enterprises (SMEs) that plays a major role in revenue generation;
- e) **On Kenya's increased public debt burden and excessive borrowing by the counties**, Dr. Waiyaki averred that the ratio of Kenya's Gross domestic product (GDP) to debt was at sixty-seven percent. She further stated that Covid- 19 has greatly affected the economy of the Country and that the Government should concentrate on expanding economies for recovery;
- f) **In respect to excessive borrowing by counties from commercial banks**, the nominee stated that Commission on Revenue Allocation should ensure that counties adhere to the legal limits on overdrafts and have accurate revenue projections for proper planning;
- g) **On measures CRA will put in place to ensure funds allocated to the counties utilized for a specific purpose**, she cited that the Commission on Revenue Allocation should form a committee with a representative from the National and County government to oversee the implementation of all projects. In addition, undertaking public participation would allow the public to identify the key projects for implementation;
- h) **On criteria used to determine the equitable shares with the two levels of government as per Article. 202 of the Constitution**, Dr. Waiyaki stated that some of the factors taken into consideration are; the national interest; public debt and other national obligations, and the developmental and other needs of counties;
- i) **In respect to her present commitments and whether she will accord the Commission adequate time as a Commissioner in CRA if approved**, the nominee responded that if approved as a Commissioner in CRA she would resign as a Director, National Government Constituency Development Fund (NG-CDF) Board, as a Project Manager in the Local Development Research Institute (LDRI) and as a part-time lecturer at the University of Nairobi School and take up the role as a full-time Commissioner;
- j) **Regarding her views on whether there exists gaps in the current policies and legislations and why she would recommend thereof**, Dr. Waiyaki acknowledged the existing gaps and noted that implementation of the Equalization Fund was still a challenge due to existing gaps and that there was a need to ensure that all functions are fully devolved. In addition, a survey should be undertaken to ensure that the Commission relies on credible data. The nominee proposed that legislation on County Government revenue sharing be developed to address challenges experienced on double taxation through payment of county cess.

### **3.6 Mr. Jonas Vincent Misto Kuko**

108. Mr. Jonas Vincent Misto Kuko appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows;

#### **3.6.1 Personal Background**

109. Mr. Jonas Vincent Misto Kuko is a Kenyan citizen born in West Pokot in 1960.

#### **3.6.2 Academic and Professional Qualifications**

110. The nominee holds a Bachelors Degree of Science in Agriculture from Egerton University and a Diploma in Farm Management from Egerton University. Further, the nominee holds a Certificate in general Agriculture at Bukura Institute of Agriculture

111. Mr. Jonas Vincent Misto Kuko did his O level in Kapenguria Boys Secondary School (K.C.E.) and CPE at Kamarrow Primary School C.P.E from 1969 to 1976.

#### **3.6.3 Employment Record**

112. In relation to his work experience, the nominee informed the Committee as follows

- a) That, he has 28 years of continuous service in the Ministry of Agriculture rising through the ranks from a front-line extension officer to a Principal of the Agriculture Institute. The nominee has also served as a Principal Chebororwa Agriculture Training College (formerly F.T.C) from Nov 2003- Sept. 2012;
- b) Mr. Jonas Vincent Misto Kuko also served in various capacities in several institutions as follows;
  - Director Rural Electrification Authority from 2015-2017;
  - Divisional Agricultural Extension Officer in West Pokot District, Chepareria Division from 1999 to 2000;
  - Divisional Soil Conservation Officer in West Pokot District from 1995 to 1996;
  - Divisional Extension Officer West Pokot District, Sigor and Kapenguria from 1986 to 1990;
  - Agricultural extension officer in Turkana District from 1983 to 1986.
- c) In August 2022, he participated in the General Election as the chief agent in Saboti Constituency and campaign mobilizer in Trans-Nzoia County for UDA Presidential candidate.
- d) In 2013 and 2017 he unsuccessfully vied as a Member of Parliament for Saboti Constituency.

#### **3.6.4 Honours and Awards**

113. The nominee indicated that he was recognized as the best principal of Chebororwa A.T.C in 2010 and was awarded a fully funded study tour to China for one month.

#### **3.6.5 Statement of net worth**

114. The nominee estimated his net worth to be Kshs. 94.5 million which comprises land and farming activities. He further indicated that his sources of wealth were farming, pension, and rental income.

#### **3.6.6 Potential conflict of interest**

115. The nominee declared that she does not have any persons or matters that would present a conflict of interest should he assume the office of Commissioner in the Commission on Revenue Allocation.

#### **3.6.7 Pro Bono/ Charity Work/Donation to Charity**

116. The nominee stated that he has been carrying out charity work by donating foodstuffs to Children of Hope and textbooks to four primary schools and four private primary schools.

#### **3.6.8 Other issues under consideration**

117. **On other issues under consideration, the nominee informed the Committee as follows, that**
- a) **On measures to ensure the counties achieve the targeted own source revenue, the nominee stated that there was a need to digitize the system to avoid leakages in the accounting system. Further, the nominee noted that there was a need to offer adequate training to the officers collecting revenue;**
  - b) **On how to ensure that counties meet their revenue target, the nominee indicated that counties must be realistic in setting their revenue projections and that the respective counties should conduct research on taxable services and goods to widen the scope to increase revenue;**
  - c) **On how to address excessive borrowing by the counties in commercial banks, the nominee stated the Commission should ensure that counties strengthen the legal requirement on the bank overdraft limits;**
  - d) **On sharing of the limited resources, the nominee informed that he will endeavor to involve all the relevant stakeholders to ensure that the resources available are distributed equitably.**

### **3.7 Mr. Wilfred Koitamet Olekina Nchoshi**

Mr. Wilfred Koitamet Olekina Nchoshi appeared before the Committee on 5<sup>th</sup> December, 2022 and was orally interviewed. In response to the questions posed by the Committee, the nominee's responses were as follows;

#### **3.7.1 Personal Background**

118. He is a Kenyan Citizen born in 1964 in Narok County.

#### **3.7.2 Educational Background**

119. The nominee holds a holds an Executive Master's in Public Policy and Administration (2013) and a Bachelor of Arts Degree in Philosophy and Literature from Kenyatta University (1994)

120. He sat for his Kenya Advance Certificate of Higher Education at Langata Barracks school (1989)

121. He sat for his Kenya Certificate of Education at Musingu High School in 1982 and his Certificate of Primary Education at Ole Sankale Primary School in 1978.

#### **3.7.3 Work experience/career progression**

122. The nominee has a career life spanning twenty-five (25) years in both the public and private sectors.

123. The nominee is currently serving as a Board member at the Kenya Institute for Public Policy and Analysis (KIPPRA)

124. The nominee has served as military constable in the Kenya Defense Forces (KDF) before being discharge honorably.

125. The nominee has served as the Vice Chair for Constitution of Kenya Review Commission (CKRC).

126. The nominee has also worked in the following capacities:

- i) From 2013 to date – Independent Consultant
- ii) From 2009-2013- Deputy Coordinator, Crisis Response Center, Office of the prime minister.
- iii) From 2009-2012: Kenya Tourist Board, Board member.
- iv) From 2007-2008: Directors Regional Coordinator, Orange Democratic Movement
- v) From 2000-2007: Maasai Education Discovery, Executive Director.

vi) 1997- Electoral Commission of Kenya, Deputy presiding officer.

#### **3.7.4 Professional Associations and Affiliations**

127. The nominee has no affiliation with any professional association.

#### **3.7.5 Honors and Awards**

128. He has not received any awards or honor.

#### **3.7.6 Clearance Requirements**

129. The Committee confirmed that the nominee had been cleared by KRA, ORPP, DCI, EACC and HELB, having obtained clearance certificates to that effect.

#### **3.7.7 Other issues under consideration**

130. To examine the suitability or otherwise of the nominee, the Committee posed questions to the nominee in the following thematic areas:

- a) The nominee estimated his net worth to be Kshs. 142 million which comprises land and livestock;
- b) **On whether he was a governing member of a political party**, the nominee said that he was a member of the Orange Democratic Movement, however, he was not holding any governing position;
- c) **Regarding potential conflict of interest**, the nominee informed the Committee he does not foresee any situation on any such occasion;
- d) **Pertaining how he would ensure an equitable share of revenue**; he acknowledged that the Commission on Revenue Allocation is an Independent Commission and once approved he would ensure equitable and fairness in sharing of resources as enshrined in the Constitution. He would also ensure full operationalization of the Equalization Fund so that it would address the issues of concern in marginalized areas. He further said that he would ensure all county government functions that were devolved were transferred to counties and ensure budget allocation for those functions;
- e) **On his views on fiscal responsibility by County Government**, he pointed out that, he would ensure money allocated to counties was utilized for the intended purpose as stipulated in the Constitution and other laws;
- f) **How to enhance own source of revenue**, he said that there was a need for counties to automate and integrate revenue collection as this would seal revenue leakage. He also said that County Governments should look for ways to raise more money for projects in their areas through bonds depending on creditworthiness test;

- g) **Regarding the 3rd Revenue Allocation formula**, he averred that if approved by the House he will consider recommending additional parameters to determine the level of marginalization at the County level for instance re-introducing the Fiscal responsibility;
- h) **On Public debt**, he submitted that from his experience he has noted that, counties borrow for non-core functions. He also pointed out that counties were struggling with huge pending bills resulting from delays in exchequer release. He stated that if approved he would ensure that counties don't borrow for non-core functions. He would also engage the National Treasury to ensure the timely release of money meant for counties;
- i) **On incentivizing counties**, he suggested that there was a need to put in a place a national holiday day to celebrate counties that had performed exemplary in their revenue collection. There was also a need to look into the wider issues affecting cross-border revenue collections which had affected the relationship between many counties.

## CHAPTER FOUR

### 4. OBSERVATIONS AND FINDINGS

#### 4.1 Committee observations on the suitability of Benedict Muasya Mutiso for approval for appointment as a member of the Commission on Revenue Allocation

131. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard his oral submission during the approval hearing, made the following observations on his suitability for approval for appointment as a member of the Commission on Revenue Allocation, THAT-

- (a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- (b) holds a Bachelor of Commerce (Finance Option) from the Catholic University of Eastern Africa
- (c) the nominee has a career life spanning seventeen (17) years with ten (10) years in public service specifically at Kenya Revenue Authority and seven (7) years in private practice.
- (d) the nominee has previously worked as a compliance officer and team leader audit Programme in Kenya Revenue Authority (KRA) and recently as a Director at Bemarc Limited (A private entity).
- (e) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (f) the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (g) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (h) he has never been charged in a court of law in the last three years;
- (i) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- (j) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- (k) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (l) he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;



- (m) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had not received any memorandum contesting the suitability of the nominee.
- (n) His previous work experience in the field of taxation will be valuable in guiding the commission to serve the counties, especially in matters own revenue generation.

**4.2 Committee observations on the suitability of Hon. Fatuma Gedi Ali, CBS for approval for appointment as a member of the Commission on Revenue Allocation**

132. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment to the position of member of Commission on Revenue Allocation, THAT-

- (a) in accordance with Article 78(1) (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship;
- (b) she holds a Bachelor of Commerce (Human Resource Management) Degree from Greta University (2012-2017);
- (c) she holds a Higher Diploma Certificate in Higher Diploma Certificate in Public Relations, from the Regional Institute of Business Management (2008); and
- (d) she holds a Higher Diploma Certificate in Human Resource Management, from the Regional Institute of Business Management (2006);
- (e) the nominee has served as a Member of Parliament, Wajir County (2017-2022); a Gender Issues Consultant at the Centre for Multiparty Democracy and Women Participation in Leadership In (2015); a Project Account Manager of Greenland AID Development (GLAD) (2014-2017); an Accounts Assistant at Hass Petroleum Group (2011-2012); a Community Mobilization Officer at Save the Children (UK) Wajir South (2010-2011); as a Human Resource Administrator at Kenya Red Cross (2009-2010); and as a Team Leader of a study on Female Genital Mutilation conducted by the Population Council in Habaswein (2008-2009)
- (f) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (g) the nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (h) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (i) she has never been charged in a court of law in the last three years;

- (j) as stipulated in Article 75(1) of the Constitution, she has no potential conflict of interest;
- (k) the nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment;
- (l) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (m) she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;
- (n) during her stint as a Member of Parliament from 2017-2022, the nominee has served as a Member of the Budget and Appropriations Committee, a Committee that is key in determining the allocation of national revenue between the national and county governments, appropriation of funds for expenditure by the national government and national state organs, investigating into and inquiring into all matters related to coordination, control and monitoring of the national budget, discussing and reviewing the estimates and recommendations to the National Assembly, examining the Budget Policy Statement and Bills related to the national budget. She has participated in the determination of the basis for allocating among the counties the share of national revenue under Article 217 of the Constitution and participated in the consideration of the Division of Revenue Bills and County Allocation of Revenue Bills for the five financial years during her term as a Member of Parliament; and
- (o) two memoranda by Mr. Julius Kairu Kiambati and Mr. Abass Adam contesting the suitability of Hon. Fatuma Gedi Ali, CBS sworn on 30<sup>th</sup> November, 2022 and 1<sup>st</sup> December, 2022 respectively were received by the Clerk of the National Assembly. In their affidavits, the deponents averred that the nominee was a member of governing body of the Jubilee Party contrary to Article 77 (2) of the Constitution. Further, the deponents raised concerns on the validity of the nominee's academic credentials stating that he was aware that the nominee's results in the Kenya Certificate of Secondary Education (KCSE) could not have qualified her to join a university and therefore to hold a bachelor's degree. The Committee notes that:-
  - i) that the nominee had resigned as the National Chairperson of Jubilee Party's Women League as indicated by a letter from ORP dated 1<sup>st</sup> December, 2022;
  - ii) regarding her qualification as per Section 6 (1) (a) of the Commission of Revenue Allocation Act, 2011, the nominee holds a Bachelor of Commerce (Human Resource Management) Degree from Grets University (2017); and
  - iii) concerning her experience in financial and economic matters, the nominee as a former Member of Parliament has served on the Budget and Appropriation Committee (2017-2022) and as Vice Chairperson of the Committee on Delegated Legislation during the same period. These Committees are key in processing the revenue allocation horizontally and vertically in the country.

4.3 **Committee observations on the suitability of Dr. George Jalang'o Midiwo for approval for appointment as a member of the Commission on Revenue Allocation**

133. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment to the position of member of Commission on Revenue Allocation, THAT-

- (a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- (b) he holds a Master's degree in Public health (1995) and Degree in Medicine (1991) from Kuban State Medical Academy in Russia
- (c) the nominee has worked from 1995 as a medical officer in the then New Russia Hospital, Kisumu, as a medical officer of health in Rachuonyo and Suba Districts as well as Mbagathi Hospital in Nairobi between 1999 and 2003; at National Hospital Insurance Fund (NHIF) in 2003 and left in 2014 as a General Manager in charge of benefits and quality assurance; served as a Chief Officer for Health in the County Government of Siaya in 2014 to 2017 and currently the Chief Executive Officer of Siaya Medical Centre.
- (d) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (e) the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (f) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (g) he has never been charged in a court of law in the last three years;
- (h) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- (i) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- (j) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (k) he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;
- (l) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had not received any memorandum contesting the suitability of the nominee.

4.4 **Committee observations on the suitability of Jonas Misto Vincent Kuko for approval for appointment as a member of the Commission on Revenue Allocation**

134. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment to the position of member of Commission on Revenue Allocation-

- (a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- (b) he holds a Bachelor's Degree of Science in Agriculture from Egerton University and a Diploma in Farm Management from Egerton University. He is also a holder of a Certificate in general Agriculture at Bukura;
- (c) the nominee has 28 years of continuous service in the Ministry of Agriculture rising through the ranks from a front-line extension officer to training and advancement. He 2013 and 2017 he vied as a Member of Parliament for Saboti Constituency but was unsuccessful.
- (d) he also served in various capacities in several institutions as follows; - Worked as a Director of the Rural Electrification Authority from 2015-2017; Principal of Chebororwa A.T.C (formerly F.T.C) from Nov 2003- Sept. 2012; worked in Trans- Nzoia District as District Project M&E officer and Division Extension officer Saboti and Endebess Divisions 2000-NOV, 2003; Worked as Division Agricultural Extension Officer in West Pokot District, Chepareria Division from 1999 to 2000; Divisional Soil Conservation Officer in West Pokot District from 1995 to 1996; Extension officer promoting agriculture from 1986 to 1990 and in Turkana District he worked in agricultural extension areas including Lokitaung and Katilu divisions from 1983 to 1986.
- (e) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (f) the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (g) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (h) he has not been charged in a court of law;
- (i) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- (j) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- (k) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (l) he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;

- (m) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had not received any memorandum contesting the suitability of the nominee.

**4.5 Committee observations on the suitability of Dr. Isabel Nyambura Waiyaki for approval for appointment as a member of the Commission on Revenue Allocation**

135. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment to the position of member of Commission on Revenue Allocation-

- (a) in accordance with Article 78(1) (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship;
- (b) the nominee is a holder of a Ph.D. in Economics from the University of Nairobi awarded in 2016, a Master of Arts in Leadership and Governance from Pan African Christian University awarded in 2017, a Master of Arts, Economics from the University of Nairobi awarded in 2010 and a Bachelor of Arts(Hon), Economics from University of Nairobi awarded in 2006; the nominee has Certified Public Accounts (CPA) Part 1;
- (c) the nominee has served as a Director at the National Government Constituency Development Fund (NG-CDF) Board, and a Project Manager at the Local Development Research Institute (LDRI), Kenya from 2019 to date; works as a part-time lecturer at the University of Nairobi School of Economics (part-time basis) from 2015 to date; served as a County Executive Committee (CEC) Member for the Department of Trade and Industry, Tourism, Cooperatives, and Enterprise Development- County Government of Kiambu from 2017 to 2018; worked as a consultant at Kenya Health Sector Support Project (KHSSP), World Bank, Kenya from 2013 to 2014; as a Chairperson at National Government-Constituency Development Fund (NG-CDF) committee (Kikuyu Constituency) from 2013 to 2017; as Research Analyst at Centre for Economic and Social Research (CESR) Kenya (part-time) from 2012-2015; as an Economic Research Advisor at Bank of Africa Ltd from 2009 to 2011; a corporate Relationship Manager at Bank of Africa Ltd from 2009 to 2011; a Financial Analyst at Bank of Africa Ltd from 2008 to 2009; and as an operations officer a Bank of Africa Kenya Ltd from 2007 to 2008.
- (d) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (e) the nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);

- (f) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (g) she has never been charged in a court of law in the last three years;
- (h) as stipulated in Article 75(1) of the Constitution, she has no potential conflict of interest;
- (i) the nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment;
- (j) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (k) she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;
- (l) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had received any memorandum contesting the suitability of the nominee.

**4.6 Committee observations on the suitability of Ms. Hadija Nganyi Juma for approval for appointment as a member of the Commission on Revenue Allocation**

136. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment to the position of member of Commission on Revenue Allocation, THAT-

- (a) in accordance with Article 78(1) (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship;
- (b) she holds a bachelor's degree in Sociology with IT from Maseno University and a diploma in Early Childhood Development from the University of Nairobi and another one in Community Development from Kenya Institute of Development Studies;
- (c) the nominee has served in the Ministry of Labour, Social Security and Services as a Gender and Social Development Officer. She has also had a stint at the Citizen Assembly as a Programme Assistant.
- (d) the nominee contested as Woman Member of Parliament for Kakamega in August 2022<sup>1</sup>;
- (e) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (f) the nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (g) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (h) she has never been charged in a court of law in the last three years;
- (i) as stipulated in Article 75(1) of the Constitution, she has no potential conflict of interest;

- (j) the nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment;
- (k) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (l) she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;
- (m) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had received no memorandum contesting the suitability of the nominee.

**4.7 Committee observations on the suitability of Wilfred Koitamet Olekina Nchoshi for appointment as a member of the Commission on Revenue Allocation**

137. The Committee having considered the nominee's filled Questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act and the requirements of Section 7 of the Public Appointments (Parliamentary Approval) Act, the nominee's curriculum vitae, the provisions of the Constitution, section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011), and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment to the position of member of Commission on Revenue Allocation-

- (a) in accordance with Article 78(1) (2) of the Constitution, he is a Kenyan citizen and does not hold dual citizenship;
- (b) he holds an Executive Master's in Public Policy and Administration and a Bachelor of Arts Degree in Philosophy and Literature from Kenyatta University. He also holds a Kenya Advance Certificate of Higher Education from Langata Barracks school;
- (c) the nominee has a career life spanning twenty-five (25) years in both the public and private sectors. Currently, the nominee is a Board member at the Kenya Institute for Public Policy and Analysis (KIPPRA). He previously served as a Deputy Coordinator, at the Crisis Response Center at the Office of the former Prime Minister-Kenya, as a board member at the Kenya Tourism Board, as a Director in Regional Coordination at the Orange Democratic Party and as an Executive Director at the Maasai Education Discovery,
- (d) the nominee has served as military constable in the Kenya Defense Forces (KDF) before being discharge honorably.
- (e) the nominee has served as the Vice Chair as Constitution of Kenya Review Commission (CKRC).
- (f) the nominee satisfies the requirements of Article 215 (3) and (4) of the Constitution and section 6 of the Commission on Revenue Allocation Act (No. 16 of 2011);
- (g) the nominee presented his academic credentials and professional certificates and demonstrated his experience in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011);
- (h) the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
- (i) he has never been charged in a court of law in the last three years;

- (j) as stipulated in Article 75(1) of the Constitution, he has no potential conflict of interest;
- (k) the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
- (l) the nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution;
- (m) he has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (*conflict of interest*), 76(*financial probity*), 77 (*restriction of State Officers*) and 78(2) (*dual citizenship*) of the Constitution;
- (n) by the deadline of receipt of memoranda from members of the public, the Clerk of the National Assembly had received no memorandum contesting the suitability of the nominee.

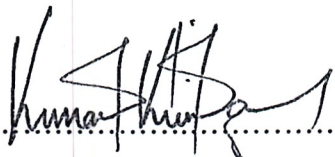


CHAPTER FIVE

5. COMMITTEE RECOMMENDATION

138. The Committee having held approval hearings on the nominees regarding their suitability to hold office was satisfied that, due process was followed in the nomination process as provided for under Article 215 of the Constitution and the Public Appointments (Parliamentary Approval Act) (No. 33 of 2011). The Committee also established that the nominees satisfied the requirements of the Section 6 of the Commission on Revenue Allocation Act 2011 and Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011). The Committee therefore recommends as follows; -

- i) THAT, pursuant to Article 215(2) (b) of the Constitution, the House APPROVES the nomination of Mr. Benedict Muasya Mutiso and Mr. Wilfred Koitamet Olekina Nchosoi for appointment as Commissioners of the Commission on Revenue Allocations (CRA).
- ii) THAT, pursuant to Article 215(2) (c) of the Constitution, the House APPROVES the nomination of Hon. Fatuma Gedi Ali, CBS, Dr. George Jalang'o Midiwo (MD, MPH), Ms. Hadijah Nganyi Juma, Dr. Isabel Nyambura Waiyaki and Mr. Jonas Vincent Misto Kuko for appointment as Commissioners of the Commission on Revenue Allocations (CRA).

SIGNED  DATE 08 December, 2022

HON. (CPA.) KURIA KIMANI MP  
CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

08 DEC 2022 THURSDAY  
CHAIR-DC-FINANCE & NATIONAL  
PLANNING  
HON. CPA, KURIA KIMANI, MP  
JOYCE LEMERRELE





THE NATIONAL ASSEMBLY  
13TH PARLIAMENT - FIRST SESSION (2022)  
COMMITTEE ON FINANCE & NATIONAL PLANNING  
ATTENDANCE REGISTER

Date: 07/12/2022

Venue: COMMITTEE ROOM 7

Time Started: 9:30 am

Time Ended: 12:30 pm

AGENDA: ADOPTION OF THE REPORT ON VETTING OF NOMINEES FOR APPOINTMENT AS COMMISSIONERS, COMMISSION OF REVENUE ALLOCATION

No.	NAME	SIGNATURE
1.	Hon. (CPA). Francis Kuria Kimani, MP - Chairperson	
2.	Hon. (Amb). Benjamin Kipkirui Langat, MP - Vice Chairperson	
3.	Hon. Dr. Adan Keynan Wehliye, MP	
4.	Hon. George Sunkuyia Risa, MP	
5.	Hon. (CPA) Joseph Maero Oyula, MP	
6.	Hon. Andrew Adipo Okuome, MP	
7.	Hon. David Mwalika Mboni, MP	
8.	Hon. Joseph Makilap Kipkoros, MP	
9.	Hon. Joseph Kamau Munyoro, MP	
10.	Hon. (CPA) Julius Kipletting Rutto, MP	
11.	Hon. Paul Kibichiy Biego, MP	
12.	Hon. Umul Ker Sheikh Kassim, MP	
13.	Hon. Dr. Shadrack Mwiti Ithinji, MP	
14.	Hon. Dr. John Ariko Namoit, MP	
15.	Hon. Mohamed Soud Machele, MP	

Submitted by: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

DIRECTOR - DEPARTMENTAL COMMITTEES



**MINUTES OF THE 16<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD ON WEDNESDAY, 7<sup>TH</sup> DECEMBER 2022 AT 9.30 A.M. IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING.**

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**PRESENT**

1. Hon. (CPA.) Francis Kuria Kimani, MP - Chairperson
2. Hon. Dr. Adan Keynan Wehliye, MP
3. Hon. George Sunkuiya Risa, MP
4. Hon. Andrew Adipo Okuome, MP
5. Hon. Dr. Shadrack Mwiti Ithinji, MP
6. Hon. Joseph Makilap Kipkoros, MP
7. Hon. David Mwalika Mboni, MP
8. Hon. Julius Kipletting Rutto, MP
9. Hon. Joseph Maero Oyula, MP
10. Hon. (Dr.) John Ariko Namoit, MP
11. Hon. Mohamed Soud Machele, MP

**ABSENT WITH APOLOGY**

1. Hon. (Amb.) Benjamin Kipkirui Langat, MP -- Vice-Chairperson
2. Hon. Francis Kamau Munyoro, MP
3. Hon. Umul Ker Sheikh Kassim, MP
4. Hon. Paul Kibichy Biego, MP

**IN-ATTENDANCE**

**SECRETARIAT**

1. Mr. Benjamin Magut - Senior Clerk Assistant
2. Ms. Jennifer Ndeto - Deputy Director, Legal Services
3. Mr. Joshua Ondari - Clerk Assistant II
4. Mr. Fredrick Mutengi - Principal Fiscal Analyst
5. Ms. Shamsa A. Abdi - Research officer III

**MIN. NO. 58/2022: PRELIMINARIES**

The Chairperson called the meeting to order at ten o'clock with a word of prayer.

**MIN. NO. 59/2022: CONFIRMATION OF MINUTES**

1. The minutes of the 14<sup>th</sup> sitting held on Monday, 5<sup>th</sup> December, 2022 were adopted having been proposed by Hon. (Dr.) John Ariko Namoit, MP and seconded by the Hon. Joseph Makilap Kipkoros, MP
2. The minutes of the 15<sup>th</sup> sitting held on Monday, 5<sup>th</sup> December, 2022 were adopted having been proposed by Hon. Julius Kipletting Rutto, MP and seconded by the Hon. Joseph Makilap Kipkoros, MP

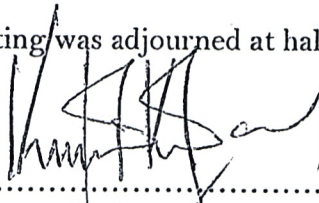
MIN No. 60/2022:-

**ADOPTION OF THE REPORT ON VETTING OF THE  
NOMINEES FOR APPOINTMENT AS COMMISSIONERS,  
COMMISSION ON REVENUE ALLOCATION**

The report was adopted after being proposed and seconded by Hon. David Mwalika Mboni, MP and Hon. (Dr.) John Ariko Namoit, MP respectively.

MIN. NO. 61/2022:                      **ADJOURNMENT**

There being no other business, the meeting was adjourned at half past noon.

Signed.....  
Chairperson

Date..... 8<sup>th</sup> December 2022 .....