

*Paper Laid on 29/4/2020*

*Spencer*  
REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY PAPERS LAID		DATE: 29 APR 2020	DAY
Tabled		BY:	
Clerk-at		THE-TABLE:	

**TWELFTH PARLIAMENT – FOURTH SESSION**

**SELECT COMMITTEE ON NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND**

**REPORT ON THE VETTING OF THE NOMINEE FOR THE  
POSITION OF CHIEF EXECUTIVE OFFICER FOR THE  
NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT  
FUND BOARD**

APRIL 2020

THE NATIONAL ASSEMBLY PAPERS LAID		DATE: 29 APR 2020	DAY
Tabled		BY: Hon. Maani Maera MP	
Clerk-at		THE-TABLE: Shubani	

Directorate of Committee Services,  
Office of the Clerk,  
National Assembly,  
Parliament Buildings,  
NAIROBI.

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## **ABBREVIATIONS**

DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
PAPAA	-	Public Appointments (Parliamentary Approval) Act, 2011
NG-CDF	-	National Government Constituencies Development Fund
MP	-	Member of Parliament

## **CHAIRPERSON'S FOREWORD**

Pursuant to section 20(1) of the NG-CDF Act No. 30 of 2015 and section 5 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011 the Cabinet Secretary for National Treasury and Planning, Hon.(Amb) Ukur Yatani, EGH nominated Mr.Yusuf Mbuno for the position of the Chief Executive Officer of the Board. The nomination of Mr.Yusuf Mbuno was conveyed to the Speaker of the National Assembly through a letter Ref. No. TNTP/SDP/4/52 dated 24<sup>th</sup> March, 2020 (*Annex 1*). The nominee's Curriculum Vitae and other testimonials were attached.

On Thursday, 26 March, 2020(*Annex 2*) and pursuant to section 20 of the National Government Constituencies Development Fund Act, 2015, the Speaker of the National Assembly conveyed message from Cabinet Secretary, National Treasury & Planning communicating the name of the nominee for approval by the National Assembly pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and section 20(1) (d) of the NG-CDF Act, 2015 and Standing Order 45(1) , the name of the nominee was referred to the select Committee on National Government Constituencies Development Fund for the necessary approval hearings vetting and reporting to the House within fourteen (14) days.

In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 16<sup>th</sup> April , 2020, (*Annex 2*) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda were to be received by Wednesday 22nd April, 2020 at 5.00 pm. By close of the submission deadline, the Clerk of the National Assembly had received a total number of 3 submissions.

Pursuant to Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Thursday, 16<sup>th</sup> April, 2020, notified the public in the print media the exercise the select Committee on NG-CDF to undertake the approval hearing of the nominee on Thursday, 23<sup>rd</sup> April 2020 at 10.00am in County Hall mini-chamber (*Annex 3*).

The nominee Mr.Yusuf Mbuno appeared before the committee on Thursday, 23<sup>rd</sup> April 2020 at 10.00am for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Fund Act, 2015 and the National Assembly Standing Orders. The purpose of this hearing was to assess the suitability of the nominee for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

I take this opportunity to thank all Members of the Committee for their dedication to duty. I also wish to thank the offices of the Speaker and the Clerk of the National Assembly for according the Committee the necessary logistical support during the vetting exercise.

Further, the Committee wishes to thank all members of public who submitted memoranda to be considered during the approval hearings.

On behalf of the Members of the National Assembly Select Committee on the National Government Constituencies Development Fund and pursuant to section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, and section 20(1) of the National Government Constituencies Development Fund Act (No. 30 of 2015) and the provisions of the Standing order 199(6) it is my pleasure and duty to present to the House the Committee's Report on the Vetting of Mr. Yusuf Mbuno, the nominee for the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

**The Hon. Richard Maore Maoka, CBS, M.P.**

**Chairperson- Select Committee on National Government Constituencies Development Fund**

## EXECUTIVE SUMMARY

Pursuant to the provisions of Section 20 of the National Government Constituencies Development Fund Act, 2015, the Cabinet Secretary for the National Treasury & Planning, Hon.(Amb) Ukur Yatani, EGH nominated Mr. Yusuf Mbuno, on 24<sup>th</sup> March, 2020 for the position of the Chief Executive Officer of the National Government Constituencies Development Fund Board and forwarded his name to the National Assembly for approval.

The Speaker subsequently issued conveyed the message to the House on 26th March, 2020 on receipt of the name from the Cabinet Secretary, National Treasury and Planning and committed the nominee to the Select Committee on National Government Constituencies Development Fund for approval.

The Committee subsequently commenced the approval exercise in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Fund Act (No. 30 of 2015) and the National Assembly Standing Orders.

On 16<sup>th</sup> April, 2020, the Committee, pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 invited the interested members of the any representation by written statements on oath (affidavit) with supporting evidence on the suitability of the nominee. On 16<sup>th</sup>, 2020, the general public was notified of the appointment, pursuant to Article 118 of the Constitution and Section 6(4) of Public Appointments (Parliamentary Approval) Act, 2011 and the date of the approval hearing scheduled for Thursday, 23<sup>rd</sup> April, 2020 in Mini-Chamber, First Floor County Hall, and Parliament Buildings starting at 10.00a.m. The members of the public were required to submit their memoranda by close of business at 5 pm on Wednesday, 22<sup>nd</sup> April, 2020.

The nominee was also required to submit clearance certificates from the following agencies: the Ethics and Anti-Corruption Commission, the Kenya Revenue Authority, the Higher Education Loans Board, and the Directorate of Criminal Investigation.

By close of the submission deadline, the Committee had received a total number of 3 submissions, 1 in support of the nominee and 2 contesting the nomination of Mr. Yusuf Mbuno, but only the contesting submissions met the threshold of memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

The Committee undertook the approval hearing on Thursday 23<sup>rd</sup> April, 2020, in compliance with the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, National Governments Constituencies Development Fund Act, 2015 and the National Assembly Standing Orders.

Having conducted the approval hearing for the nominee pursuant to section 20(1) of the Constituencies Development Fund Act, 2015, sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011 the Committee recommends that the House **approves** the nomination of Mr Yusuf Mbuno for appointment as the Chief Executive Officer of the Constituencies Development Fund Board, by the Cabinet Secretary for Treasury & Planning, Hon(Amb.) Ukur Yatani, EGH.

## **1.0 PREFACE**

### **1.1 Establishment and mandate of the committee**

1. The Select Committee on National Government Constituencies Development Fund is a statutory committee established in accordance with the provisions of section 50 of the NG-CDF Act of 2015 and its functions include:

- a) To oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
- b) To oversee the policy framework and legislative matters that may arise in relation to the Fund;
- c) To continually review the frame set out for the efficient delivery of development programmes financed through the Fund;
- d) To consider and report to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this Act; and
- e) To carry out any other functions relevant to the work of the Fund.

### **1.2 The Committee membership**

2. The membership of the Committee is as follows-

- (1) Hon. Richard Maore Maoka, CBS, MP - **Chairman**
- (2) Hon. Omar Maalim Hassan, MP - **Vice Chairman**
- (3) Hon. Moses Lessonet.MP
- (4) Hon. Sharif Athman, MP
- (5) Hon. Mishi Mboko, MP
- (6) Hon. Fred Ouda, MP
- (7) Hon. Fred Kapondi Chesebe, MP
- (8) Hon. Sophia Abdi Noor, MP
- (9) Hon. Emmanuel Wangwe, MP
- (10) Hon. Richard Tongi,MP
- (11) Hon. Johanna Ngeno, MP
- (12) Hon. Titus Khamala, MP
- (13) Hon. Benjamin Gathiru, MP
- (14) Hon. Alfa Ondieki, MP



- (15) Hon. Ferdinard Wanyonyi, MP
- (16) Hon. Janet Jepkemboi Sitienei, MP
- (17) Hon. Kassim Sawa Tandaza, MP
- (18) Hon. Mary Wamaua Waithira, MP
- (19) Hon. Mwalyo Joshua, MP

### **1.3 Committee Secretariat**

3. The Committee secretariat is as follows -

Mr. Nicholas Emejen	- Deputy Director, Committees
Mr. Johnston Kioko	- Clerk Assistant I
Ms. Naserian Lotuai	- Clerk Assistant III
Mr. Ahmed Hassan Odhwa	- Principal Research Officer
Ms. Brigitta Mati	- Legal Counsel
Mr. Nimrod Ochieng	- Audio Officer

## **2.0 INTRODUCTION**

### **2.1 Establishment of the position of the Chief Executive Officer of the NG-CDF Board**

4. Section 20 of the NGCDF Act provides for the position of the Chief Executive Officer of the Board. It states as follows-

20.(1) There shall be a Chief Executive Officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

(2) No person shall be appointed under this section unless such person-

(a) has a degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university;

(b) has at least ten years' working experience in the relevant field; and

(c) has served in a senior management position for a minimum period of five years.

(3) The Chief Executive Officer shall subject to the directions of the Board be responsible for the day to day management of the affairs and staff of the Board.

(4) The Chief Executive Officer shall serve for a period of three years renewable once.

### **2.2 Approval and appointment procedure of the Chief Executive Officer, NG-CDF Board**

5. The procedure for recruitment of the Chief Executive Officer of the NGC-DF Board is provided for under the Section 20 (1) of the NG-CDF Act. It states-

*(1) There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.*

### **2.3 Notification of nomination**

6. On Thursday 26<sup>th</sup> March, 2020 and pursuant to section 20 of the National Government Constituencies Development Act, 2015, the Speaker of the National Assembly read the message from Cabinet Secretary, National Treasury & Planning communicating the name of the nominee for approval by the National Assembly.

### **2.4 Committal to the Committee**

7. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and section 20(1) (d) of the NG-CDF Act, 2015 the name of the nominee was referred to the select

Committee on National Government Constituencies Development Fund for the necessary vetting and reporting to the House within fourteen (14) days.

### **2.5 Notification to the public**

8. In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 16<sup>th</sup> April, 2020, (*Annex 3*) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advert required members of the public to present their submissions by close of business on Wednesday 22<sup>nd</sup> April, 2020 at 5.00 pm. By close of the submission deadline, the Committee had received a total of 3 submissions, 1 in support of the nominee and 2 contesting the nomination of Mr. Yusuf Mbuno, but only the 2 submissions contesting the nomination of the candidate met the threshold of memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011.
9. Pursuant to Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Thursday, 16<sup>th</sup> April, 2020, notified the public in the print media that the select Committee on NG-CDF will undertake the approval hearing of the nominee on Thursday, 23<sup>rd</sup> April, 2020 at 10.00am in the Mini-Chamber, First Floor County Hall in Parliament Buildings (*Annex 3*).

### **2.6 Clearance Requirements**

10. On 15th April, 2020, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP) (*Annexure 5*) requesting for reports with respect to the nominee on the following issues:
  - (i) ethics and integrity;
  - (ii) tax compliance;
  - (iii) criminal records;

- (iv) Higher education loan repayments; and
- (v) political party affiliations.

11. With regard to the Ethics and Integrity, the Ethics and Ant-corruption Commission vide a letter Ref. No. EACC.7/10/5 VOL.XIII (60) and dated 20th April, 2020 (*Annex 5*) confirmed that the Commission has not undertaken any investigations in relation to the nominee on any matter where the nominee has been found culpable.
12. With regards to matters on tax obligation, the KRA confirmed vide a letter Ref. No. KRA/5/1002/5/ (2092) and dated 16th April, 2020 (*Annex 5*) that the nominee was tax compliant.
13. The Nominee presented a police clearance certificate Ref. No. PCC-AAALZKM2 and dated 30th September 2019 valid for one Year, (30th September 2020) (*Annex 5*)
14. The Nominee presented a letter from the Higher Education Loans Board confirmed vide a letter Ref. No. HELB/REC/21/CERT 150/3334 dated 2nd October 2013 (*Annex 5*), confirming the nominee to have been a beneficiary of the Loans Board but has since fully repaid the loan and was given a clearance certificate 2648.
15. On the issue of party affiliation, the office of the Registrar of political parties vide a letter dated 16th April, 2020, REF NO: RPP/ORG/34 Vol. IV (19), Ref. No. (*Annexure 5*) confirmed that the nominee is not an official of a registered political party.

## **2.7 Issues for consideration during the approval hearing**

16. The Committee took into consideration section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 which provides the issues for consideration by the relevant House 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 appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.
17. Section 6 (7) of the Act provides further guidance which places focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

### 2.7.1 Procedure for Nomination

18. The procedure of nomination of the Chief Executive Officer of the NGC-DF Board is provided for under the Section 20(1) of the NG-CDF Act. It states-
- 20.(1) There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.
19. Section 15 (2) of the NG-CDF Act further provides that in nominating or approving the appointment of a person as a member of the Board under sub-section (1), the Cabinet Secretary and the National Assembly shall take into account gender equity and the regional diversities of the people of Kenya.
20. Further, Regulations 4(2) of the NGCDF Regulations, 2016 requires the NGCDF Board to forward to the Cabinet Secretary three names of selected candidates, from among whom the Cabinet Secretary nominates one and notifies the National Assembly on the same.
21. Regulation 4 of the National Government Constituencies Development Regulations outlines the procedures for appointment of a chief executive officer. It states-
- “4. (1) The Board shall, in recruiting the chief executive officer of the Board under Section 20(1) of the Act, ensure that the recruitment is carried out in a transparent and competitive manner.*
- (2) The Board shall finalise the recruitment of the chief executive officer of the Board within sixty days from date of the close of the application period, and shall forward three names of the selected candidates to the Cabinet Secretary for consideration.*
- (3) The Cabinet Secretary shall, within twenty one days after receiving the names of the selected candidates from the Board, forward the name of one of the selected candidates to the National Assembly for approval.*

- (4) *The National Assembly shall, within twenty-one days of receipt of the name of the selected candidate from the Cabinet Secretary, under paragraph (3) consider the nomination, and may approve or reject the nomination.*
- (5) *Where the National Assembly approves the nomination under paragraph (4), the Speaker of the National Assembly shall forward the name of the approved person to the Cabinet Secretary for appointment.*
- (6) *The Cabinet Secretary shall, within fourteen days of the approval by the National Assembly, by notice in the Gazette, appoint the person approved by the National Assembly as the chief executive officer of the Board.*
- (7) *Where the National Assembly rejects the person nominated by the Cabinet Secretary, the Speaker of the National Assembly shall, within three days of the decision, communicate the decision of the National Assembly to the Cabinet Secretary and request the Cabinet Secretary to submit a fresh nomination.*
- (8) *The Cabinet Secretary shall submit to the National Assembly a name from the list initially forwarded by the Board within seven days of receipt of the communication from the Speaker.*
- (9) *Where the National Assembly rejects the names of all the persons nominated by the Cabinet Secretary the provisions of paragraph (2) shall apply."*

### **2.7.2 Constitutional and other Statutory Requirements**

22. The Constitution in addition gives guidelines on how to appoint persons to public office which include -

(a) Two-third Gender Rule

*Article 27 (8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender*

(b) Leadership and Integrity

23. The Committee, in determining the suitability of the nominee, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In

particular, Article 73 (2) provides that the guiding principles of leadership and integrity include

- 
- (i) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (ii) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- (iii) selfless service based solely on the public interest, demonstrated by —
  - (a) honesty in the execution of public duties; and
  - (b) the declaration of any personal interest that may conflict with public duties;
  - (c) accountability to the public for decisions and actions; and
  - (d) discipline and commitment in service to the people.

24. Article 77(5) 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. This provision further prohibits a State Officer who has been removed from office under it from holding any other State Office.

25. Article 77(1) prohibits a full time State Officer from participating in any other gainful employment.

26. Article 77(2) prohibits an appointed State officer from holding office in a political party. Article 78 disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship.

27. In addition, the Committee considered section 10 of the Leadership and Integrity Act, 2012 in particular which provides that –

A State officer shall, to the best of their ability—

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

## **2.8 Submission of Memoranda**

28. By close of the submission deadline, the Committee had received a total number of 3 submissions (*annex 7*), one in support of the nominee while 2 submissions contesting his nomination but only the 2 submissions contesting his nomination met the threshold of a memoranda for consideration by the committee as required by provisions of the Public Appointments (Parliamentary Approval) Act, 2011. The memoranda received were as follows-

### **2.8.1 Public Memorandum by concerned Citizen Kenya by Kennedy O. Ondiek 7th April, 2020**

29. Mr. Ondiek supports the appointment of Mr. Yusuf Mbuno on the following grounds: THAT—

- (a) Section 20(1) of the Ng-CDF Act requires that the CEO of the NG-CDF Board be recruited competitively and three names be forwarded to the Cabinet Secretary for appointment after National Assembly approval;
- (b) The NG-CDF Board conducted its interviews and the Ag. CEO Mr. Yusuf Mbuno was ranked first followed by Prof. Mohamed Abdille with Mr. Jackton Omulo Akello coming in third. This shows that, apart from goodwill, the nominee performed above par in the interviews and has run, in the interim, the functions of the Board per excellence;
- (c) The nominee has dutifully acted in the same capacity not extending to the requisite dates of the term, without the required payment, carried out the function diligently;
- (d) The laws of fairness and justice be adorned to the nominee and be allowed to serve as the substantive CEO for the National Government Constituency Development Board;
- (e) It is important to note that the memorandum presented above does not meet the threshold as espoused in section 6(9) of the Public Appointments (parliamentary Approval) Act; and
- (f) The memorandum is not a sworn statement on oath.



### 2.8.2 Affidavit by Tolbert Manyange , 18<sup>th</sup> April, 2020

30. Mr. Manyange opposed the appointment of Mr. Yusuf Mbuno based on the following grounds: THAT—

- (a) The recruitment by the NG-CDF Board and the recommendation made to the Cabinet Secretary for appointment with the approval of Parliament of the nominee for the post of CEO, does not meet the required leadership and integrity values set out in the Kenya Constitution;
- (b) There is a requirement that there shall be a Chief Executive Officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly;
- (c) In sharp contrast to Section 20 of the NG-CDF Act, the members of the National Assembly showed open biasness in favour of one candidate and hostility towards the other candidates;
- (d) It is evident that the members of parliament openly showed their biasness in favour of the candidature of the nominee against any other nominees which is inconsistent with the Constitution and the NG-CDF Act;
- (e) If the nominee is appointed for the position, his allegiance will only be to the National Assembly and not the people of Kenya, the tax payers or other arms of the Government. His appointment will greatly affect the delivery of services and negatively affect people and institutions that will depend on the CEO's integrity;
- (f) The selection will not be competitive because the members of National Assembly have a close working relationship with the said nominee;
- (g) The nominee has already served in the same position for almost eight and a half years in an acting capacity. The maximum period of service for the CEO for NG-CDF is six years. In this case, if the nominee is appointed, it will be a gross violation of the spirit of the Act. Essentially, the nominee will have served for a record of twelve years and a possible term of fourteen years;

- (h) The appointment of the nominee will be inconsistent with the guiding principles of leadership and integrity under chapter six of the Constitution Article 73 (2) (a) which requires selection on the basis of personal integrity, competence and suitability;
- (i) The nominee has further been mentioned in fraudulent withdrawals and questionable expenditures from time to time during his term as CEO of NG-CDF Board. In 30<sup>th</sup> June, 2016, he was cited by the Auditor General for the loss and failure to account for Kshs. 332,000 a withdrawal solely attributed to him because his signature is the main one in bank operations in line with section 13 (3) of the NG-CDF Act; and

31. The memorandum met the threshold stipulated in section 6 (9) of the Public Appointments (parliamentary Approval) Act;

### **2.8.3 Affidavit by Sam Kinyua, 20<sup>th</sup> April, 2020**

32. Mr. Kinyua opposed the appointment of Mr. Yusuf Mbuno based on the following grounds: THAT—

- (a) Article 259 (3) (b) of the Constitution of Kenya provides that “ any reference to a state officer or other public office or officer, or a person holding such an office, includes a reference to the person acting in or otherwise performing the functions of the office at any particular time”;
- (b) The nominee’s intended appointment is in violation of Article 259 (3) (b) for the following reasons—
  - (i) The law provides under section 20 (4) of the NG-CDF act that the holder of the office shall serve for three years;
  - (ii) The nominee has been acting since 2011 and remained eight years consecutively contrary to the law;
  - (iii) The nominee has served beyond the stipulated period and has illegally extended beyond the maximum two years;

- (iv) If appointed, the nominee will have served twice above the time limit by an extension of eight years taking into consideration his term begin afresh;
- (c) Section 20 (3) and 13(3) of the NG-CDF Act provides that the CEO shall be responsible for the day to day management affairs of the Board and signing instructions shall be such that the signature of the CEO is mandatory on all payments cheques and/ or instruments intended for the release of money from the fund. The above functions are duties that the nominee has been discharging for the last eight and a half years;
- (d) As per Article 259 of the Constitution, the nominee has served not only for the stipulated time but has also exceeded it by two years;
- (e) the nominee has served the Board for the past eight years and has influence on the board and will not competitively be selected due to his influence;
- (f) the nominee has had his time at the fund having served for the past eight years as opposed to the maximum of six years prescribed by section 20 (4) of the NG-CDF Act;
- (g) there is a grave concern as to why the nominee has stayed in the same office for so long. This matter has been raised severally in parliament and is also subject to litigation in the High Court;
- (h) there are other persons who have served in the same position and have moved on to other roles. Agnes Odhiambo and Wycliff Oparanya; and
- (i) if the nominee is appointed to this position, this act would be prejudicial to the competitive process; and

33. The memorandum met the threshold stipulated in section 6 (9) of the Public Appointments (parliamentary Approval) Act.

## 2.9 Written response by the Nominee to the Memoranda

34. The nominee put in a reply to the admissible statements. (*annex 8*)

35. The nominee in his written response to Statement by Sam Kinyua, submitted: THAT,

- (a) He is the Chief Manager-Programs and is serving as the Acting Chief Executive Officer of the National Government Constituencies Development Fund Board;
- (b) The memorandum is scandalous and frivolous with the sole aim of causing mayhem and disrupt a constitutional process that was initiated legally and performed within the confines of the laws of Kenya as regards to due process;
- (c) main issue in the affidavit is with the alleged ambiguities of legislation and his fitness to be appointed as the Chief Executive Officer of the NG-CDF Board. The move to oppose the appointment is not made in good faith, considering that the appointment has been made with strict adherence and compliance with the existing laws;
- (d) Section 20(1) of the NG-CDF Act establishes the office of the chief executive officer of the NG-CDF Board and the process of recruitment. The section provides that the NG-CDF Board CEO "*shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.*" Section 20(4) provides that the CEO recruited as per the provisions of the section shall serve for a period of three years, renewable once. Accordingly, the later provision sets a term limit for the CEO to a maximum of six years.
- (e) He has NEVER been recruited as CEO of the NG-CDF Board as per the dictates of Section 20(1) of the NG-CDF Act. All along, he has been serving in an acting capacity. A person serving in an acting capacity is not subject to term limits associated with that office. Only a substantive holder of an office is subject to term limits of an office. There is **NO** law that stops a person serving in an acting capacity from applying to be considered for appointment as a substantive holder of that same office;

- (f) the rationale for appointing someone to hold an office in an acting capacity is simply to ensure the smooth running of an office and to avoid a vacuum that would cripple service delivery. The most important thing to note is that a person holds office in an acting capacity while he/she awaits the relevant authorities to nominate and appoint a substantive holder of that office. Similarly, he has been serving as the Acting CEO of the NG-CDF Board awaiting the relevant authorities to appoint a substantive holder. He cannot be blamed for the length of time that he has served in an acting capacity. Further, there is no law that automatically changed his status from acting CEO of NG-CDF to a substantive CEO as claimed;
- (g) An employee is supposed to hold office as per the terms and conditions of the engagement contract. The letter of appointment appointing him to serve as the CEO of the NG-CDF Board in an acting capacity clearly stated that he was appointed to hold office until such a time when the office was to be filled substantially. Accordingly, the term and conditions of the letter of appointment stipulate the term limit, which is "until such a time when the position is filled by a substantive holder." The terms exclude the application of section 20(4) of the NG-CDF Act, which only applies to a substantive holder of the office. Additionally, the fact that he served the office in an acting capacity does not by itself stop or exclude him from applying to be considered for appointment as a substantive holder of the office. It is clear that the Petitioners in this case misread and misinterpreted the law;
- (h) Section 2 of the Public Service Commission Act, 2017 defines "acting appointment" to mean *temporary conferment upon a public officer, by the Commission or the relevant appointing authority, the power to perform duties of a public office other than the office the officer is substantively appointed to hold, while the public officer continues to hold the substantive appointment.* Accordingly, the mere fact that he performed the roles of a NG-CDF Board CEO does not mean he automatically became a substantive holder of that office. An acting officer

performs similar roles that a substantive holder of that office would have performed, but on temporary terms.

- (i) the law allows him to apply and be considered for appointment to the position of the CEO NG-CDF Board. This is in consideration that he has never been appointed to the office according to the laws. Where the Petitioners feel aggrieved by the current laws that allow his appointment, then they should challenge the constitutionality of those laws or request an amendment;
- (j) The Petitioners have misapprehended paragraph C.14(1)-(9) of the Human Resource Policies and Procedure Manual for the Public Service Commission. The paragraph deals with allowances paid to an officer serving in an acting capacity and nothing further;
- (k) the Board is an independent body and he cannot by any means whatsoever influence its decision in the recruitment process. The petitioners are speculating without any form of evidence to prove influence in any decision of the Board.
- (l) comparing the office of the NG-CDF Board CEO to that of other constitutional bodies as the Petitioners have alluded is a clear indication that the Petitioners are misguided. The office of the NG-CDF Board CEO is established under the NG-CDF Act and the terms of service and stipulated therein. The other referenced bodies are established under different Acts of Parliament, which also specify the terms of office. A comparison of the offices cannot be afforded as the laws stipulate different terms for different offices based on the unique needs and demands of each office. Furthermore, the officers mentioned were substantive holders of the respective offices, unlike in this case where he has been serving in an acting capacity awaiting a competitive recruitment process as provided under Section 20(1) of the NG-CDF Act;
- (m) the Petitioners correctly acknowledge that the matters elicited in their affidavit are subject to an on-going litigation in the High Court. Accordingly, any further hearing of this affidavit is in violation of our *Sub Judice* laws as well as **Standing Order No. 89** of The National Assembly Standing Orders as adopted by the

National Assembly on 9th January, 2013 during the Fourth Session of the Tenth Parliament. The Standing Order prohibits members from referring to any particular matter which is *Sub Judice*. A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination. To avoid violating the *Sub Judice* Rule, the best action is for the Petitioners to apply to be added as interested parties in the on-going High Court Petition.

36. The nominee in his written response to Statement by Tolbert Manyange submitted: THAT-

- (a) There is no alleged contravention of the provisions of the law quoted therein on his part. The petitioners are merely throwing around sections of the law without explaining how they support their opposition to his appointment. It is an uncontroverted fact that he meets all the qualifications for appointment as Chief Executive Officer of the NG-CDF Board as stipulated under Section 20 of the National Government Constituency's Development Fund Act. Additionally, there is no proof that he has acted in violation of the provisions of Chapter 6 of the Constitution of Kenya;
- (b) the Petitioners acknowledge the fact that the NG-CDF Board followed due process of recruiting the Chief Executive Officer of the NG-CDF Board through a competitive process as required by Section 20 of the National Government Constituency's Development Fund Act, which process commenced with advertisement in local dailies;
- (c) After the advertisement, people applied for the position and the NG-CDF Board shortlisted 7 candidates who had met the qualification for appointment under Section 20 of the National Government Constituency's Development Fund Act, whereby he happened to be among the shortlisted candidates;
- (d) the assertions made by the Petitioners therein are baseless, full of rumors and conjecture. The Petitioners are merely shouting unsubstantiated allegations

- without proving how he failed to meet the requirements of Chapter 6 of the Constitution on Leadership and Integrity;
- (e) the Petitioners DO NOT understand the recruitment process of the Chief Executive Officer of the NG-CDF Board. It is quite lucid that the Petitioners DO NOT understand the role of the NG-CDF Board and the role of Parliament in the recruitment process of the Chief Executive Officer of the NG-CDF Board. This Petition is clearly based on a misapprehension of the law and it should, therefore, be treated with the contempt it deserves;
  - (f) the role of recruiting the Chief Executive Officer of the NG-CDF Board lies squarely on the on the NG-CDF Board and not Parliament. Section 20(1) of the National Government Constituency's Development Fund Act provides that "*There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.* The role of the National Assembly in the recruitment process of the Chief Executive Officer of the NG-CDF Board is merely to approve the appointment made by the Cabinet Secretary;
  - (g) the allegations of bias in the National Assembly in his favor are unfounded considering that during the interviews conducted by the NG-CDF Board, he emerged the top candidate among the 7 shortlisted candidates where he led with a score of 93%. The second candidate, Prof. Abdille scored 73.3% while the 3<sup>rd</sup> candidate, Mr. Jacton Omulo Akelo, scored 66.35%. The essence of recruitment through a competitive process is to select the best candidate to take a position. It beats logic for the Petitioners to fantasize that the National Assembly should have approved the appointment of a candidate who scored 66.35% or even 73.3% when he had floored them during the interviews by scoring a whopping 93%;
  - (h) that it is not his responsibility to direct parliamentarians how to treat persons who appear before them. The purpose of vetting by parliament is to ensure that the most qualified and morally fit candidate ascends to a given position. Based on his score during the interview with the NG-CDF Board, he was the most qualified



candidate. Further, the Petitioners have not raised any issues about his moral fitness to hold the office. Accordingly, their claim of biasness in the National Assembly is baseless. The issues raised by the Petitioners clearly indicate that they favored the candidature of Prof. Abdille and/or Mr. Jacton Omulo and they are trying to lobby for their appointment through this Petition;

- (i) his allegiance is to the people of Kenya whom he is constitutionally mandated to serve. He further stated that for the years he has served in the office of the Chief Executive Officer of the NG-CDF Board in an acting capacity, he has never been accused of favoritism. The Petitioners have not adduced any evidence to show his history of favoring others and there is no evidence to suggest that he is likely to favor MPs simply because the National Assembly approved his appointment;
- (j) The National Government Constituency's Development Fund Act clearly stipulates the roles of the Chief Executive Officer of the NG-CDF Board. Section 20(3) of the Act provides that "*The chief executive officer shall subject to the directions of the Board be responsible for the day to day management of the affairs and staff of the Board.*" However, just like any other agencies in the Executive Arm of Government, the Board is subject to the oversight role of Parliament. Section 18(3) of the Act requires the NG-CDF Board to refer policy issues to the Cabinet Secretary. Accordingly, my office will be subject to oversight by parliament and the NG-CDF Board;
- (k) With regards to him serving the same position eight and a half years, has never served as a substantive holder of the office of the Chief Executive Officer of the NG-CDF Board. He only served in an acting capacity. There are no specifications as to the exact term limit for an acting CEO of the NG-CDF Board. A substantive holder of the office is appointed by the NG-CDF Board through a competitive process. He has never gone through such recruitment before. Accordingly, he qualifies to be appointed as the substantive holder of the office after serving in an acting capacity;

- (l) On the allegations of fraudulent withdrawals from the NG-CDF Board Account they are a misrepresentation of the contents of the Auditor General's Report. The payment in the Bank not captured in the cashbook as stated in the Auditor General's report are as a result of cybercrime by external fraudsters alien to the Board. Some were arrested by the Banking Fraud Investigation Unit and charged in court. The case is still on-going and the officers of the Board are key witnesses; and
- (m) His appointment to the office of the CEO of the NG-CDF Board was done in accordance with the law and through a competitive recruitment process.

### **3.0 APPROVAL HEARINGS**

37. Having received the name of the nominee, the Committee commenced the approval process in accordance with the Constitution, the Public Appointments (Parliamentary Approval Act) (No.33 of 2011) and Section 15 of the NG-CDF Act of 2015.
38. Committee held two meetings: The approval hearing meeting on Thursday 23<sup>rd</sup> April, 2020 and a meeting on 28<sup>th</sup> April, 2020 to draft, consider and adopt its report.
39. In carrying out the vetting exercise, the Committee was guided by the Constitution, the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), the National Government Constituencies Development Fund Act of 2015, and the National Assembly Standing Orders.
40. The Committee also considered the following in vetting the nominee: -
- (i) Academic qualifications;
  - (ii) Employment record and work experience;
  - (iii) Professional association;
  - (iv) Public office, political activities and affiliations;
  - (v) Potential conflict of interest;
  - (vi) Suitability to the position;
  - (vii) Integrity; and
  - (viii) Expectations and key priorities.

### **3.1 Vetting of Mr.Yusuf Mbuno**

41. The nominee, Mr.Yusuf Mbuno, appeared before the Committee on Thursday, **23<sup>rd</sup> April, 2020** at **10.00 am** and was vetted pursuant to the provisions of the Constitution, Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituencies Development Act, 2015 and the Standing Orders of the National Assembly. The Committee took note of his submissions-

#### **Citizenship, Date and Place of Birth**

42. He is Kenyan, male citizen, identity card Number 8456646, born in 1966 in Makueni County.

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

43. He is a holder of a Master's Degree in Economics from University of Nairobi. He earned his Bachelor degree in Economics from the University of Nairobi. Mr Yusuf Mbuno passed a Kenya Advanced Certificate of Education from Kenyatta High School and Kenya Certificate of Education from Joana Chase Secondary School.

#### **Work and Professional Experience**

44. He is currently the Acting Chief Executive Officer of the National Government Constituencies Development Fund Board; He substantively holds the position of National Programme Coordinator, NGCDF. Previously, he was head of Planning and Monitoring Unit in the Ministry of Lands as well as Principal Economists in the Department of Development in Kilifi District. He has over 28 years' experience in the public service having served from the year 1991 to 2020, of which 16 years were in a senior management position.

#### **Honors and Awards**

45.Mr. Yusuf Mbuno stated that he had received various awards among them -

- (i) GOK scholarship for undergraduate studies-UoN.
- (ii) GOK M.A scholarship- UoN.

#### **Professional Associations**

46. The nominee stated that he is a member of the Economist Society of Kenya

#### **Other Activities and Membership**

47. The nominee is a member of the Board of Management, Joanna Chase Secondary School and a member of the Board of Management of Kyaani Secondary school.

### **Published Writing**

48. The nominee submitted that he has authored the following publications -

- (i) Factors determining childhood immunization in the Coast Province of Kenya, 2006-UoN
- (ii) District Planning Handbook, Ministry of Planning -2006
  - (i) Kilifi District Development Plan, 2002-2008
  - (ii) NGCDF Board strategic plan 2016/2017-2020/2021

### **Political Activities and Affiliations**

49. The nominee had no record of political activities and affiliations to any political party.

### **Potential Conflict of Interest**

50. He had not shown any immediate associations that are likely to present potential conflict of interest when he assumes the position.

### **Sources of Income and Net-worth**

51. The nominee's estimated financial net worth was at Ksh. 58,000,000 (Fifty eight Million only). His sources of income included: Salary and Sacco dividends earnings.

### **Integrity**

52. The nominee stated that he had not been dismissed or otherwise removed from office for contravening the provisions of Article 75 of the Constitution. He has also not been adversely associated with practices that depict bias, favouritism or nepotism in the discharge of public duties.

53. He pointed out that he has fully complied with the tax obligations to the State for the financial year immediately preceding his nomination for the appointment.

54. The nominee further submitted that he has not been charged in court of law in the last three years or been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years. He had ever appeared in court only for a minor traffic offense which was discharged.

### **General Questions and Sector specific questions to the Nominee**

55. In order to assess his overall suitability on the position, the Committee examined the nominee on general and specific thematic areas which the nominee responded to as follows: -

#### **The Values and Principles under Article 10 and 232 of the Constitution.**

56. He submitted that as the acting CEO of NGCDF he was guided by the principles and values provided under article 10 and 232 of the Constitution. These values have been incorporated in all working documents of the Board such as the manuals, strategic plan as well as the daily operations of the Board. The Board is guided by patriotism, transparency and accountability and responsiveness. The transparency of the projects are public and every constituency is held accountable for the use of funds, where each constituency submit a separate financial statement to the Auditor General.

57. He also averred that selection and recruitment of human resource has been guided by meritocracy. The Board has developed human resources guidelines that incorporated values and principles under article 232 of the Constitution.

#### **Handling of complaints related to Funds Account Managers**

58. The Nominee informed the Committee that he handled complaint related to Managers as follows-

- i. Held a meeting where all the Managers were invited for meeting with the parliamentary committee to respond to issues that were either political in nature or were difficult for the Board to resolve.
- ii. Monitored the daily attendance of duties of the Managers with the help of the Constituency Committees
- iii. Took seriously complaints raised by Members about the Managers. The managers were required to institute corrective measures once the complaint has been conclusively discussed. In cases where a Manager had persistently not performed as required the Board, then disciplinary action had been taken in line with the Human Resources guidelines, some action leading to termination of contract.
- iv. The Board was considering further measures to ensure the availability of the Managers

in their workstations

### **Work experience and relevance to the position**

59. The Nominee informed the Committee that he had cumulative work experience of 28 years in the public Service, 16 of which were in a senior management position of job group P and above. He joined the Public Service in 1991 as an economist and rose through the ranks to the highest position in the scheme of service of that position to Chief Economist. He also held other position such as the Head, central planning and Monitoring Unit, ministry of lands and the National Programme Coordinator, NGCDF. He is currently the Acting CEO of NGCDF overseeing all the budgeting, financial management, strategy development, procurement, and human resource, accounting, administration, accounting and related matters. He has held this position from 2011 to date.

### **Vision 2030 and the Big Four Agenda**

60. The nominee stated that vision 2030 is the nation's development blue print. All public institutions including the Board are expected to implement their projects and programmes in line with the vision's goals and aspirations. He stated that the vision is implemented through a series of 5 year's medium term projects. He averred that in relation to the Big four agenda, the Board implements projects through a five year strategic plan supporting the key areas under the Big Four Agenda such as bursary for students to invest in critical technical competencies to drive the manufacturing sector, engagement with NHIF to provide social protection to members of the community among other important projects that contribute to food security.

### **Leadership and integrity**

61. The nominee submitted that leadership and integrity values in the constitution are operationalized through the leadership and integrity Act. He averred as a public servant he understood the position his position in trust for the public. They (Board) have put deterrent measures in place to reduce cases of corruption, where necessary they have also invited investigatory authorities to come in either to investigate any reported malpractices or create awareness as well as initiated restoration mechanisms through the Assets Recovery Agency. The board have also invested in capacity building of its personnel and oversees a performance contracting regime. They have also involved the public in reporting corruption cases through the

Board's website and automated their system. The board therefore provides the kind of leadership envisaged in the constitution.

**55. Relationship between the Board and Members of Parliament**

62. The nominee submitted his engagement with members of parliament began when he was a District Development Officer (DDO). It was during this period that the CDF fund was initiated. During his time in the Board he had ensured clear communication lines with the Members of parliament and ensured that his staffers had the necessary set of skill to receive and attend to the members needs in relation to the fund. He also informed the Committee that the Board was always open to the Members and specific engagements have taken place between the Members of the Select Committee and the Board.

#### **4.0 COMMITTEE OBSERVATIONS**


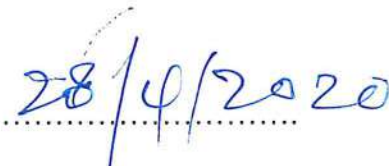
63. The Committee made the following observations having considered the nominees' curriculum vitae, filled questionnaire pursuant to the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the oral submissions during the approval hearings:

- (1) The nominee is a Kenyan citizen born in Makueni County;
- (2) He has 28 years of experience, having been in the public service since the year 1991, of which 16 years were in senior management positions of job group P and above.
- (3) He holds a Masters of Arts degree in Economics, and a Bachelor of Arts degree in Economics from the University of Nairobi which are related degrees for the purposes of section 20 (2)(a) of NGCDF Act 2015;
- (4) The EACC, KRA, DCI, ORPP, and HELB had sent clearance letters with respect to the nominee;
- (5) The nominee has not been charged in a court of law in the last three years;
- (6) As stipulated in Article 75(1) of the Constitution, he has not shown the possibility of potential conflict of interest.
- (7) He satisfies the requirements of Article 77(1) of the Constitution in that, he does not intend to participate in any other gainful employment if appointed as the Chief Executive Officer of the National Government Constituencies Development Board;
- (8) The nominee does not hold office in any political party and therefore meets the requirements of Article 77(2) of the Constitution;
- (9) The nominee has not been dismissed from a public office;
- (10) The nominee exhibited knowledge of the workings of the public service and displayed profound knowledge in the operation of the NG-CDF fund.



**5.0 COMMITTEE RECOMMENDATION**

64. The Committee having considered the suitability, capacity and integrity of the nominee following the vetting process, and taking into account its observations, and pursuant to Section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, the National Government Constituency Development Act 2015, the Committee hereby recommends that the National Assembly **APPROVES** the nomination of Mr. Yusuf Mbuno for appointment to the position of the Chief Executive Officer of the National Government Constituencies Development Fund Board.

Signature.......... Date..........

**The Hon. Richard Maore Maoka, CBS, M.P.**  
**Chairperson- Select Committee on National Government Constituencies Development Fund**





ANNEX 2

**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT (FOURTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**MESSAGES**

**MESSAGE FROM THE NATIONAL TREASURY**

\_\_\_\_ (No. 02 of 2020) \_\_\_\_

**ON THE NOMINEE FOR APPOINTMENT AS CHIEF EXECUTIVE  
OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND BOARD**

---

**Honourable Members,** As you are aware, Standing Order 42(2) and (4) of the National Assembly Standing Orders requires the Speaker to cause the transmission of any Message received from a Cabinet Secretary at a time when the House is not in Session to every Member and later report such Message to the House at its next sitting. In this regard, on March 26, 2020, I did notify you of a Message from the Cabinet Secretary for National Treasury which was received in my office during the period of recess regarding his nomination of persons for appointment to the office of the Chief Executive Officer of the National Government Constituencies Development Fund (NG-CDF) Board.

**Honourable Members,** pursuant to the provisions of section 20 of the National Government Constituencies Development Fund Act, 2015 and regulation 4 of the NG-CDF Regulations, 2016, the Cabinet Secretary is asking the House to approve the appointment of **Mr. Yusuf Mbuno** for the position of Chief Executive Officer of the National Government Constituencies Development Fund (NG-CDF) Board.



Consequently, the Committee should notify the nominee and the general public of the time and place of the approval hearings, in good time. The notification should therefore be made immediately and the Committee may thereafter commence the necessary approval hearings, and submit its report to the House on or before **Wednesday, April 29, 2020.**

**Honourable Members,** even as Committees continue to undertake their legislative, oversight and representative duties as required by the Constitution and other statutes, it is important to do so in line with the Speaker's guidelines issued on April 2, 2020 and April 11, 2020 regarding conduct of sittings of the House and Committee meetings during the COVID-19 pandemic period.

**I thank you!**

A handwritten signature in black ink, appearing to read 'Justin B.N. Muturi', is written over a horizontal line. The signature is stylized and includes a vertical stroke that extends downwards from the line.

**THE HON. JUSTIN B.N. MUTURI, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Tuesday, April 14, 2020



ANNEX 1

CONFIDENTIAL

②  
D/Committee  
pls see attached  
not for advice  
message to his  
27/3/20



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND PLANNING

Telegraphic Address: 22921  
Finance - Nairobi  
FAX NO. 310833  
Telephone: 2252299  
When Replying Please Quote  
TNTP/SDP/4/52

THE NATIONAL TREASURY  
P O BOX 30007 - 00100  
NAIROBI

24<sup>th</sup> March 2020

Mr. Michael R. Sialai, EBS  
Clerk of the National Assembly  
Parliament Building  
NAIROBI

① DLP ✓  
no proposal  
annex to  
members.  
CNA

Dear Sialai,

RE: RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER OF THE  
NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT  
FUND BOARD

24/3/20

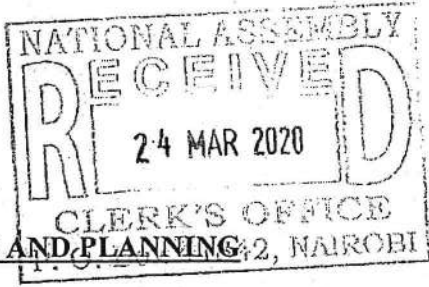
I make reference to a letter Ref. KNA/DLP/TBO/CERT.03/2020 of 17<sup>th</sup> March 2020 from the Speaker of the National Assembly communicating the decision of the National Assembly on the proposed nominee for appointment as the Chief Executive Officer of the National Government Constituencies Development Fund Board.

Pursuant to NG-CDF Act No.30 of 2015 (Revised Edition) Section 20(1) and Regulation 4(8) of the National Government Constituencies Development Fund Regulations, 2016; I hereby forward the name of Mr. Yusuf Mbuno for the position of Chief Executive Officer of the NG-CDF Board despite my earlier reservations as a result of adverse allegations against him. In fulfilment of the law, I seek your approval.

I have attached copies of his Curriculum Vitae and other testimonials for your further necessary action.

Yours Sincerely,

HON. (AMB) UKUR YATANI, EGH  
CABINET SECRETARY / NATIONAL TREASURY AND PLANNING, 2, NAIROBI



Encl.

CONFIDENTIAL





To:  
National Assembly of Kenya,  
C/O The Clerk Kenya National Assembly,  
Parliament Buildings,  
P.O Box 41842 - 00100,  
NAIROBI-KENYA

ANNEX 8

Date: 23.04.2020

PETITION TO PARLIAMENT

UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION,

PETITION TO PARLIAMENT (PROCEDURES) ACT AND STANDING ORDERS 219,223

OF THE NATIONAL ASSEMBLY ON INVOLVEMENT IN THE LEGISLATIVE AND

OTHER BUSINESS OF PARLIAMENT IN ACCORDANCE WITH ARTICLE 118(b)

&

IN THE MATTER OF OPPOSITION TO NOMINATION OF MR YUSUF MBUNO TO BE

EMPLOYED AS CEO OF NG-CDF

REPLYING AFFIDAVIT TO THE PETITION AND THE PETITIONER'S SUPPORTING

AFFIDAVIT

I, YUSUF MBUNO, a resident of Nairobi and of Post Office Box 9876-00200 NAIROBI do hereby make oath and state as follows:

1. THAT I am the Chief Manager-Programs and serving as the Acting Chief Executive Officer of the National Government Constituencies Development Fund Board (hereinafter "the NG-CDF Board").
2. THAT I am also the person nominated by the Cabinet Secretary in charge of the National Treasury and Planning for appointment as the Chief Executive Officer of the NG-CDF Board and the subject of a Petition dated 18<sup>th</sup> April, 2020 filed by one Tolbert Manyange and five other petitioners, seeking to challenge my nomination for appointment to the



position of the Chief Executive Officer of NG-CDF Board. That I am well versed with the facts elicited in the said Petition and, therefore, competent to swear this Affidavit.

3. **THAT** the Petition is scandalous and frivolous with the sole aim of causing mayhem and disrupt a constitutional process that was initiated legally and performed within the confines of the laws of Kenya as regards to due process.
4. **THAT** in response to paragraphs 1 and 2 of the Petition and paragraphs 2 and 3 of the Petitioner's Supporting Affidavit, I would like to state that there is no alleged contravention of the provisions of the law quoted therein on my part. The petitioners are merely throwing around sections of the law without explaining how they support their opposition to my appointment. It is an uncontroverted fact that I meet all the qualifications for appointment as the Chief Executive Officer of the NG-CDF Board as stipulated under Section 20 of the National Government Constituency's Development Fund Act. Additionally, there is no any prove that I have acted in violation of the provisions of Chapter 6 of the Constitution of Kenya.
5. **THAT** in response to paragraph 3 of the Petition and Paragraph 4 of the Petitioner's Supporting Affidavit, I would like to respond that it is true that the NG-CDF Board placed an advertisement in local dailies on the 17<sup>th</sup> day of December, 2019 inviting qualified candidates to apply for the position of the Chief Executive Officer of the NG-CDF Board.
6. **THAT** in further response to paragraphs 3 and 5 of the Petition and Paragraphs 4 and 6 of the Petitioner's Supporting Affidavit, it is clear that the Petitioners acknowledge the fact that the NG-CDF Board followed due process of recruiting the Chief Executive Officer of the NG-CDF Board through a competitive process as required by Section 20 of the National Government Constituency's Development Fund Act, which process commenced with advertisement in local dailies.
7. **THAT** after the advertisement, people applied for the position and the NG-CDF Board shortlisted 7 candidates who had met the qualification for appointment under Section 20 of the National Government Constituency's Development Fund Act, whereby I happened



to be among the shortlisted candidates. *Annexed and Marked "YM1" is a list of the shortlisted candidates.*

8. THAT in response to paragraph 4 of the Petition and paragraph 5 of the Petitioner's Supporting Affidavit, I would like to reiterate the contents of paragraph 4 of this Supporting Affidavit and further state that the assertions made by the Petitioners therein are baseless, full of rumors and conjecture. The Petitioners are merely shouting unsubstantiated allegations without proving how I fail to meet the requirements of Chapter 6 of the Constitution on Leadership and Integrity.
9. THAT in response to paragraphs 6 and 7 of the Petition and Paragraphs 7 and 8 of the Petitioner's Supporting Affidavit, I would like to state that it is clear the Petitioners DO NOT understand the recruitment process of the Chief Executive Officer of the NG-CDF Board. It is quite lucid that the Petitioners DO NOT understand the role of the NG-CDF Board and the role of Parliament in the recruitment process of the Chief Executive Officer of the NG-CDF Board. This Petition is clearly based on a misapprehension of the law and it should, therefore, be treated with the contempt it deserves.
10. THAT in further response to paragraphs 6 and 7 of the Petition and paragraphs 7 and 8 of the Petitioner's Supporting Affidavit, I would like to state that the role of recruiting the Chief Executive Officer of the NG-CDF Board lies squarely on the on the NG-CDF Board and not Parliament. Section 20(1) of the National Government Constituency's Development Fund Act provides that "*There shall be a chief executive officer of the Board **who shall be recruited by the Board through a competitive process** and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.*"
11. THAT the role of the National Assembly in the recruitment process of the Chief Executive Officer of the NG-CDF Board is merely to approve the appointment made by the Cabinet Secretary.
12. THAT the allegations of bias in the National Assembly in my favor are unfounded considering that during the interviews conducted by the NG-CDF Board, I emerged the



top candidate among the 7 shortlisted candidates where I led with a score of 93%. The second candidate, Prof. Abdille scored 73.3% while the 3<sup>rd</sup> candidate, Mr. Jacton Omulo Akelo, scored 66.35%. It is a matter of common sense that the essence of recruitment through a competitive process is to select the best candidate to take a position. It beats logic for the Petitioners to fantasize that the National Assembly should have approved the appointment of a candidate who scored 66.35% or even 73.3% when I had floored them during the interviews by scoring a whopping 93%.

13. **THAT** without prejudice to the foregoing, I would like to state that it is not my responsibility to direct parliamentarians how to treat persons who appear before them. The purpose of vetting by parliament is to ensure that the most qualified and morally fit candidate ascends to a given position. Based on my score during the interview with the NG-CDF Board, I was the most qualified candidate. Further, the Petitioners have not raised any issues about my moral fitness to hold the office. Accordingly, their claim of biasness in the National Assembly is baseless. The issues raised by the Petitioners clearly indicate that they favored the candidature of Prof. Abdille and/or Mr. Jacton Omulo and they are trying to lobby for their appointment through this Petition.
14. **THAT** in response to paragraphs 8, 9, 10, and 11 of the Petition as well as paragraphs 9, 10, 11, and 12 of the Petitioner's Supporting Affidavit, I would like to state that my only allegiance is to the people of Kenya whom I am constitutionally mandated to serve. Further, I would like to state that for the years I have served in the office of the Chief Executive Officer of the NG-CDF Board in an acting capacity, I have never been accused of favoritism. The Petitioners have not adduced any evidence to show my history of favoring others. There is no evidence to suggest that I am likely to favor MPs simply because the National Assembly Approved my appointment. My predecessors went through the same process of vetting and I am made to wonder why the Petitioners believe I should not go through the same.
15. **THAT** in further reply to paragraphs 8, 9, 10, and 11 of the Petition and paragraphs 9, 10, 11, and 12 of the Petitioner's Supporting Affidavit, I would like to state that the National Government Constituency's Development Fund Act clearly stipulates the roles of the Chief Executive Officer of the NG-CDF Board. Section 20(3) of the Act provides that "The





*chief executive officer shall subject to the directions of the Board. be responsible for the day to day management of the affairs and staff of the Board.”* However, just like any other agencies in the Executive Arm of Government, the Board is subject to the oversight role of Parliament. Section 18(3) of the Act requires the NG-CDF Board to refer policy issues to the Cabinet Secretary. Accordingly, my office will be subject to oversight by parliament and the NG-CDF Board.

16. **THAT** in response to paragraphs 12 and 13 of the Petition and paragraphs 13 and 14 of the Petitioner’s Supporting Affidavit, I would like to state that I have never served as a substantive holder of the office of the Chief Executive Officer of the NG-CDF Board. I have only served in an acting capacity. There are no specifications as to the exact term limit for an acting CEO of the NG-CDF Board. A substantive holder of the office is appointed by the NG-CDF Board through a competitive process. I have never gone through such a recruitment before. Accordingly, I qualify to be appointed as the substantive holder of the office after serving in an acting capacity.
17. **THAT** in response to paragraphs 17 and 18 of the Petition and paragraphs 17, 18, 19, and 20 of the Petitioner’s Supporting Affidavit, the allegations of fraudulent withdrawals from the NG-CDF Board Account are a misrepresentation of the contents of the Auditor General’s Report. The payment in the Bank not captured in the cashbook as stated in the Auditor General’s report are as a result of cybercrime by external fraudsters alien to the Board. Some were arrested by the Banking Fraud Investigation Unit and charged in court. The case is still on-going and the officers of the Board are key witnesses.
18. **THAT** in further reply to paragraph 19 of the Petitioner’s Supporting Affidavit, I would like to state that my appointment to the office of the CEO of the NG-CDF Board was done in accordance with the law, through a competitive recruitment process.
19. **THAT** in light of the foregoing, the orders and declarations sought by the petitioner are untenable as the entire application and petition are premised on falsehood, misrepresentation, and misinterpretation of the law.



20. THAT what is deponed herein is true to the best of my knowledge, information, and belief.

SWORN at NAIROBI by the said )

YUSUF MBUNO )

This 23<sup>RD</sup> Day of April 2020 )

BEFORE ME: )

COMMISSIONER FOR OATHS )



DEPONENT



DRAWN BY:  
Yusuf Mbuno,  
P.O. Box 9876-00200  
NAIROBI



To:

The National Assembly of Kenya  
C/O The Clerk Kenya National Assembly  
Parliament Buildings,  
P.O Box 41842 - 00100,  
NAIROBI, KENYA

Date: 23.04.2020

PETITION TO PARLIAMENT

UNDER ARTICLES ARTICLE 259 (3)(b), 37 AND 119 OF THE CONSTITUTION,  
PETITION TO PARLIAMENT (PROCEDURES) ACT AND STANDING ORDERS 219,223  
OF THE NATIONAL ASSEMBLY ON INVOLVEMENT IN THE LEGISLATIVE  
AND OTHER BUSINESS OF PARLIAMENT IN ACCORDANCE WITH ARTICLE 118(b)

AND

IN THE MATTER OF CHALLENGING NOMINATION OF MR MBUNO AS CEO OF NG-

CDF

BECAUSE IT VIOLATES THE STATUTES & THE CONSTITUTION OF KENYA (2010)

REPLYING AFFIDAVIT TO THE PETITION AND THE PETITIONER'S SUPPORTING  
AFFIDAVIT

I, YUSUF MBUNO, a resident of Nairobi and of Post Office Box 9876-00200 NAIROBI do hereby make oath and state as follows:

1. THAT I am the Chief Manager-Programs and serving as the Acting Chief Executive Officer of the National Government Constituencies Development Fund Board (hereinafter "the NG-CDF Board").
2. THAT I am also the person nominated by the Cabinet Secretary in charge of the National Treasury and Planning for appointment as the Chief Executive Officer of the NG-CDF Board and the subject of a Petition dated 20<sup>th</sup> April, 2020 filed by one Sam Kinyua and four other petitioners, seeking to challenge my nomination for appointment to the



position of the Chief Executive Officer of NG-CDF Board. That I am well versed with the facts elicited in the said Petition and, therefore, competent to swear this Affidavit.

3. **THAT** the Petition is scandalous and frivolous with the sole aim of causing mayhem and disrupt a constitutional process that was initiated legally and performed within the confines of the laws of Kenya as regards to due process.
4. **THAT** in response to paragraphs 1 and 2 of the Petition and paragraphs 3 and 4 of the Petitioner's Supporting Affidavit, I would like to state that the Petitioner's main issue is with the alleged ambiguities in our legislation and not my fitness to be appointed as the Chief Executive Officer of the NG-CDF Board. If the Petitioners want an amendment to our laws, they should follow the correct procedure. The Petitioners' move to oppose my appointment is not made in good faith, considering that my appointment has been made with strict adherence and compliance with the existing laws.
5. **THAT** in further response to paragraphs 1 and 2 of the Petition and paragraphs 3 and 4 of the Petitioner's Supporting Affidavit, I would like to state that Section 20(1) of the NG-CDF Act establishes the office of the chief executive officer of the NG-CDF Board and the process of his recruitment. The section provides that the NG-CDF Board CEO "*shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.*" Section 20(4) provides that the CEO recruited as per the provisions of the section shall serve for a period of three years, renewable once. Accordingly, the later provision sets a term limit for the CEO to a maximum of six years.
6. **THAT** in addition to the foregoing answers to paragraphs 1 and 2 of the Petition and paragraphs 3 and 4 of the Petitioner's Supporting Affidavit, I would like to inform this Honorable house that I have NEVER been recruited as CEO of the NG-CDF Board as per the dictates of Section 20(1) of the NG-CDF Act. All along, I have been serving in an acting capacity. A person serving in an acting capacity is not subject to term limits associated with that office. Only a substantive holder of an office is subject to term limits of an office. There is **NO** law that I know of which stops a person serving in an acting





capacity from applying to be considered for appointment as a substantive holder of that same office.

7. **THAT** the rationale for appointing someone to hold an office in an acting capacity is simply to ensure the smooth running of an office and to avoid a vacuum that would cripple service delivery. The most important thing to note is that a person holds office in an acting capacity while he/she awaits the relevant authorities to nominate and appoint a substantive holder of that office. Similarly, I have been serving as the Acting CEO of the NG-CDF Board awaiting the relevant authorities to appoint a substantive holder. I cannot be blamed for the length of time I have served in an acting capacity. Further, there is no law that automatically changed my status from acting CEO of NG-CDF to a substantive CEO as the Petitioners claim. The office of the CEO NG-CDF Board is established under the NG-CDF Act and any appointment to that office should be made according to that Act.
  
8. **THAT** in any case, an employee is supposed to hold office as per the terms and conditions of the engagement contract. The letter of appointment appointing me to serve as the CEO of the NG-CDF Board in an acting capacity clearly stated that I was appointed to hold office until such a time when the office was to be filled substantially. Accordingly, the term and conditions of the letter of appointment stipulate the term limit, which is "until such a time when the position is filled by a substantive holder." The terms exclude the application of section 20(4) of the NG-CDF Act, which only applies to a substantive holder of the office. Additionally, the fact that I served the office in an acting capacity does not by itself stop or exclude me from applying to be considered for appointment as a substantive holder of the office. It is clear that the Petitioners misread and misinterpreted our laws.
  
9. **THAT** in response to paragraphs 4 and 5 of the Petition and Paragraphs 6 and 7 of the Petitioner's Supporting Affidavit, I would like to reiterate the contents of paragraphs 4, 5, 6, 7, and 8 of this Reply Affidavit and further accentuate that the Petitioners have clearly misconstrued our laws.
  
10. **THAT** the claims made in paragraphs 6, 7, and 8 of the Petition and paragraphs 8, 9, and 10 of the Petitioner's Supporting Affidavit are a classic demonstration that the Petitioners



are clueless and have a shallow understanding about the roles one performs while serving in an acting capacity. Section 2 of the Public Service Commission Act, 2017 defines “acting appointment” to mean *temporary conferment upon a public officer, by the Commission or the relevant appointing authority, the power to perform duties of a public office other than the office the officer is substantively appointed to hold, while the public officer continues to hold the substantive appointment.* Accordingly, the mere fact that I performed the roles of a NG-CDF Board CEO does not mean I automatically became a substantive holder of that office. An acting officer performs similar roles that a substantive holder of that office would have performed, but on temporary terms.

11. THAT in response to paragraphs 9, 10, 11, and 12 of the Petition and paragraphs 11, 12, 13 and 14 of the Petitioner’s Supporting Affidavit, I would like to reiterate the contents of paragraphs 4, 5, 6, 7, and 8 of this Reply Affidavit and further states that the law allows me to apply and be considered for appointment to the position of the CEO NG-CDF Board. This is in consideration that I have never been appointed to the office according to our laws. If the Petitioners feel aggrieved by the laws that allow my appointment, then they should challenge the constitutionality of those laws or request their amendment. Such requests should be formally tabled to Parliament for consideration and not by way of challenging my appointment.
12. THAT the Petitioners’ claims contained in paragraph 13 of the Petition is a clear misapprehension of paragraph C.14(1)-(9) of the Human Resource Policies and Procedure Manual for the Public Service Commission. The paragraph deals with allowances paid to an officer serving in an acting capacity and nothing further.
13. THAT in response to paragraphs 14, 15, and 16 of the Petition and paragraphs 15, 16, 17, and 18 of the Petitioner’s Supporting Affidavit, I would like to reiterate the contents of paragraphs 4, 5, 6, 7, and 8 of this Replying Affidavit and further state the Board is an independent body and I cannot by any means whatsoever influence its decision in the recruitment process. The petitioners are merely speculating without any form of evidence to prove I could possibly influence the decision of the Board. It is appalling that the



Petitioners could table a petition of this magnitude to this Honorable House based on pure speculations and outright misapprehension of our laws.

14. **THAT** paragraphs 17 and 18 of the Petition and paragraphs 18 and 19 of the Petitioners' Supporting Affidavit are based on a fallacious interpretation of our laws and I urge this Honorable House to treat them with the contempt they deserve.
  
15. **THAT** comparing the office of the NG-CDF Board CEO to that of other constitutional bodies as the Petitioners have done in paragraph 19 of the Petition and paragraph 20 of the Supporting Affidavit is a clear indication that the Petitioners are misguided. The office of the NG-CDF Board CEO is established under the NG-CDF Act and the terms of service and stipulated therein. The other referenced bodies are established under different Acts of Parliament, which also specify the terms of office. A comparison of the offices cannot be afforded as the laws stipulate different terms for different offices based on the unique needs and demands of each office. Furthermore, the officers mentioned were substantive holders of the respective offices, unlike in my case where I have been serving in an acting capacity awaiting a competitive recruitment process as provided under Section 20(1) of the NG-CDF Act.
  
16. **THAT** in paragraphs 21 and 22 of the Petition and paragraph 22 and 23 of the Petitioner's Supporting Affidavit, the Petitioners correctly acknowledge that the matters elicited in their Petition are subject to an on-going litigation in the High Court. Accordingly, any further hearing of this Petition is in violation of our *Sub Judice* laws as well as **Standing Order No. 89** of The National Assembly Standing Orders as adopted by the National Assembly on 9th January, 2013 during the Fourth Session of the Tenth Parliament. The Standing Order prohibits members from referring to any particular matter which is *Sub Judice*. A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination. To avoid violating the *Sub Judice* Rule, the best action is for the Petitioners to apply to be added as interested parties in the on-going High Court Petition.









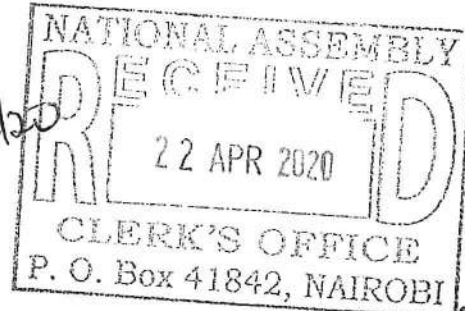
Page 1 of 1

(2) KIOKIO  
to notify the  
nominee  
urgently  
FA 22/4/20

(3) EMERSON  
please note  
FA 22/4/20

To:

The National Assembly of Kenya  
C/O The Clerk Kenya National Assembly  
Parliament Buildings,  
P.O Box 41842 - 00100,  
Nairobi, Kenya.



20.04.2020

PETITION TO PARLIAMENT

(1) D/...  
to bring to  
the  
attention  
of  
the  
CNA  
20/4/20

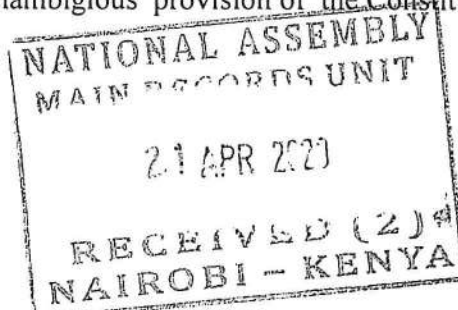
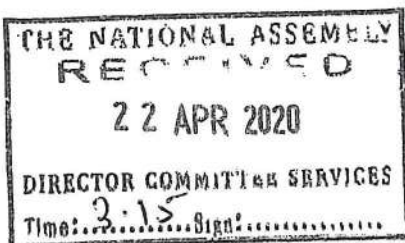
UNDER ARTICLES ARTICLE 259 (3)(b), 37 AND 119 OF THE CONSTITUTION, PETITION  
TO PARLIAMENT (PROCEDURES) ACT AND STANDING ORDERS 219,223 OF THE  
NATIONAL ASSEMBLY ON INVOLVEMENT IN THE LEGISLATIVE  
AND OTHER BUSINESS OF PARLIAMENT IN ACCORDANCE WITH ARTICLE 118(b)  
AND  
IN THE MATTER OF CHALLENGING NOMINATION OF MR MBUNO AS CEO OF NG-  
CDF  
BECAUSE IT VIOLATES THE STATUTES & THE CONSTITUTION OF KENYA (2010)

We the undersigned deponents,

Citizens of Kenya, representing individuals listed herein below, wish in the interest of the republic, to lodge this petition concerning the appointment of the Chief Executive Officer of The Board of the National Government Constituency's Development Fund Board under section 20 of the National Government Constituency's Development Fund Act.

We bring the attention of the August House to the critical provisions of the law and constitution of Kenya that would otherwise be violated, if Mr Yusuf Mbuno was to be appointed;

1. **THAT**, under article 259 (3)(b) of the Constitution of Kenya, which is couched in mandatory terms – “..SHALL..” it is provided that; “any reference to a state or other public office or officer, or a person holding such an office, includes a reference to the person acting in or otherwise performing the functions of the office at any particular time.”
2. **THAT** as it is, as far as Mr Yusuf Mbuno's (intended) appointment is concerned, it is in violation of article 259 (3)(b) of the unambiguous provision of the Constitution for the reasons **THAT**;





- a) *The law provides under the National Government Constituencies Development Fund Act, section 20 (4) THAT the holder of the office shall serve for three (3) years, THAT is renewable once.*
  - b) *Mr. Yusuf Mbuno has stayed to act since 2011 and has remained for 8 years consecutively in acting capacity, contrary to the law.*
  - c) *Thus, he has not only served beyond the normal term of three years THAT is renewable once -to 6 years, but he has illegally gone beyond the maximum term by two years.*
  - d) *That if he were to be confirmed he will not only be serving not only twice above the time limit, but by an outrageous extension of 8years –assuming he is confirmed and then, he takes the position that his term is beginning afresh.*
  - e) *In any case, in matters of employment, if one serves beyond six (6) months in given position, it's deemed that you have assumed the substantive role of that job.*
3. THAT as stated, the period of service of the CEO both in the NGCD Fund act and the Constitution is couched in mandatory term “..SHALL..”
  4. THAT we humbly submit that Mr Mbuno is not above the law nor is he exempted by the Constitution.
  5. THAT Mr Mbuno is not supposed to be allowed to use technicalities to perpetuate mischief or violate the express statutory provisions and the Constitution.
  6. THAT in the NGCD Fund Act, it is provided in Section 20, sub-section 3 that “..the CEO shall be responsible for the day to day management the affairs of the Board.”
  7. THAT it is also provided in Section 13(3) of the NGCD Fund Act that “the signing instructions shall be such that the signature of the CEO SHALL be mandatory on all payment cheques and/or instruments intended for actual release of money from the fund.”
  8. THAT the afore stated functions in our paragraph 6 & 7 is exactly the duties that Mr Mbuno has been discharging for the last 8 and a half years.
  9. THAT as per article 259 of the Constitution which is also couched in mandatory terms “..SHALL..” Mr Mbuno has not only served the stipulated term, but has already exceeded it by two years.
  10. THAT it is an understatement to state that there are queries about Mr Mbuno’s tenure.
  11. THAT in the event Mr mbuno submits that he has not been the CEO, then he wants to use a technicality contrary to the provisions of the new Constitution..... or in the alternative, he wants to benefit from an illegality.
  12. THAT Mr Mbuno is estopped from further serving as the CEO to the fund.
  13. THAT further Mr. Mbuno’s tenure in office violates the spirit and intention of Human Resource Policies and Procedure Manual for the public service(May,2016). para.c14(1)-(9)
  14. THAT Mr Mbuno had been seconded by the Ministry of Planning during the time that Hon. Wycliff Oparanya served as Minister of planning eight (8) years ago and has acted in that role for the aforesaid period.
  15. THAT I have reason to believe that Mr Mbuno has had his time at the fund having served if for the past eight (8) years as opposed to the maximum of six years prescribed by sub-section 4 of Section 20 of the Governing Act.



- i) ***THAT*** if he were to be confirmed he will not only be serving not only twice above the time limit, but by an outrageous extension of 8 years – assuming he is confirmed and then, he takes the position that his term is beginning afresh.
- j) ***THAT*** In any case, in matters of employment, if one serves beyond six (6) months in given position, it's deemed that you have assumed the substantive role of that job.
5. **THAT** as stated, the period of service of the CEO both in the NGCD Fund act and the Constitution is couched in mandatory term “**..SHALL...**”
  6. **THAT** we humbly submit that Mr Mbuno is not above the law nor is he exempted by the Constitution.
  7. **THAT** Mr Mbuno is not supposed to be allowed to use technicalities to perpetuate mischief or violate the express statues and the Constitution.
  8. **THAT** in the NGCD Fund Act, it is provided in Section 20, sub-section 3 that “..the CEO shall be responsible for the day to day management the affairs of the Board.”
  9. **THAT** it is also provided in Section 13(3) of the NGCD Fund Act that “the signing instructions shall be such that the signature of the CEO SHALL be mandatory on all payment cheques and/or instruments intended for actual release of money from the fund.”
  10. **THAT** the afore stated functions in our paragraph 4 & 5 is exactly the duties that Mr Mbuno has been discharging for the last 8 and a half years.
  11. **THAT** as per article 259 of the Constitution which is also couched in mandatory terms “**..SHALL..**” **Mr Mbuno has not only served the stipulated term, but has already exceeded it by two years.**
  12. **THAT** it is an understatement to state that there are queries about Mr Mbuno’s tenure.
  13. **THAT** in the event Mr Mbuno submits that he has not been the CEO, then he wants to use a technicality contrary to the provisions of the new Constitution..... or in the alternative, he wants to benefit from an illegality.
  14. **THAT** Mr Mbuno is estopped from further serving as the CEO to the fund.
  15. **THAT** Mr Mbuno had been seconded by the Ministry of Planning during the time that Hon. Wycliff Oparanya served as Minister of planning eight (8) years ago and has acted in that role for the aforesaid period.
  16. **THAT** I have reason to believe that Mr Mbuno has had his time at the fund having served if for the past eight (8) years as opposed to the maximum of six years prescribed by sub-section 4 of Section 20 of the Governing Act.
  17. **THAT** further, Mr Mbuno having been the acting head of the fund for the past eight years and having worked together with the Fund Board for the aforesaid Period of time has influence on the board and will not be competitively selected due to his influence.
  18. **THAT** I sincerely believe that apart from the violation of the Constitution, Section 20 (4) sub-section one cannot and will not be complied with it if the said Mr Mbuno were to be allowed to present himself for selection to head the fund for that he now commands in the influence GMV the board and staff he has been working with the past eight years.
  19. **THAT** I believe the best thing for Mr Mbuno is to step down in view of his aforesaid past stint at the fund so that competitiveness can be seen to having been applied in the recruitment to



head the Fund, Mr Mbuno should have therefore done the honourable thing by not offering himself for recruitment to head the fund as the Chief Executive Office.

20. **THAT** it is noted that he has remained in one position for unusually long period of time and that in the said period others holding constitutional office have either retired or moved on to other roles;
- d) Mrs Agnes Odhiambo who was the previous CEO of the same body went on to serve as the Controller of budget and has retired having served her time
  - e) Hon. Wycliff Oparanya having served as Minister in Kibaki's government, is serving his second term as governor of Kakamega.

21. **THAT** there is grave concern as to why Mr Mbuno has stuck in the same office for so long and this is a matter that has i) been raised in parliament severally as per hansard for. *March, 2019*

22. **THAT** the same concern has also been subject of litigation in the High Court of Kenya see...

23. **THAT** there are now good grounds to question exactly as to how and why Mr Mbuno has retained his position illegally.

24. **THAT** be as it may, the Hon. CS. Finance, cannot breath life into Mr Yusuf Mbuno, for the latter having served beyond (6) years. In case he wants to continue serving the government, he ought to be redeployed but in the alternative, he retires and seek his terminal benefits.

25. **THAT** there are precedents in that if one serves for a period that covers the term limit, you are re-deployed by the appointing authority. that was the case with a previous officer who was once holding the post of CEO to NGCD Fund Act.

26. **THAT** it is evident that the framers of the constitution never intended that out of technicality or for whatever reason, CEO to the fund should never hold the office in perpetuity.

27. **THAT** further if Mr. Yusuf Mbuno is appointed to this position it will have been prejudicial to the competitive process.

28. **THAT** if the Mr. Yusuf Mbuno is to be appointed, the working of the body will be premised on a wrong LEGAL foundation.

29. **THAT** now annexed and marked:

- i) SA-1are relevant excerpts of law
  - ii) Financial report(s) bearing Mr Yusuf Mbuno signature (a demonstration
  - iii) Human Resource Policies and Procedure Manual for the public service (May,2016).
- Porg.c14(1)-(9)









ANNEX 4

REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
Fax: +254-020-243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

NATIONAL ASSEMBLY

Ref.NA/DCS/NG-CDF/013/2020

15<sup>th</sup> April, 2020

Mr. Yusuf Mbuno  
P.O. Box 9876-00200  
**NAIROBI**  
Tel. No. 0722-990106/0733-832155  
Email: [ymbuno@ngcdf.go.ke](mailto:ymbuno@ngcdf.go.ke); [ymbuno@yahoo.com](mailto:ymbuno@yahoo.com)

Dear *Mr. Mbuno,*

RE: INVITATION FOR VETTING INVITATION BY THE SELECT COMMITTEE ON  
NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND

Following your nomination by the Cabinet Secretary for National Treasury for appointment as the **Chief executive officer** of the National Government Constituency Development Fund Board, the **select Committee on National Government Constituency Development Fund** of the National Assembly hereby invites you for vetting pursuant to provisions of section 6(3) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) on **Thursday, 23<sup>rd</sup> April, 2020**. The approval hearing will be held in the **Mini-chamber, First Floor, County Hall, Parliament Buildings at 10.00 am**.

Kindly fill the attached questionnaire as required by the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and return it on or before **Tuesday, 21<sup>st</sup> April, 2020 at 5:00 pm**.

You are requested to appear for vetting with your original national identity card, academic and professional certificates and other relevant testimonials. In addition, you should appear with letters/certificates of clearance/compliance from the following:-

1. Ethics and Anti-Corruption Commission;
2. Kenya Revenue Authority;
3. Higher Education Loans Board;
4. Directorate of Criminal Investigations; and
5. Any of the Credit Reference Bureaus.

The liaison officer facilitating this matter is **Mr. Johnston Kioko, Committee Clerk** who may be contacted on **Tel. No. 0722-556-382** or Email address: [kiokojohnstonm@gmail.com](mailto:kiokojohnstonm@gmail.com)

Yours

*Sincerely,*  
*[Signature]*

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



## **CURRICULUM VITAE**

**Yusuf Mbuno**  
**P.O. Box 9876 – 00200**  
**NAIROBI**  
**KENYA**

**Cell phone No. +254722990106**  
**Or: +254733832155**  
**Email: [ymbuno@yahoo.com](mailto:ymbuno@yahoo.com)**  
**Or: [ymbuno@ngcdf.go.ke](mailto:ymbuno@ngcdf.go.ke)**

### **1.) PERSONAL DETAILS**

**DATE OF BIRTH:** 27<sup>th</sup>April 1966  
**NATIONALITY:** Kenyan  
**HOME COUNTY:** Makueni  
**HOME SUB-COUNTY:** Kibwezi  
**HOME CONSTITUENCY:** Kibwezi East  
**MARITAL STATUS:** Married

### **2.) ACADEMIC BACKGROUND**

**2008 \_ To date:** Kenyatta University. Doctor of Philosophy in Economics (on-going)

**2004 – 2006:** University of Nairobi. Awarded Master of Arts degree in Economics

**1987 – 1990:** University of Nairobi. Awarded Bachelor of Arts degree in Economics, Second class honours upper division.

**1884 – 1985:** Kenyatta High School – Taita. Passed Kenya Advanced Certificate of Education (K.A.C.E) examination and qualified for direct University admission.

**1980 – 1983:** Joanna Chase Secondary School. Passed Kenya Certificate of Education (K.C.E) examination and proceeded to Advanced level School education.

**1973 – 1979:** Ngwata Primary School. Passed Certificate of Primary Education (C.P.E) examination and proceeded to ordinary level school education.

### 3.) POST-QUALIFICATION TRAINING

Place/ country	Institution	Course title	Period		Certificates obtained/Durati on
			Month/Year	Month/Year	
Singapore	Singapore Institute of Management/KIM	<i>Leadership Programme for Organisational Excellence</i>	2017	2017	Certificate, one week
Matuga, Kenya	Kenya School of Government	<i>Accounting Officers' Programme</i>	12/2017	12/2017	Certificate, one week
Machakos, Kenya	Kenya Institute of Management	<i>Monitoring and Evaluation Training (for Board Directors and Heads of Department)</i>	10/2016	10/2016	Certificate, three days course
Dubai, United Arab Emirates	Kenya Institute of Management	<i>Advanced Leadership Programme (for Board Directors and Senior Management)</i>	10/2016	10/2016	Certificate, one week course.
Mombasa, Kenya	State Corporations Advisory Committee (SCAC)	<i>Induction Programme for Boards of State Corporations on MWONGOZO Code of Governance.</i>	10/2015	10/2015	Certificate, three days course
Nairobi, Kenya	Chartered Institute of Arbitrators	<i>Introduction to Arbitration and Alternative Dispute Resolution (ADR)</i>	04/2014	04/2014	Certificate, two days course
Nairobi, Kenya	Millennium Management Consultants	<i>ISO 9001:2008 Quality Management System (QMS) Internal Quality Auditor training course</i>	06/2011	06/2011	Certificate, one week course.
Mombasa, Kenya	Centre for Corporate Governance (CCG)	<i>Corporate Governance Training</i>	11/2011	11/2011	Certificate, one week course
Kisumu, Kenya	Institute of Economic Affairs	<i>Constituency Strategic Planning</i>	05/2011	05/2011	Certificate, One week course.
Kuala Lumpur, Malaysia	Malaysian Technical Coop.	<i>Poverty Alleviation (Malaysian experience)</i>	04/2008	04/2008	Certificate, 3weeks course.
Nairobi, Kenya	Ethics and Anti-corruption Commission	<i>Integrity Assurance Officers' course</i>	04/2008	04/2008	Certificate, one five days course

Place/ country	Institution	Course title	Period		Certificates obtained/Durati on
			Month/Year	Month/Year	
Nairobi, Kenya	Kenya Institute of Administration	<i>Strategic Leadership Development Programme</i>	07/2007	08/2007	Certificate, 6 weeks course.
Nairobi, Kenya	JICA/MPND	<i>District Development Planning</i>	05/2007	05/2007	Certificate, one week
Nairobi, Kenya	Kenya Institute of Administration	<i>Computer Application to Data Management</i>	03/2004	03/2004	Certificate, 4 weeks
Kilifi, Kenya	National Organisation of Peer Educators/ FHI/USAID	<i>Peer Education Course</i>	10/2003	10/2003	Certificate, one week
Mombasa, Kenya	Government Training Institute	<i>Induction Course for Ag. Procurement Officers</i>	06/2003	06/2003	Certificate, one week
Nairobi, Kenya	Oxfam (GB)/ Iceberg Consultants Africa	<i>Project Planning and Management Workshop</i>	03/2003	03/2003	Certificate, one week
Mombasa, Kenya	Kenya Food Security Steering Group	<i>Disaster Management Capacity Building</i>	03/2003	03/2003	Certificate, one week
Mombasa, Kenya	GTZ	<i>Project Cycle Management/Objective Oriented Project Planning</i>	09/1999	09/1999	Certificate, one week
Mombasa, Kenya	Kenya Institute of Administration	<i>Project Cycle Management and Public Investment Programme</i>	09/1999	09/1999	Certificate, one week
Mombasa, Kenya	IFAD/Treasury	<i>Financial Management</i>	11/1997	11/1997	Certificate, one week
Mombasa, Kenya	Kenya Institute of Administration	<i>Trainers of Trainers course on DFRD/SDD</i>	03/1997	03/1997	Certificate, one week
Norwich, UK	University of East Anglia	<i>Monitoring and Evaluation of Public Sector Projects and Programmes</i>	07/1995	09/1995	Certificate, 8 weeks
Arusha, Tanzania	UNDP/OPS	<i>Beneficiary Monitoring of Project Impact</i>	09/1994	10/1994	Certificate, one week

#### **4.) PERSONAL ATTRIBUTES**

Self-Driven, professionally passionate, results focused Strategic thinker, visionary, Team leader, Transformative, empathetic, and technically competent Leader with exceptional interpersonal skills.

#### **5.) PROFESSIONAL EXPERIENCE**

**2011to date:**        **Acting Chief Executive Officer, NG-CDF Board**

##### **Duties and Responsibilities**

- Provides Strategic leadership to the Board for achievement of the organization's mandate;
- Execution of day to day business of the organisation;
- Guidance in the development of the Board's financial and operational systems including procedures and controls;
- Leadership in Human Resource Management and Development, including ensuring appropriate management structures and policies are in place and operational for effective and sustainable growth;
- Monitoring of the organisation's performance.
- Developing appropriate Organisationalculture that promotes strong ethical practices, good governance and employee satisfaction ;
- Coaching, mentoring, and providing Transformative leadership for a winning team for effective and efficient performance;
- Advises the Board on organisation'sperformance and any matter pertinent to the organisational strategy;
- Management of relationships and networks with stakeholders, including Members of National Assembly, The National Treasury and Planning, Implementing ministries, Independent Constitutional Commissions/offices, Civil Society, Private Sector, National Government CDF Committees, Development Partners and the community in general.
- Accounting Officer of the Board;
- Leadership in Financial Planning, Budget implementation and financial reporting;
- Leadership in Performance Management

**2010 - 2011:**        National Programme Coordinator, National Government Constituencies Development Fund (NG-CDF) Board.



### **Duties and Responsibilities**

Head of Programmes and Field Services Coordination Department, also deputising the Chief Executive Officer.

Specific Duties:

- Directing and Supervising the Board's Field activities, including project identification, planning, implementation, Monitoring and Evaluation;
- Providing Leadership in the Review of Project Proposals;
- Supervising NG-CDF Board Field staff in all constituencies and 9 Regional offices;
- Design, Review and Evaluate departmental training programme;
- Monitor organisational Performance against the Departmental targets and advise the management on strategies to improve service delivery;
- Provide leadership in the development and implementation of effective Monitoring and implementation of NG-CDF financed projects;
- Capacity building of NG-CDF Committees from the Constituency to the National level;
- Entrenching Strategic Planning approach in NG-CDF and coordination of development and implementation of Constituency Strategic Plans.

**2009 - 2010:**

Deployed to the Ministry of Lands as Head, Central Planning and Monitoring Unit, rising to the Rank of Chief Economist (Job Group R).

### **Duties and Responsibilities**

Responsible to the Permanent Secretary for:

- Coordination of ministerial Development functions;
- Planning, Management and Development of Human Resource in Central Planning division;
- Guidance of preparation of the annual Ministerial Public Expenditure review report;
- Project planning, management and evaluation;

- Leader in Formulation, Review and implementation of Land sector policies;
- Linkage of the Ministry's Spatial Planning programmes to the national economic Planning framework;
- Liaison with planning Units in other ministries to ensure land policies are in harmony with other sector policies;
- Coordination of ministerial Anti-HIV and AIDS programmes.
- Coordination of Ministerial Anti-corruption initiatives
- Coordination of Ministerial Alcohol and Drug (abuse) control programme.

**2004 – 2006:** Took two year study leave to undertake M.A. course at the University of Nairobi.

- **2006-2009:** Worked at Ministry responsible for Planning and National Development Headquarters, (Nairobi) where I was promoted to the rank of Deputy Chief Economist (Job Group Q) in 2007, and assigned responsibility of heading the Field Planning Division.

#### **Duties and Responsibilities**

- Coordination of Field Development Planning services
- Development of Policy Guidelines for Field Development Planning.
- Chief Coordinator and trainer on preparation and Monitoring of the implementation of Field Development Plans.
- Ministry's liaison officer on Public Sector Reforms and Development.

**2000 – 2004:** Worked in Kilifi District as District Development Officer, rising to the rank of Principal Economist in 2004.

#### **Duties and Responsibilities**

- Secretary to District Development Committee
- Head of the District Planning Unit
- Coordination of Development Agencies programmes in the district.
- Management Committee Secretary, Kilifi District Development Programme (GTZ/GoK).
- Trainer of Trainers on Participatory Integrated Development approach.

- District AIDS Control Coordinator
- Trainer of Trainers on Peer Education in HIV/AIDS
- Focal point for mainstreaming cross-cutting issues in Development, including Disaster Risk Management, Corruption prevention, Population dynamics, Gender & Development, Disability and Development
- Secretary to the District Development Committee.

**1997 – 2000:** Worked in Lamu District as District Development Officer, rising to the rank of Senior Economist II (Job Group M) in 1998.

**Duties and Responsibilities**

- Secretary to District Development Committee
- Head of the District Planning Unit
- Coordination of all Development Agencies programmes in the district.
- Trainer of Trainers on Rural Development Programmes.
- Senior Supervisor, 1999 Population and Housing Census
- Focal point for mainstreaming cross-cutting issues in Development, including Disaster Risk Management, Corruption prevention, Population dynamics, Gender & Development, Disability and Development

**From 1991 – 2009, I served in the Ministry responsible for Planning and National Development, rising from the rank of Economist II to Deputy Chief Economist. Details are as follows: -**

**1991 – 1996:** I served in Kisii District as Economist II (Job Group K), and deployed to an IFAD/GoK funded "*Farmers Groups and Community Support Project*" as Monitoring and Evaluation Officer/Assistant District Programme Officer, rising to the rank of Economist I (Job Group L) in May 1995.

**Duties and Responsibilities**

- Project administrative duties as Deputy to the District Programme Officer.
- Coordination of the preparation of Annual Work Plan and Budget

- Collecting, collating, analysis and Maintenance of Programme Statistics for effective tracking of progress and periodic impact assessment.
- Conducting of field surveillance visits to facilitate monitoring of implementation progress.
- Preparation and submission of Quarterly Programme progress reports.

## 6.) CORE COMPETENCIES

- Economic Planning and Management
- Project Planning and Management
- Regional Development Planning
- Coordination of Development Programmes
- Programme Monitoring and Evaluation
- Policy Analysis, Formulation and Development
- Corporate Governance
- Financial Planning/Budgeting and Control
- Training/workshop facilitation skills
- Complaints handling/Alternative Dispute Resolution
- Mainstreaming key cross-cutting issues in Development including Disaster Risk Management, Organisational Risk Management, Gender & Development, HIV and AIDS Control, Disability & Development, Alcohol and Drug abuse, and Youth & development

## 7.) REFERENCES

- |  |   |  |
|--|---|--|
| <p><b>1.</b> Mr. Leonard S. Ngaluma<br/>Secretary, Commission<br/>on Administrative Justice<br/>Cell phone number<br/>0733650722 or<br/>0723839277<br/>P.O. Box 20414<br/>Postal Code 00200<br/><b>NAIROBI</b></p> | <p><b>2.</b> Mr. Benson K. Kimani<br/>Director of Planning,<br/>State Department for<br/>Planning<br/>The National Treasury<br/>and Planning,<br/>P.O. Box 30005 - 00100<br/><b>NAIROBI</b></p> | <p><b>3.</b> Mr. Lucas K. Mwanza<br/>Ag. Secretary/Chief<br/>Executive Officer<br/>Huduma Kenya<br/>Secretariat<br/>P.O. Box 30510 -00100<br/><b>NAIROBI</b></p> |
|--|---|--|



**NATIONAL ASSEMBLY**  
**TWELFTH PARLIAMENT - FOURTH SESSION**  
In the matter of approval by the National Assembly of person nominated for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board

**SUBMISSION OF MEMORANDA**

Pursuant to the provisions of section 20 of the National Government Constituencies Development Fund Act, 2015 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 35 of 2011), the Cabinet Secretary for National Treasury has nominated Mr. Yusuf Mburu for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

Following the receipt of the nomination from the Cabinet Secretary, the Select Committee on National Government Constituencies Development Fund is mandated to vet, consider, his suitability for appointment to the office and submit its report to the House for approval.

Pursuant to the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No. 35 of 2011), the Committee invites interested members of the public to submit any representation by written statement on oath (Friday) with supporting evidence contesting the suitability of the said nominee for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board

The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke, to be received on or before Wednesday, 22<sup>nd</sup> April, 2020 at 5.00 pm.

**MICHAEL R. SIALAL, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



**NATIONAL ASSEMBLY**  
**TWELFTH PARLIAMENT - FIFTH SESSION**  
In the Matter of Approval by the National Assembly of person nominated for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board

**NOTIFICATION FOR VETTING BY THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND OF PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD**

Pursuant to the provisions of section 20 of the National Government Constituencies Development Fund Act, 2015 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 35 of 2011), the Cabinet Secretary for National Treasury has nominated Mr. Mburu for appointment to the position of Chief Executive Officer of the National Government Constituencies Development Fund Board.

Pursuant to provisions of Article 118 of the Constitution and Section 5(4) of the Public Appointments (Parliamentary Approval) Act (No. 35 of 2011), the Committee invites interested members of the public to submit any representation by written statement on oath (Friday) of the said nominee on Thursday, 23<sup>rd</sup> April, 2020. The submission should be made to the Select Committee, First Floor, County Hall, Parliament Buildings at 10.05 am.

The nominee should bring the originals of his identity card, academic and professional certificates and other relevant documents. In addition, the nominee should bring relevant copies of clearance certificates from the following:-

- (i) Ethics and Anti-Corruption Commission
- (ii) Kenya's revenue Authority
- (iii) Higher Education Loans Board
- (iv) Directorate of Criminal Investigations and
- (v) Any of the Courts of Law in Kenya

**MICHAEL R. SIALAL, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



REPUBLIC OF KENYA



**KENYA NATIONAL ASSEMBLY  
COMMITTEE ON APPOINTMENTS  
CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR  
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT  
QUESTIONNAIRE**

Notes:

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

1. Name: (State full name)..... **YUSUF M BUNO**
2. Position: (State office to which you have been nominated).....  
**CHIEF EXECUTIVE OFFICER, NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND BOARD**
3. Sex:..... **MALE**
4. Date of Birth:..... (State year and place of birth)..... **27/04/1966**, **KIBWEI, MAKUENI COUNTY**
5. Marital Status:..... **MARRIED**
6. Daytime phone number:..... **0722 990106**
7. Mobile phone number:..... **0722 990106**
8. Email Address:..... **yumbuno@ngcdf.go.ke**
9. ID Number:..... **8456646**
10. PIN Number:..... **A0012414168**

11. Nationality: KENYAN  
 12. Postal Address: 9876 - 00200  
 13. Town/City: NAIROBI (Specify Languages):

14. Knowledge of Languages: ENGLISH, KISWAHILI, LAMBA

15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

- 1) KENYATTA UNIVERSITY, 2008 TO DATE. PH.D (ECONOMICS)
- 2) UNIVERSITY OF NAIROBI, 2004-2006. M.A (ECONOMICS)
- 3) UNIVERSITY OF EAST ANGLIA, UK, 1995. CERTIFICATE (MPE)
- 4) UNIVERSITY OF NAIROBI, 1987-1990. B.A. (ECONOMICS)
- 5) KENYATTA HIGH SCHOOL - TAITA (ADVANCED LEVEL SCHOOL)
- 6) JOANNA CHASE SEC. SCHOOL (O-LEVEL) 1980-1983
- 7) NGWATA PRIMARY SCHOOL (1973-1979)

Employment Record: (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant).

- 1) ACTING CHIEF EXECUTIVE, NG-CDF BOARD, 2011 TO DATE
- 2) NATIONAL PROGRAMME COORDINATOR, NG-CDF BOARD, 2010-2011
- 3) MINISTRY OF LANDS, HEAD - CENTRAL PLANNING UNIT, 2009-2010 (CHIEF ECONOMIST)
- 4) STATE DEPARTMENT FOR PLANNING, HEAD - PLANNING DIVISION (DEPUTY CHIEF EXECUTIVE), 2006-2009
- 5) STATE DEPT. FOR PLANNING (1991-2004) DISTRICT OFFICER, (K, L, F & LAMU), IFAD/GOLF MPE OFFICER

16. Honours and Awards: (List any scholarships, fellowships, honorary degrees, academic or professional honours, honorary society memberships, and any other special recognition for outstanding service or achievement and in respect of each, state the date of award and the institution or organization that made the award).

- GOLF SCHOLARSHIP FOR UNDERGRADUATE STUDENT, UNIVERSITY OF NAIROBI
- GOLF M.A. SCHOLARSHIP, UNIVERSITY OF NAIROBI







.....  
.....  
.....  
.....  
.....  
.....

17. **Professional Association** (where applicable): (List all professional associations of which you are or have a member and give any positions held and the respective dates when each such position was held).

MEMBER, ECONOMISTS SOCIETY OF KENYA

18. **Memberships:** (List all professional, business, fraternal, scholarly, civic, and charitable or other organizations, (other than those listed in response to Question 16) to which you belong or have belonged).

1) MEMBER, BOARD OF MANAGEMENT, JOANNA CHASE SECONDARY SCHOOL (2016 TO DATE)

2) MEMBER, BOARD OF MANAGEMENT KYANI SECONDARY SCHOOL, (2016 TO DATE)

19. **Published Writings:**

(a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

1) FACTORS DETERMINING CHILDHOOD IMMUNISATION IN THE COAST PROVINCE OF KENYA, 2006, UNIVERSITY OF NAIROBI

2) DISTRICT PLANNING HANDBOOK, MINISTRY OF PLANNING (LEAD AUTHOR: MBUNU Y. & KARIMI B.M.) 2006

3) KILIFI DISTRICT DEVELOPMENT PLAN (2002-2008) - MBUNU YUSUF (LEAD AUTHOR)

4) NG-CDF BOARD STRATEGIC PLAN 2016/17 - 2020/2021 (MBUNU YUSUF, LEAD AUTHOR)

(b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member.

20. Public Office, Political Activities and Affiliations:

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

- 1) AG CHIEF EXECUTIVE OFFICER, N6-CDF BOARD
- 2) CHIEF ECONOMIST/HEAD, PLANNING UNIT, MINISTRY OF LAND
- 3) DEPUTY CHIEF ECONOMIST/HEAD - FIELD PLANNING DIVISION, STATE DEPARTMENT FOR PLANNING
- 4) DISTRICT DEVELOPMENT OFFICER (LAW & KILIFI DISTRICTS)
- 5) ASSISTANT DISTRICT PROGRAMME OFFICER/MONITORING & EVALUATION OFFICER, IFAD/GOK PROJECT - KISII

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present.

NOT APPLICABLE

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution?

NO

(d) Have you ever been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties?

NO

21. Deferred Income/Future Benefits: (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc).

GRATUITY EARNINGS FROM MY CONTRACT WITH N6-CDF BOARD FOR THE PERIOD 04/07/2020

T.O DATE

22. Outside commitment during service in office: (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

NO

23. Sources of Income: (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

- 1) SALARY FROM 1ST JANUARY 2019 TO DATE: KSH. 6,322,140/
- 2) SACCO DIVIDENT EARNINGS, APPROXIMATELY 1.9 MILLION

24. Tax Status: (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment).

I AM TAX COMPLIANT

25. Statement of Net Worth: (State your financial net worth)

KSH. 58 MILLION

26. Potential Conflict of Interest:

(a) Identity the family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

NO POTENTIAL CONFLICT OF INTEREST

(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

1) BY DECLARING WHENEVER PERSONAL INTEREST APPEAR TO CONFLICT WITH MY RESPONSIBILITIES IN THE BOARD

2) BY ABSTAINING TO PARTICIPATE IN DELIBERATIONS WHERE

BY MAINTAINING A REGISTER OF CONFLICT OF INTEREST WITHIN ORGANISATION

27. Pro-Bono/Charity Work/donation to charity: (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

I HAVE CONTINUOUSLY CONTRIBUTED TO SELF HELP COMMUNITY PROJECTS AND PROGRAMMES

28. Have you ever been charged in a court or law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded.

NO

29. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years?

NO

30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

NO

31. References:

(List three persons who are not your relatives who are familiar with your character, qualification and work).

1) MR. LEONARD S. NGALUMA  
SECRETARY, COMMISSION ON ADMINISTRATIVE JUSTICE  
P.O. BOX 120414-00200 NAIROBI, 0723 83 92 77

2) MR. BENSON KINYANTUI KIMANI, DIRECTOR OF PLANNING  
STATE DEPARTMENT FOR PLANNING, BOX 30005-00100  
NAIROBI, 0723 64 90 95

3) MR. LUCAS KATIE MWANZA  
AG. SECRETARY, KUDUMA KENYA SECRETARIAT  
P.O. BOX 30510 - 00100  
NAIROBI 0736 147 329

ANNEX 5

REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
Fax: +254-020-243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

NATIONAL ASSEMBLY

Ref:NA/DCS/NG-CDF/016/2020

15<sup>th</sup> April, 2020

Mr. James Mburu  
Commissioner General  
Kenya Revenue Authority  
Times Towers, 30<sup>th</sup> Floor  
Haile Selassie Avenue  
NAIROBI

Dear Mr. Mburu,

RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Select Committee on National Government Constituency Development Fund of the National Assembly shall conduct the vetting of Mr. Yusuf Mbuno of National Identity Card No. 8456646 and KRA PIN No. A001241416S, for appointment to the position of Chief Executive Officer, National Government Constituency Development Fund Board on Thursday, 23<sup>rd</sup> April, 2020.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approvals) Act (No. 33 of 2011), the Committee is mandated to consider whether the nominee meets all constitutional and statutory requirements relating to the office in question in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

This is therefore, to request you to provide a report on tax compliance by the nominee. This information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Tuesday, 21<sup>st</sup> April, 2020.

Yours

MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY





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# KENYA REVENUE AUTHORITY

ISO 9001:2015 CERTIFIED

Office of the Commissioner General

(2) Kioko  
Please deal  
FA  
21/4/20

(3) EMEJEN  
Please note  
FA  
21/4/20

Ref: KRA/5/1002/5(2092)

16<sup>th</sup> April 2020

Mr. Michael R. Sialai, EBS  
Clerk of National Assembly  
Parliament Building  
NAIROBI

(1) D/and  
20/4/20

Dear Mr. Sialai,

## VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD

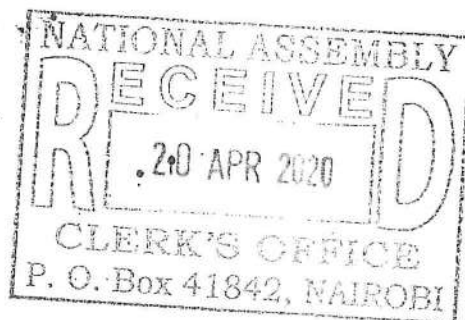
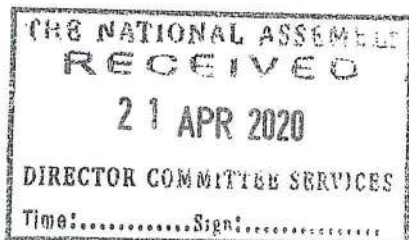
We refer to your letter Ref: NA/DCS/NG-CDF/016/2020 dated 15<sup>th</sup> April 2020 on the above subject matter and herein attached.

The compliance status of the nominee is as follows:

No.	Name	ID Number	PIN	Compliance Status
1.	Mr. Yusuf Mbuno	456646	A001241416S	Compliant

Yours sincerely,

**Githii Mburu**  
**Commissioner General**





REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
Fax: +254-020-243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

Ref:NA/DCS/NG-CDF/015/2020

15<sup>th</sup> April, 2020

Charles M. Ringera  
Chief Executive Officer  
Higher Education Loans Board  
Anniversary Towers, 18th Floor  
University way  
**NAIROBI**

Dear *Mr. Ringera*,

RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD

Article 124(4) of the Constitution provides that, "*when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House*".

The Select Committee on National Government Constituency Development Fund of the National Assembly shall conduct the vetting of **Mr. Yusuf Mbuno** of National Identity Card No. 8456646 and KRA PIN No. A0012414165, for appointment to the position of **Chief Executive Officer**, National Government Constituency Development Fund Board on **Thursday, 23<sup>rd</sup> April, 2020**.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approvals) Act (No. 33 of 2011), the Committee is mandated to consider whether the nominee meets all constitutional and statutory requirements relating to the office in question in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

This is to request you to provide a report on repayment of any loan(s) that may have been advanced by the Board to the said nominee. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by **Tuesday, 21<sup>st</sup> April, 2020**.

Yours

*Michael R. Sialai*  
*[Signature]*

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**





# HIGHER EDUCATION LOANS BOARD

Tel: 0711052000, 2278000, 0722205292, 0733205292,  
0704333035, 0704333036, 0737205292, 0754556899  
Fax: 2252330  
E-mail: ceo@helb.co.ke  
Website: www.helb.co.ke

Anniversary Towers  
18th Floor, University Way  
P.O. Box 69489-00400  
Nairobi, Kenya

**HELB/REC/21/CERT 150/33**

02<sup>nd</sup> October, 2013

**To Whom It May Concern,**

**UNIVERSITY STUDENTS' LOAN RECOVERY**  
**MBUNO YUSUF A. ID-8456646**

---

The above subject refers.

Please note that the above named person was a beneficiary of Higher Education Loans Board Scheme. His loan was fully repaid and he was given a clearance certificate **No. 2648** which he claims to be misplaced /lost.

In the event of any further queries, please do not hesitate to contact the undersigned.

Yours faithfully,

**CLAUDE MKINDI MWAIKWASI**  
**FOR: BOARD SECRETARY/CEO**





REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
Fax: +254-020-243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

Ref:NA/DCS/NG-CDF/018/2020

15<sup>th</sup> April, 2020

**Ms Anne Njeri Nderitu**  
Registrar of Political Parties  
Office of the Registrar of Political Parties  
P.O. Box 1131 - 00606  
Lions Place, 1<sup>st</sup> Floor  
Karuna Close, Waiyaki Way, Wetlands  
**NAIROBI**

Dear *Ann,*

**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Select Committee on National Government Constituency Development Fund of the National Assembly shall conduct the vetting of Mr. Yusuf Mbuno of National Identity Card No. 8456646 and KRA PIN No. A0012414165, for appointment to the position of Chief Executive Officer, National Government Constituency Development Fund Board on Thursday, 23<sup>rd</sup> April, 2020.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approvals) Act, the Committee is mandated to consider whether the nominee meets all constitutional and statutory requirements relating to the office in question in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

In view of the provisions of Article 77(2) of the Constitution which prohibits a State Officer from holding office in a political party, this is therefore to request you to provide any information on whether the nominee holds an office in a political party. This information will assist the Committee to effectively discharge its mandate. Kindly forward the information to the undersigned by Tuesday, 21<sup>st</sup> April, 2020.

Yours *Michael R. Sialai*

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**





307

② Kikoro  
Please deaf  
FA  
21/4/20



Republic of Kenya

Telephone: +254(0)204022000  
Email: [registrar@orpp.or.ke](mailto:registrar@orpp.or.ke)  
Website: [www.orpp.or.ke](http://www.orpp.or.ke)  
When replying please quote

③ Emission  
Please note  
FA  
21/4/20

Lion Place, 1<sup>st</sup> Floor  
Off Waiyaki Way  
P.O Box 1131-00606  
Sarit Centre, Nairobi.

REF: RPP/ORG/34 Vol. IV (19)

DATE: 16<sup>th</sup> April, 2020

Clerk of the National Assembly,  
Clerks Chambers, National Assembly,  
Parliament Buildings,  
P.O. Box 41842-00100,  
NAIROBI.

① D/ent  
21/4/2020

Dear Sir,

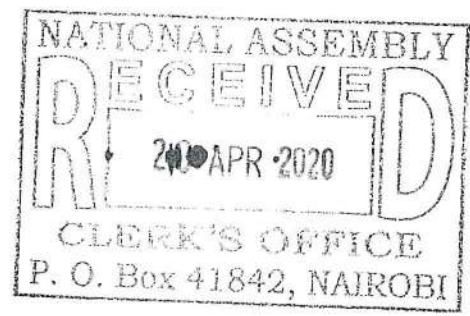
**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

Reference is made to letter Ref. NA/DCS/NG-CDF/018/2020 dated 15<sup>th</sup> April, 2020 on the above subject matter.

According to the records held by this office as at 16<sup>th</sup> April, 2020, **Mr. Yusuf Mbuno, - ID No. 8456646** is not an official of a registered political party.

Yours faithfully,

**Ann N. Nderitu, MBS**  
Registrar of Political Parties





REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
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When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

Ref:NA/DCS/NG-CDF/014/2020

15<sup>th</sup> April, 2020

Mr. George Kinoti  
Director Criminal Investigation Department  
Directorate of Criminal Investigations  
P.O. Box 30036 – 001100  
Mazigira Complex -Kiambu Road  
Opp. Forestry Department Headquarters  
**NAIROBI**

Dear *Mr. Kinoti,*

**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Select Committee on National Government Constituency Development Fund of the National Assembly shall conduct the vetting of Mr. Yusuf Mbuno of National Identity Card No. 8456646 and KRA PIN No. A001241416S, for appointment to the position of Chief Executive Officer, National Government Constituency Development Fund Board on Thursday, 23<sup>rd</sup> April, 2020.

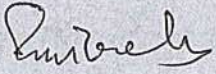
Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approvals) Act (No. 33 of 2011), the Committee is mandated to consider whether the nominee meets all constitutional and statutory requirements relating to the office in question.

Pursuant to section 6(7) of the Public Appointments (Parliamentary Approvals) Act (No. 33 of 2011), the Committee is required to consider, among other issues, personal integrity and background of the nominee in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

This is therefore to request you to provide information on whether the nominee is adversely mentioned in any investigation carried out by the Directorate in the course of discharging its mandate. Such information will assist the Committee undertake its mandate more effectively.



Kindly forward the information to the undersigned by Tuesday, 21<sup>st</sup> April, 2020.

Yours 



MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY



# NATIONAL POLICE SERVICE

Telegrams: "IDENT CRIMINAL". Nairobi  
Telephone: 020-8512089/98  
Fax: 020-2606149  
E-mail: [identsnbi@gmail.com](mailto:identsnbi@gmail.com)  
When replying please quote ref No. and date



CRIMINAL RECORDS OFFICE,  
P.O. Box 30460 - 00100 GPO,  
NAIROBI.

## DIRECTORATE OF CRIMINAL INVESTIGATIONS

DCI/CRO/SEC/6/7/2/A/VOL.VIII/176

19 FEBRUARY, 2020

The Chairman, Board of Directors  
National Government Constituencies  
Development Fund Board Secretariat  
Harambee Sacco Plaza  
P O Box 46682 - 00100  
NAIROBI

*[Handwritten signature]*  
*[Handwritten date: 26/2/2020]*

Attn: Masese Robert N. M., OGW

**RE: CLEARANCES FOR SHORTLISTED CANDIDATES**

Your correspondence Ref. No. BOARD/MEMO/VOL.I/01/020/06 dated 24<sup>th</sup> January, 2020 refers.

This office confirms that the below mentioned applied for Police Clearance Certificates on diverse dates and were **genuinely** issued with certificates by this office as follows:-

S/NO.	NAME	ID/NO.	CERT. ISSUED ON
1.	Nancy Oundo Dalla	3963416	18/3/19
2.	Yussuf Mbuno	8456646	30/9/19
3.	Jacktone Omulo Akelo	10963200	31/12/19
4.	Linah Chepkoeh Boit	10540130	10/12/19
5.	Prof. Mohamed Hussein Abdille	20450705	30/10/18
6.	Lennox Chilumo Mbwana	10830766	16/10/19
7.	Samuel Ondieki	7008265	7/1/2020

Kind regards.

*[Handwritten signature]*

W. KIRAI

**FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS**

OUR VISION: To be the best forensic science laboratory with emphasis on continual linkage of the Crime, the Crime -Scene and the Criminal.  
FACES CAN LIE, FINGERPRINTS NEVER.





Ref. No. PCC-AAALZKM2

Date. 30 September 2019

## POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

**YUSUF MBUNO**

holder of ID No. **8456646** have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

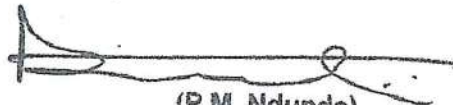
### REMARKS IN CASE OF PREVIOUS RECORD

**OFFENCE(S): NIL**

**RESULTS OF TRIAL: NIL**

**DATE: NIL**

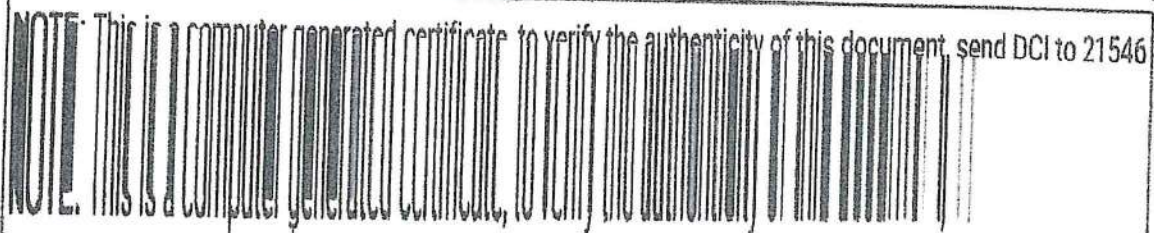
*This Certificate has been issued without any alteration or any erasure*



(P.M. Ndunda)

For: Director, Directorate of Criminal Investigations  
(P.T.O)

NOTE: This is a computer generated certificate. To verify the authenticity of this document, send DCI to 21546





REPUBLIC OF KENYA

Telegraphic Address  
'Bunge', Nairobi  
Tel. +254-020-221291  
Fax: +254-020-243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



NATIONAL ASSEMBLY

Clerk's Chambers  
National Assembly  
Parliament Buildings  
P.O. Box 41842 -00100  
NAIROBI, Kenya

Ref:NA/DCS/NG-CDF/017/2020

15<sup>th</sup> April, 2020

Mr. Twalib A. Mbarak  
Chief Executive Officer  
Ethics and Anti- Corruption Commission  
Integrity Centre,  
Milimani/Valley Road Junction  
P.O. Box 61130 - 00200  
**NAIROBI**

Dear Mr. Mbarak,

**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

Article 124(4) of the Constitution provides that, "when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House".

The Select Committee on National Government Constituency Development Fund of the National Assembly shall conduct the vetting of Mr. Yusuf Mbuno of National Identity Card No. 8456646 and KRA PIN No. A0012414165, for appointment to the position of Chief Executive Officer, National Government Constituency Development Fund Board on Thursday, 23<sup>rd</sup> April, 2020.

Pursuant to Section 7(b) of the Public Appointments (Parliamentary Approvals) Act (No. 33 of 2011), the Committee is mandated to consider whether the nominee meets all constitutional and statutory requirements relating to the office in question in terms of compliance with the principles of leadership and integrity as set out in Chapter Six of the Constitution.

This is to request you to provide any adverse information touching on the integrity of the nominee that may be in possession of the Commission. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Tuesday, 21<sup>st</sup> April, 2020.

Yours

**MICHAEL R. SIALAI, EBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



24



② KIOKO  
Please FA  
deal  
21/4/20

### ETHICS AND ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya  
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000  
FAX: 254 (020) 2240954 EMAIL: [eacc@integrity.go.ke](mailto:eacc@integrity.go.ke) WEBSITE: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:

③ EMBIGW

**Our Ref: EACC.7/10/5 VOL.XIII (171)**

**20<sup>th</sup> April, 2020**

please note  
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21/4/20

**Michael R. Sialai, EBS**

Clerk of the National Assembly  
National Assembly  
Parliament Buildings  
P O Box 41842-00100

**NAIROBI**

① D/cmt  
20/4/20

**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

Your letter referenced NA/DCS/NG-CDF/017/2020 dated 15<sup>th</sup> April, 2020 on the above subject matter refers.

We wish to confirm that we have not undertaken any investigations where **Mr. Yusuf Mbuno** of **ID No. 8456646** has been found culpable.

The information provided is based on records available as at 20<sup>th</sup> April, 2020.

Please note that the absence of records in the Commission's database is not a guarantee of absolute integrity of the nominee.

**ABDI A. MOHAMUD, MBS**  
**Ag. DEPUTY CHIEF EXECUTIVE OFFICER**  
**FOR: SECRETARY/CHIEF EXECUTIVE OFFICER**

AM/lck





② Kioko  
Please deal  
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21/4/20



③ Ameso  
Please note  
FA  
21/4/20

**ETHICS AND ANTI-CORRUPTION COMMISSION**  
INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya  
TEL.: 254 (020) 4997000, MOBILE: 0709 781000; 0730 997000  
FAX: 254 (020) 2240954 EMAIL: [eacc@integrity.go.ke](mailto:eacc@integrity.go.ke) WEBSITE: [www.eacc.go.ke](http://www.eacc.go.ke)

When replying please quote:

**Our Ref: EACC.7/10/5 VOL.XIII (171)**

**20<sup>th</sup> April, 2020**

**Michael R. Sialai, EBS**  
Clerk of the National Assembly  
National Assembly  
Parliament Buildings  
P O Box 41842-00100  
**NAIROBI**

*Michael*  
21/4/20


**RE: VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD**

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**ABDI A. MOHAMUD, MBS**  
Ag. DEPUTY CHIEF EXECUTIVE OFFICER  
**FOR: SECRETARY/CHIEF EXECUTIVE OFFICER**  
AM/lck

THE NATIONAL ASSEMBLY  
RECEIVED  
21 APR 2020  
DIRECTOR COMMITTEE SERVICES  
Time:.....Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
20 APR 2020  
CLERK'S OFFICE  
P. O. Box 41842, NAIROBI

*Tuungamize Ufisadi, Tujenge Kenya*





30

② Kiroko  
Please deaf  
FA  
08/4/20

ANNEX 7



RCERN CITIZENS  
KENYA

Sweet Sweat Apartments off Spina Road  
P.O. Box 48051 - 00100 GPO  
Nairobi - Kenya  
Tel: +254 723 935355  
Email: info@rcernkenya.org@gmail.com

OUR REF: CCK08/04/D/20  
YOUR RE:

7<sup>TH</sup> APRIL, 2020

TO THE CABINET SECRETARY,  
THE NATIONAL TREASURY AND PLANNING,  
THE NATIONAL TREASURY,  
TREASURY BUILDING, HARAMBEE AVENUE  
P.O BOX 30007-00100  
NAIROBI.

① Dants.  
Jelwa

RE: MEMORANDUM ON THE APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER OF THE NATIONAL CONSTITUENCY DEVELOPMENT FUND BOARD

WE, the above organization, DRAW your attention to the following:

1. THAT the National Government Constituencies Development Fund Committee (NG-CDFC) is established pursuant to section 43 (1) of NG-CDF Act, 2015 with its operations at the constituency level.
2. THAT the Fund is managed by the National Government CDF Board at the National level, the NG-CDF committees at the constituency level and the Project Management Committees (PMC) at the community level.
3. THAT the NG-CDF Board is a body corporate falling under the Ministry of Treasury and National Planning. The Ministry ensures budgetary provisions and offers policy direction to The Fund.
4. THAT the National Government Constituencies Development Fund (NG-CDF) Board is established under Section 14, 15 and 16 of the NG-CDF Act 2015 as amended in 2016.
5. THAT the Fund was established with the primary objective of addressing poverty at the grassroots level by dedicating a minimum of 2.5% of National Government share of Revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution.

THE NATIONAL ASSEMBLY  
RECEIVED  
08 APR 2020  
DIRECTOR COMMITTEE SERVICES  
Time:..... Sign:.....

NATIONAL ASSEMBLY  
RECEIVED  
07 APR 2020  
CLERK'S OFFICE  
P. O. Box 41042, NAIROBI

Therefore, in respect to paragraph 14, we humbly submit that it is right within the laws of fairness and the fairness itself the Mr. Yusuf Mbuno be allowed an opportunity to serve as the substantive Chief Executive Officer for the National Government Constituency Development Fund Board.

With no question(s) raised as to the suitability of the same if so nominated for approval or otherwise appointment for the said position of the CEO of the NG-CDF Board as he satisfies any question(s) as may be raised on:

- a) The matter of academic and Professional qualification,
- b) The matter as to whether the said nominee may be suitable for appointment or otherwise approval for appointment in the position and,
- c) The matter of the nominee's suitability for appointment or otherwise approval for appointment based on his leadership and financial management skills.

We there therefore humbly pray that:

1. THAT your office does find that the acting CEO as may be a nominee for the position of the NG-CDF Board is suitable for approval and/or appointment to the position.
2. THAT your office does find it fit to nominate, for parliamentary vetting and approval thereof, the said Mr. Yusuf Mbuno as he merits beyond doubt, the nomination, approval or otherwise appointment to the position of the CEO of the NG-CDF Board.

Thank You,

**KENNEDY O. ONDIEK,**  
EXECUTIVE DIRECTOR,  
CONCERNED CITIZEN ALLIANCE KENYA  
+254 790 638 852

2. **THAT**, under Chapter 6 of the Constitution of Kenya, the requirements on Leadership and Integrity are well spelled out.
3. **THAT** we know of the advertisement by the National Government Constituency's Development Fund Board earlier placed in the local newspapers.
4. **THAT** we know of our own knowledge that the recruitment by the Board and recommendation made to the Cabinet Secretary for appointment with the approval of parliament of Mr. Yusuf Mbuno for the above post does not meet the required Leadership and Integrity of the CoK (2010).
5. **THAT** there is a requirement that there shall be a Chief Executive Officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.
6. **THAT** in sharp contrast to the NG-CDF Act 20(1), the Members of the National Assembly showed open biasness in favour of one candidate and hostility towards other Candidates by for example,
  - i. *That on the 3<sup>rd</sup> March, 2020 when the Speaker of the National Assembly read the name of Prof Mohammed Abdille in the Chambers as the CEO nominee for the NG-CDF, the MPs in the Chambers protested the nomination, without due regard to the process and procedures. It took the assertion of the Speaker for the matter to be referred to the NASC on NG-CDF for consideration, vetting and substantive report be undertaken.*
  - ii. *That on the March 17, 2020 when the NASC on NG-CDF report on vetting of the nomination of Prof. Abdille, the MPs showed hostility to any other candidate, while approving the recommendation of the committee to reject the nomination.*
  - iii. *On both incidences, the MPs chanted the name of Mr Yusuf Mbuno, showing and exhibiting the bias towards the candidature and were against the nomination of Prof Abdille, or any other candidate, for that matter.*

7. **THAT** it is evident that the MPs openly showed their biasness in favour of the candidature of Mr. Yusuf Mbuno, against any other nominee(s), which is inconsistent with the CoK (2010) and NG-CDF Act 2015.
8. **THAT** if Mr. Yusuf Mbuno is appointed for this position, his allegiance will only be to National Assembly, and not the people of Kenya, the tax payers or any other Arms of the Government. Thus, his appointment will greatly affect the delivery of services and negatively affect people and institutions that will greatly depend on the CEO's integrity -which unfortunately he doesn't possess.
9. **THAT**, with the MPs' open biasness and hostility towards other candidates, if Mr. Yusuf Mbuno is appointed to this position it will be prejudicial to other applicants who meet the integrity criteria.
10. That for the foregoing reasons the selection will not also be competitive more so when it comes to vetting by members of the National Assembly who have a close working relationship with the said Mr Mbuno. He has been the one responsible for disbursing to them for their Constituency Development funds.
11. That the said Members of the National Assembly will have the last say in the selection if the individual to head the Fund and due to their familiarity with Mr Mbuno, it is not foreseeable that they will act fairly as against the other candidate (s) who maybe equally qualified for selection or recruitment.
12. **THAT** further, Mr Yusuf Mbuno has already served in the same position for almost 8 & half years in an acting capacity. The maximum period of service for the CEO for NG-CDF is 6 (six) years. In the event Mr Yusuf Mbuno is given the seat of being the CEO's position, it will be a gross violation of the spirit of the Act of the NG-CDF act that provided for a term of three (3) years that is renewed once. Essentially Mr Yusuf Mbuno will be serving a for a record 12 years and a possible term of 14 years.
13. THAT the same will bring serious questions concerning whose interest Mr Mbuno is serving and erode public confidence as to whether their funds are properly managed.

**14. THAT** the appointment of Mr. Yusuf Mbuno will be inconsistent with the guiding principles of Leadership and Integrity under Chapter six of the Constitution Article 73(2a) which requires selection on the basis of personal integrity, competence and suitability. In contrast, Mr Mbuno's appointment will be based on the patronage, favouritism and biasness by the MPs.

**15. THAT** if he were to be appointed, the appointment would impact negatively the National Government's nine (9) point agenda and make Government's Vision 2030 an illusion.

**16. THAT** the National Assembly, in approving a CEO for National Government Constituency's Development Fund Board appointment, should ensure that the MPs follow the law and thus save the public from biasness, favouritism and/or patronage of any candidate. The MPs should therefore reject the nomination of Mr. Yusuf Mbuno by the Cabinet Secretary (National Treasury and Planning).

**17. THAT** further, there are queries on Mr Mbuno's management of funds during his tenure. He has adversely been mentioned in fraudulent withdrawals and questionable expenditures from time to time throughout his term as CEO of NG-CDF Board in that for instance;

a) He was cited by the Auditor General in the report for the year ending 30<sup>th</sup> of June, 2016. Kshs. 332,000,000 could not be properly accounted for. The withdrawals is solely attributed to Mr Mbuno, since as per Sec 13(3) of the National Government Constituencies Act No. 30, his signature is the main one in all bank operations. He thus bears all responsibility for any culpability.

**18. THAT** thus considering the audit queries relating to his management of funds and the fact that he has exceeded the term ordinarily a CEO ought to serve, any further extension of his term will bring questions as to why he is being favoured and will totally erode the confidence of the public in the manner their funds are managed.

**THEREFORE, your humble Petitioners PRAY that Parliament and the Government of the Republic of Kenya finds:**

1. **THAT** this Petition is urgent and be dealt with immediately.
2. **THAT** Mr. Yusuf Mbuno's leadership and integrity are inconsistent with the job requirements as advertised.
3. **THAT** the MPs having openly expressed biasness and favoritism towards Mr. Yusuf Mbuno, he ought to be disqualified since his appointment will be against the competitive requirement of the Act in the appointment of the CEO to the NG-CDF board.
4. **THAT** the purported appointment of Mr. Yusuf Mbuno as CEO of National Government Constituency's Development Fund Board is contrary to the principles and values enshrined in articles 6,10 and 73 of the Constitution.
5. **THAT** consequently Mr. Yusuf Mbuno is unfit for the position of CEO of National Government Constituency's Development Fund Board for a further extension of his term will bring sharp negative focus on the on-goings at the NG-CDF Board, since at the helm will be a CEO who will continue to serve beyond the legally stipulated time despite adverse queries to his management of funds.
6. **THAT** there be a review of the other applicants who were short listed & met the job criteria.

*Dated 18th April, 2020*

No.	NAME OF PETITIONER	ADDRESS	NATIONAL ID/PP	SIGNATURE
1.	TOLBERT NYANJIGE	P.O. Box 25076-00200, NAIROBI	26380236	<i>[Signature]</i>
2.	Sylvester Ntomi	P.O. Box 10122 - NBI	28451230	<i>[Signature]</i>
3	Peter Kimani	# 52080 <sup>00200</sup> NBI	3467365	<i>[Signature]</i>
4.	REUBEN ATULU	Box 76-00618 NBI	1871653	<i>[Signature]</i>
5.	Brian Otieno	Box 34153-00100 <sup>NBI</sup>	24972085	<i>[Signature]</i>
6.	THAS WATHONGE	Box 181-00600	13725310	<i>[Signature]</i>

**And your PETITIONERS will ever PRAY.**

**REPUBLIC OF KENYA**  
**IN THE MATTER OF PETITION CHALLENGING PROPOSAL TO HAVE MR.**  
**YUSUF MBUNO AS THE CEO OF NATIONAL GOVERNMENT CONSTITUENCY**  
**DEVELOPMENT FUNDS**

**(CAP 15 LAWS OF KENYA)**

**AFFIDAVIT IN SUPPORT OF THE PETITION**

**I, Tolbert Manyange** of Identity Card Number 26380236 and postal address number 52964-00200, a resident of Nairobi County in the Republic of Kenya do hereby make oath and state as follows:

1. **THAT** I am an adult male Kenyan of sound mind and I am competent to swear this affidavit, both on my own behalf and my co –petitioners.
2. **THAT** under Section 20 of the National Government Constituency’s Development Fund Act the qualifications of the Chief Executive Officer of the board are well spelled out.
3. **THAT**, under Chapter 6 of the Constitution of Kenya, the requirements on Leadership and Integrity are well spelled out.
4. **THAT** we know of the advertisement by the National Government Constituency’s Development Fund Board earlier placed in the local newspapers.
5. **THAT** we know of our own knowledge that the recruitment by the Board and recommendation made to the Cabinet Secretary for appointment with the approval of parliament of Mr. Yusuf Mbuno for the above post does not meet the required Leadership and Integrity of the CoK (2010).
6. **THAT** there is a requirement that there shall be a Chief Executive Officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

**7. THAT** in sharp contrast to the NG-CDF Act 20(1), the Members of the National Assembly showed open biasness in favour of one candidate and hostility towards other Candidates by for example,

- iv. ***That on the 3<sup>rd</sup> March, 2020 when the Speaker of the National Assembly read the name of Prof Mohammed Abdille in the Chambers as the CEO nominee for the NG-CDF, the MPs in the Chambers protested the nomination, without due regard to the process and procedures. It took the assertion of the Speaker for the matter to be referred to the NASC on NG-CDF for consideration, vetting and substantive report be undertaken.***
- v. ***That on the March 17, 2020 when the NASC on NG-CDF report on vetting of the nomination of Prof. Abdille, the MPs showed hostility to any other candidate, while approving the recommendation of the committee to reject the nomination.***
- vi. ***On both incidences, the MPs chanted the Mr Yusuf Mbuno, showing and exhibiting the bias towards the candidature and were against the nomination of Prof Abdille, or any other candidate, for that matter.***

**8. THAT** it is evident **THAT** the MPs openly showed their biasness in favour of the candidature of Mr. Yusuf Mbuno against any other nominee(s), which is inconsistent with the CoK (2010) and NG-CDF Act 2015.

**9. THAT** if Mr. Yusuf Mbuno is appointed for this position, his allegiance will only be to National Assembly, and not the people of Kenya, the tax payers or any other Arms of the Government. Thus, his appointment will greatly affect the delivery of services and negatively affect people and institutions that will greatly depend on the CEO's integrity -which unfortunately he doesn't possess.

**10. THAT**, with the MPs' open biasness and hostility towards other candidates, if Mr. Yusuf Mbuno is appointed to this position it will be prejudicial to other applicants who meet the integrity criteria.



- 11.** That for the forgoing reasons the selection will not also be competitive more so when it comes to vetting by members of the National Assembly who have a close working relationship with the said Mr Mbuno. He has been the one responsible for disbursing to them for their Constituency Development funds.
- 12.** That the said Members of the National Assembly will have the last say in the selection if the individual to head the Fund and due to their familiarity with Mr Mbuno, it is not foreseeable that they will act fairly as against the other candidate (s) who maybe equally qualified for selection or recruitment.
- 13. THAT** further, Mr Yusuf Mbuno has already served in the same position for almost 8 & half years in an acting capacity. The maximum period of service for the CEO for NG-CDF is 6 (six) years. In the event Mr Yusuf Mbuno is given the seat of being the CEO's position, it will be a gross violation of the spirit of the Act of the NG-CDF act that provided for a term of three (3) years that is renewed once. Essentially Mr Yusuf Mbuno will be serving a for a record 12 years and a possible term of 14 years.
- 14. THAT** the appointment of Mr. Yusuf Mbuno will be inconsistent with the guiding principles of Leadership and Integrity under Chapter six of the Constitution Article 73(2a) which requires selection on the basis of personal integrity, competence and suitability. In contrast, Mr Mbuno's appointment will be based on the patronage, favouritism and biasness by the MPs.
- 15.** THAT if he were to be appointed, the appointment would impact negatively the National Government's nine (9) point agenda and make Government's Vision 2030 an illusion.
- 16. THAT** the National Assembly, in approving a CEO for National Government Constituency's Development Fund Board appointment, should ensure that the MPs follow the law and thus be free from biasness, favouritism and/or

patronage to any candidate. The MPs should therefore reject the nomination of Mr. Yusuf Mbuno by the Cabinet Secretary (National Treasury and Planning).

- 17. THAT** further, and of grave concern is that Mr Mbuno has adversely been mentioned in fraudulent withdrawals and questionable expenditures from time to time during his term as CEO of NG-CDF Board in that for instance;
- a) He was cited by the Auditor General in the report for the year ending 30<sup>th</sup> of June,2016, in the loss, failure to account for Kshs.332,000.000. The withdrawals is solely attributed to him since as per Sec 13(3) of the National Government Constituencies Act No.30, his signature is the main one in bank operations. He thus bears all responsibility for any culpability.
- 18. THAT** thus considering the audit queries relating to his management of funds and the fact that he has exceeded the term ordinarily a CEO ought to serve, any further extension of his term will bring questions as to why is he being favoured and will totally erode the confidence of the public in the manner their funds are managed.
- 19. THAT** the purported appointment of Mr. Yusuf Mbuno as CEO of National Government Constituency's Development Fund Board is contrary to the principles and values enshrined in articles 6, 10 and 73 of the Constitution.
- 20. THAT** consequently Mr. Yusuf Mbuno is unfit for the position of CEO of National Government Constituency's Development Fund Board for the queries that has arisen concerning his management of the fund and the likely illegality of his term as CEO since it has extended beyond the six (6) year period.
- 21. THAT** appointment of Mr Yusuf Mbuno will likely erode public confidence in the leadership and management of their constituency development fund for there will be appearance that the CEO is insulated from any consequences arising from conduct or illegality of his tenure.

**22. THAT** there be a review of the other applicants who were short listed & met the job criteria.

**23. THAT** now annexed is

- i) TM-1 Audit queries by Auditor general for 30<sup>th</sup>, June, 2016.
- ii) TM-2 Bundle of documents/Financial report –proving that Mr Yusuf Mbuno has been serving as CEO to NG-CDF at all material times.

**24. THAT** what is deponed herein is true to the best of my knowledge, information and belief.

**SWORN** by the said

**Tolbert Manyange**

At **NAIROBI** this 18<sup>th</sup> day of April 2020 ) DEPONENT

Before me

**COMMISSIONER OF OATHS**

**DRAWN BY:**

Tolbert Manyange

EMBASSY HOUSE, WING B, 3<sup>RD</sup> FLOOR, DOOR 310,

HARAMBEE AVENUE,

P.O. BOX 28076-00200,

NAIROBI.





**MINUTES OF THE 7<sup>TH</sup> MEETING OF THE NATIONAL ASSEMBLY SELECT COMMITTEE ON GOVERNMENT CONSTITUENCY DEVELOPMENT FUND HELD ON TUESDAY 28<sup>TH</sup> APRIL 2020 COMMITTEE ROOM 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE**

**MEMBERS PRESENT**

1. Hon. Richard Maore Maoka, CBS MP - Chairperson
2. Hon. Emmanuel Wangwe, MP
3. Hon. Kasim Tandaza Sawa, MP
4. Hon. Moses K. Lessonet, MP
5. Hon. Titus Khamala, MP
6. Hon. Sophia Abdi Noor, MP
7. Hon. Fred Kapondi Chesebe, MPs
8. Hon. Mwalyo Joshua, MP
9. Hon. Benjamin Gathiru Mwangi, MP
10. Hon. Alfa Ondieki, MP
11. Hon. Richard Tongi, MP

**APOLOGIES**

1. Hon. Omar Maalim, MP - Vice Chairperson
2. Hon. Mary Wamaua Waithira, MP
3. Hon. Sharif Athman, MP
4. Hon. Mishi Mboko, MP
5. Hon. Janet Jepkemboi Sitienei, MP
6. Hon. Fred Ouda, MP
7. Hon. Ferdinand Wanyonyi, MP
8. Hon. Johanna Ngeno, MP

**IN ATTENDANCE: KENYA NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Johnston Kioko - Clerk Assistant I
2. Mr. Hassan Odhwa - Principal Research Officer
3. Ms. Brigitta Mati - Legal Counsel
4. Ms. Nimrod Ochieng' - Audio Officer



**AGENDA**

- 1. Preliminaries
- 2. **Adoption of the Committee Report on the Vetting of the Nominee (Mr. Yusuf Mbuno) for the position CEO, NG-CDF**
- 3. Adjournment.

**MIN. NA/DCS/NG-CDF /2020/019: PRELIMINARIES**

The Chairperson called the meeting to order at Quarter past Eleven O'clock and recited the prayers.

The Agenda of the meeting was adopted, proposed by Hon. Richard Tongi MP and seconded by Hon. Kasim Tandaza, MP.

**MIN.NA/DCS/NG-CDF/2020/020: ADOPTION OF THE COMMITTEE REPORT ON THE VETTING OF THE NOMINEE (MR. YUSUF MBUNO) FOR THE POSITION CEO, NG-CDF**

**a) Nominee's response to the Memoranda opposing approval by the Committee**

During the deliberation on the Nominee's sworn affidavit the Committee was satisfied that the response had adequately addressed the concerns raised by the petitioners.


However, Members observed that the claims contained in both petitions did not provide substantive, factual or constitutional grounds for rejecting the Nominee's approval by the Committee.

**b) Committee's Approval of the Nominee.**

During the meeting Members unanimously resolved to **approve** the nomination of **Mr. Yusuf Mbuno** for the position of Chief Executive Officer of the National Government Constituency Development Fund

**MIN.NA/DCS/NG-CDF/2021/018: ADJOURNMENT AND THE DATE OF THE NEXT MEETING**

The meeting was adjourned at Fifteen Minutes to Twelve O'clock. Date and time for the next meeting to be communicated in due course.

Signature ..... 

**HON RICHARD MAORE MAOKA, CBS, M.P.**  
(Chairperson)

Date..... 28/4/2020





**MINUTES OF THE 6<sup>TH</sup> MEETING OF THE NATIONAL ASSEMBLY SELECT COMMITTEE ON GOVERNMENT CONSTITUENCY DEVELOPMENT FUND HELD ON THURSDAY 23<sup>RD</sup> APRIL 2020 AT MINI CHAMBER**

**MEMBERS PRESENT**

1. Hon. Richard Maore Maoka, CBS MP - Chairperson
2. Hon. Omar Maalim, MP - Vice Chairperson
3. Hon. Emmanuel Wangwe, MP
4. Hon. Kasim Tandaza Sawa, MP
5. Hon. Moses K. Lessonet, MP
6. Hon. Mary Wamaua Waithira, MP
7. Hon. Titus Khamala, MP
8. Hon. Sophia Abdi Noor, MP
9. Hon. Fred Kapondi Chesebe, MPs
10. Hon. Mwalyo Joshua, MP
11. Hon. Benjamin Gathiru Mwangi, MP
12. Hon. Alfa Ondieki, MP
13. Hon. Richard Tongi, MP

**APOLOGIES**

1. Hon. Sharif Athman, MP
2. Hon. Mishi Mboko, MP
3. Hon. Janet Jepkemboi Sitienei, MP
4. Hon. Fred Ouda, MP
5. Hon. Ferdinand Wanyonyi, MP
6. Hon. Johanna Ngeno, MP

**IN ATTENDANCE: KENYA NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Johnston Kioko - Clerk Assistant I
2. Mr. Hassan Odhwa - Principal Research Officer
3. Ms. Brigitta Mati - Legal Counsel
4. Ms. Nimrod Ochieng' - Audio Officer

## AGENDA

1. Preliminaries
2. **Vetting of the nominee ( Mr. Yusuf Mbuno) to the position of CEO, NG-CDF**
3. Adjournment.

### **MIN. NA/DCS/NG-CDF /2020/016: Preliminaries**

The Chairperson called the meeting to order at 11.15am and invited Members Hon. Richard Tongi, MP to recite the prayers.

The Agenda of the meeting was adopted having been proposed by Hon. Kassim Tandaza MP and seconded by Hon. Joshua Mwalyo, MP.

During the session, the Chair apprised Members on the vetting exercise before the committee and that, the Committee report was expected to be tabled on the floor of the house on Wednesday 29th April 2020.

### **MIN.NA/DCS/NG-CDF/2020/017: VETTING OF THE NOMINEE (MR. YUSUF MBUNO) TO THE POSITION OF CEO, NG-CDF**

#### **a) Vetting Proceedings**

During the deliberation on the agenda item the nominee, Mr. Yusuf Mbuno, appeared before the committee and submitted that-

- i. He is Kenyan, male citizen, identity card Number 8456646, born in 1966 in Makueni County.
- ii. He is a holder of a Master's Degree in Economics from University of Nairobi. He earned his Bachelor degree in Economics from the University of Nairobi. Mr. Yusuf Mbuno passed a Kenya Advanced Certificate of Education from Kenyatta High School and Kenya Certificate of Education from Joana Chase Secondary School.
- iii. He is currently the Acting Chief Executive Officer of the National Government Constituencies Development Fund Board but he substantively holds the position of National Programme Coordinator.
- iv. iv. Previously, he was head of Planning and Monitoring Unit in the Ministry of Lands as well as Principal Economists in the Department of Development in Kilifi District.
- v. He has over 28 years' experience in the public service having served from the year 1991 to 2020, of which 16 years were in a senior management position.

Also, he stated that he had received various awards among them -

- i. Government of Kenya Scholarship for undergraduate studies and Master of Arts at the University of Nairobi
- ii. He is a member of the Economists Society of Kenya

- iii. A member of the Board of Management, Joanna Chase and Kyaani Secondary schools.

Additionally, the nominee submitted that he has authored the following publications -

- i. Factors determining childhood immunization in the Coast Province of Kenya, 2006-UoN
- ii. District Planning Handbook, Ministry of Planning -2006
- iii. Kilifi District Development Plan, 2002-2008
- iv. NGCDF Board strategic plan 2016/2017-2020/2021

On the issue of his integrity, the nominee stated that he had not been dismissed from office for contravening the provisions of Article 75 of the Constitution, charged in court of law in the last three years or been adversely been mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.


**b) Committee observations and the way forward**

Following his submission and the subsequent responses to interrogation by members, the Committee was satisfied that the nominee exhibited knowledge of the workings of the public service and displayed profound knowledge in the operation of the NG-CDF fund.

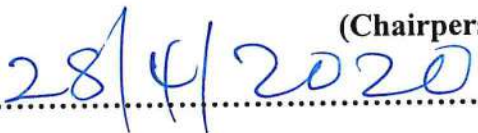
Members resolved to meet again on Tuesday 28 April, 2020, to examine the nominee's affidavit/response to the two memoranda and, to adopt the report for tabling on Wednesday 29<sup>th</sup> April 2020.

**MIN.NA/DCS/NG-CDF/2020/018: ADJOURNMENT AND THE DATE OF THE NEXT MEETING**

The meeting was adjourned at Fifteen Minutes past Twelve O'clock. The Committee to meet on Tuesday 28<sup>th</sup> April 2020 in the Committee Room , 5<sup>th</sup> Floor, Continental House at Eleven O'clock.

Signature .....  .....

**HON RICHARD MAORE MAOKA, CBS, M.P.**

Date.....  .....  
(Chairperson)



## REPUBLIC OF KENYA



TWELFTH PARLIAMENT – FOURTH SESSION - 2020

THE NATIONAL ASSEMBLY

## ATTENDANCE LIST

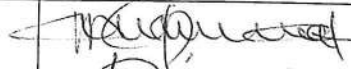
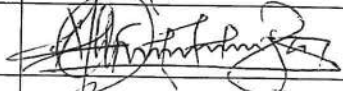



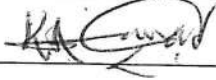
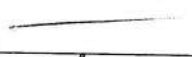


AGENDA: Adoption of the Committee Report on the vetting of the NG-CDF CEO, Mr. Yusuf Mbuno

DATE: 28<sup>th</sup> April, 2020 STARTING 11.am ENDING 11.45 am

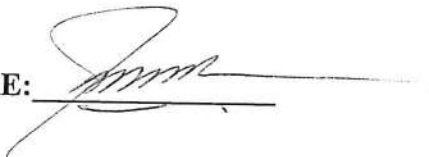
VENUE: Committee Room, 5<sup>th</sup> Flr, Continental Hse.

	NAME	SIGNATURE
1.	Hon. Richard Maore Maoka, CBS MP	
2.	Hon. Omar Mohamed Maalim, MP	
3.	Hon. Mishi Mboko, MP	
4.	Hon. Fred Ouda, MP	
5.	Hon. Fred Kapondi Chesebe, MP	
6.	Hon. Sophia Abdi Noor, MP	
7.	Hon. Emmanuel Wangwe, MP	
8.	Hon. Mary Wamaua Waithira, MP	
9.	Hon. Titus Khamala, MP	



11.	Hon. Moses Lessonet, MP	
12.	Hon. Alfa Ondieki, MP	
13.	Hon. Benjamin Gathiru Mwangi, MP	
14.	Hon Ferdnand Wanyonyi, MP	
15.	Hon. Janet Jepkemboi Sitienei, MP	
16.	Hon. Kasim Sawa Tandaza, MP	
17.	Hon. Sharif Athman Ali, MP	
18.	Hon. Mwalyo Joshua, MP	
19.	Hon. Johanna Ng'eno, MP	

COMMITTEE CLERK NAME JOHNSTON KIOKO

SIGNATURE: 

DIRECTOR, COMMITTEE SERVICES 

SIGNATURE: 23/4/2020





REPUBLIC OF KENYA



TWELFTH PARLIAMENT – FOURTH SESSION - 2020

THE NATIONAL ASSEMBLY

ATTENDANCE LIST


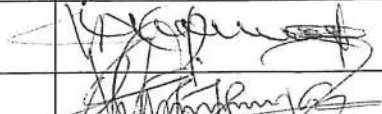
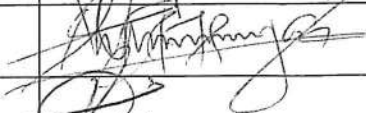
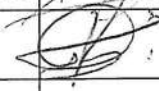


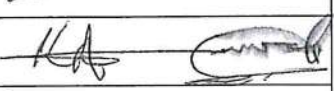
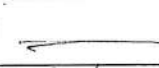
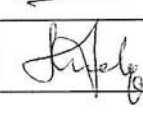

AGENDA: VETTING OF NG-CDF CEO NOMINEE

DATE: 23/4/2020 STARTING 10.00am ENDING 12.45 P.M

VENUE: Mini chamber, County Hall.

	NAME	SIGNATURE
1.	Hon. Richard Maore Maoka, CBS MP	
2.	Hon. Omar Mohamed Maalim, MP	
3.	Hon. Mishi Mboko, MP	
4.	Hon. Fred Ouda, MP	
5.	Hon. Fred Kapondi Chesebe, MP	
6.	Hon. Sophia Abdi Noor, MP	
7.	Hon. Emmanuel Wangwe, MP	
8.	Hon. Mary Wamaua Waithira, MP	
9.	Hon. Titus Khamala, MP	
10.	Hon. Richard Tongi, MP	



10.	Hon. Richard Tongi, MP	
11.	Hon. Moses Lessonet, MP	
12.	Hon. Alfa Ondieki, MP	
13.	Hon. Benjamin Gathiru Mwangi, MP	
14.	Hon. Ferdinand Wanyonyi, MP	
15.	Hon. Janet Jepkemboi Sitienei, MP	
16.	Hon. Kasim Sawa Tandaza, MP	
17.	Hon. Sharif Athman Ali, MP	
18.	Hon. Mwalyo Joshua, MP	
19.	Hon. Johanna Ng'eno, MP	

COMMITTEE CLERK NAME Johnston Kioko

SIGNATURE: 

DIRECTOR, COMMITTEE SERVICES 

SIGNATURE: 28/4/2020





THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(FOURTH SESSION)

NATIONAL ASSEMBLY  
PAPERS LAID

29 APR 2020

DATE

NA. L&P.2020/COMM (041)

April 28, 2020

PAPER LAID

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today  
Wednesday, April 29, 2020: -

**REPORT OF THE SELECT COMMITTEE ON THE  
NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT  
FUND (NG-CDF) ON THE VETTING OF A NOMINEE  
FOR APPOINTMENT AS CHIEF EXECUTIVE OFFICER OF THE NG-  
CDF BOARD**

*Hon. Maore Mooka, CBS, MP*

**(CHAIRPERSON, NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND COMMITTEE)**

**Copies to:**

The Speaker  
Deputy Speaker  
The Leader of the Majority Party  
The Leader of the Minority Party  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

*Approved for Talking  
29/4/20  
[Signature]  
DS/VA*

