

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY  
(FIRST SESSION)

NCCA/TJ/PL/2022(35)

23<sup>rd</sup> December, 2022

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Friday 23<sup>rd</sup> December 2022.

— THE 3<sup>RD</sup> REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE VETTING OF NOMINEES FOR APPOINTMENT AS COUNTY CHIEF OFFICER FOR ECONOMIC PLANNING AND COUNTY CHIEF OFFICER FOR REVENUE ADMINISTRATION.

*(The Chairperson, Select Committee on County Finance, Budget and Appropriations)*

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press



*Paper laid by the  
Chairperson on 23<sup>rd</sup> Dec 2022*  
*[Signature]*  
*23/12/22*



NCCA/TJ/NTC/2022(9)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(FIRST SESSION)

23<sup>rd</sup> December 2022

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NOTICE OF MOTION

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**Subject: Adoption of report**

Hon. Speaker, I beg to give notice of the following motion:-

- **THAT**, this Assembly Adopts **THE 3<sup>RD</sup> REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE VETTING OF NOMINEES FOR APPOINTMENT AS COUNTY CHIEF OFFICER FOR ECONOMIC PLANNING AND COUNTY CHIEF OFFICER FOR REVENUE ADMINISTRATION** laid on the Table of the Assembly today, Friday, 23<sup>rd</sup> December 2022.

*(Chairperson, Select Committee on County Finance, Budget and Appropriations)*





COUNTY GOVERNMENT OF NAIROBI CITY



*DKC  
Kindly deal  
in  
class  
23/12/2022*

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – FIRST SESSION

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3<sup>RD</sup> REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET  
AND APPROPRIATIONS

ON

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VETTING OF THE NOMINEES FOR APPOINTMENT AS COUNTY CHIEF OFFICER  
FOR FINANCE, COUNTY CHIEF OFFICER FOR ECONOMIC PLANNING AND  
COUNTY CHIEF OFFICER FOR REVENUE ADMINISTRATION

*Paper laid by the  
Chairperson on  
23<sup>rd</sup> Dec 2022*

DECEMBER 2022

*23/12/22*

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- 1) Kenya Revenue Authority
- 2) Higher Education Loans Board
- 3) Ethics and Anti-Corruption Commission
- 4) Directorate of Criminal Investigations (DCI)
- 5) Credit Reference Bureau (CRB)

### **(ii) Annexure (2)**

- 1) Minutes

### **(iii) Annexure (3) – Curricula Vitae**

- 1) Asha Abdi
- 2) Winfred Wangui Gathagu
- 3) Wilson Njoroge Gakuya

### **(iv) Annexure (4) –**

## **LIST OF ABBREVIATIONS AND ACRONYMS**

CECM	-	County Executive Committee Member
CCO	-	County Chief Officer
PFM	-	Public Finance Management
NMS	-	Nairobi Metropolitan Services
KSG	-	Kenya School of Government
KASNEB	-	Kenya Accountants and Secretaries National Examinations Board

## **1.0 FORWARD**

Pursuant to Section 45 of the County Governments Act, 2012, **H.E. the Governor, Hon. Sakaja Arthur Johnson** nominated **Ms. Asha Abdi, Ms. Winfred Wangui Gathagu** and **Mr. Wilson Njoroge Gakuya** for appointment as **County Chief Officers** for **Finance, Economic Planning** and **Revenue Administration** respectively.

The nomination of the three (3) persons was conveyed to the Assembly vide a letter **Ref. NCC/GOV/Legal/438/2022** dated **2<sup>nd</sup> December, 2022**. On **Tuesday 13<sup>th</sup> December, 2022** and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor to the Assembly communicating the names of the nominees. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the names of the nominees were referred to the Committee on Finance, Budget and Appropriations for vetting and reporting to the Assembly within twenty-one (21) days.

In the fulfilment of the provisions of Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk notified the general public that the approval hearings of the nominees would be held on **22<sup>nd</sup> December, 2022**.

The nominees appeared before the Committee as scheduled pursuant to the provisions of the Public Appointments (County Assemblies Approval) Act, 2017. Pursuant to the provisions of Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that two of the three nominees met the integrity threshold, demonstrated knowledge of topical, administrative, and technical issues touching on the Sectors to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

Having conducted the approval hearing of the nominees pursuant to Section 45 of the County Government Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 the Committee recommends that the House-

- 1. Approves the nomination of Asha Abdi for appointment as County Chief Officer for Finance by His Excellency the Governor.**



2. Approves the nomination of Wilson Njoroge Gakuya for appointment as County Chief Officer for Revenue Administration by His Excellency the Governor.
3. Rejects the nomination of Winfred Wangui Gathagu for appointment as County Chief Officer for Economic Planning by His Excellency the Governor.

May I take this opportunity to thank fellow Hon. Members of the Committee for their valuable contributions during the approval hearings and during the compiling of the report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it during the exercise. The Committee is grateful to the Assembly Budget Office and the Secretariat for their services rendered to the Committee.

On behalf of the Select Committee on Finance, Budget and Appropriations, it is my pleasure to present to the Assembly, the Committee's Report on the vetting of the three (3) nominees for appointment to the position of County Chief Officers for adoption pursuant to enabling provisions of the Law.

SIGNED ..... 

**HON. WIFRED OLUOCH ODALO, MCA**

**CHAIRPERSON: SELECT COMMITTEE ON FINANCE, BUDGET AND  
APPROPRIATIONS**

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## 2.0 PREFACE

### 2.1 Establishment and Mandate of the Committee

1. Section 14 (3) Of the County Governments Act, 2012 provides that when a County Assembly considers any appointment for which its approval is required under the Constitution, an Act of Parliament or county legislation, the appointment shall be considered first by a committee of the County Assembly.
2. The Select Committee on Finance, Budget and Appropriations is established under Standing Order No. 205 to among others, *“Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget”*.

### 2.2 Committee Membership

3. The Committee was constituted by the Assembly on **27<sup>th</sup> October, 2022** comprising of the following Members: -
  1. **Hon. Wilfred Oluoch Odalo, MCA – Chairperson**
  2. **Hon. Emily Oduor, MCA – Vice Chairperson**
  3. Hon Anthony Kiragu, MCA
  4. Hon. Moses Ogeto, MCA
  5. Hon Mark Mugambi, MCA
  6. Hon. Jeckoniah Onyango, MCA
  7. Hon. Robert Mbatia, MCA
  8. Hon. Catherine Apiyo Okoth, MCA
  9. Hon. Jane Muasya, MCA
  10. Hon. Redson Otieno Onyango, MCA
  11. Hon. Asli Muhamed, MCA
  12. Hon. Rosemary Masitsa, MCA
  13. Hon. Perpetua Mponjiwa, MCA
  14. Hon. Collins Ogenga, MCA
  15. Hon. Fathiya Abdillahi Mohamed, MCA
  16. Hon. Sam Kago, MCA
  17. Hon. Anthony Ngaruiya Jasho, MCA
  18. Hon Paul Ndungu, MCA
  19. Hon Ciciliah Wairimu Njathi, MCA
  20. Hon Waruguru Kanyi, MCA

21. Hon Joyce Kamau Muthoni, MCA

22. Hon Waithera Chege, MCA

23. Hon Susan Makungu, MCA

### **2.3 Committee Secretariat for the Vetting Exercise**

4. The Secretariat comprises: -

- |                      |   |                          |
|----------------------|---|--------------------------|
| 1. Erick Otieno      | - | Principal Fiscal Analyst |
| 2. Wilfred Manyi     | - | Senior Clerk Assistant   |
| 3. Alphonse Ouma     | - | Senior Fiscal Analyst    |
| 4. Farah Gabow       | - | Fiscal Analyst           |
| 5. Anthony Otsyula   | - | Economist                |
| 6. Elizabeth Njuguna | - | Sergeant-at-Arms         |
| 7. Anthony Nyandiere | - | Audio Technician         |
| 8. Magdalene Wanyama | - | Administrative Assistant |
| 9. Patrick Muindi    | - | Sergent-at-arms          |

### 3.0 BACKGROUND

#### 3.1 Notification of Nominations

5. Pursuant to Section 45 of the County Governments Act, 2012, **H.E. the Governor, Hon. Sakaja Arthur Johnson vide** a letter dated 2<sup>nd</sup> December, 2022 forwarded to the Nairobi City County Assembly the names of the following three (3) nominees for vetting by the Select Committee on Finance, Budget and Appropriations and consideration for approval by the County Assembly for appointment as County Chief Officers responsible for the County Treasury Sector as follows: -

NO	NAME OF NOMINEE	COUNTY TREASURY SECTOR
1.	Ms. Asha Abdi	Finance
2.	Ms. Winfred Wangui Gathagu	Economic Planning
3.	Mr. Wilson Njoroge Gakuya	Revenue Administration

#### 3.2 Notification to the House and referral to the Select Committee on Finance, Budget and Appropriations

6. On **Tuesday 13<sup>th</sup> December, 2022** and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor communicating the names of the nominees to the Assembly for the position of County Chief Officers.
7. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the names of the nominees were referred to the Committee on Finance, Budget and Appropriations for vetting and reporting to the Assembly within twenty-one (21) days.

#### 3.3 Notification to the Public

8. Article 196(b) of the Constitution of Kenya provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.
9. Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017 requires the Committee by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

10. Further Section 7(10) of the Act provides that “*any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*”.
11. Consequently, pursuant to Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Nation and Standard Newspaper on **Wednesday 14<sup>th</sup> December, 2022** and Standard Newspaper on **Friday 16<sup>th</sup> December, 2022** notifying the nominees and the general public that the approval hearings would be held on **Thursday 22<sup>nd</sup> December, 2022**.

### **3.4 Issues for consideration during the Approval Hearings**

### **3.5 Procedure for Nomination**

12. Section 45 of the County Government Act, 2012 confers upon H.E the Governor the power to appoint County Chief Officers upon approval by the County Assembly.
13. Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017 further requires the appointing authority, upon nominating a person for appointment, to notify the County Assembly.
14. In this regard, pursuant to Section 45 of the County Government Act, 2012 and Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, H.E the Governor of Nairobi City, Johnson Arthur Sakaja notified the County Assembly of the nomination of three (3) persons for appointment as Members of the County Treasury Sector.

### **Constitutional and Statutory Requirements**

15. The Constitution gives guidelines on how to appoint persons to public office which include observing the following: -
- (a) Two-Thirds Gender Rule*
  - (b) Representation of Regional and Ethnic Balance*
  - (c) Leadership and Integrity.*

**Suitability of the Nominees for the proposed appointment having regard to whether the nominees' abilities, experience and qualities meet the needs of the Sector to which the nomination is made.**

16. The suitability of the nominees was assessed following scrutiny of the nominee's academic credentials, professional training and experience, knowledge of the docket the nomination is made, personal integrity, background qualities as well as their performance during the approval hearings conducted on **Thursday 22<sup>nd</sup> December, 2022.**

#### **4.0. APPROVAL HEARINGS OF THE NOMINEES.**

17. During its Sittings held on **Thursday, 22<sup>nd</sup> December, 2022**, at Charter Hall, Assembly Precincts, City Hall Buildings from 10:00am, the Committee conducted face to face interviews of the nominees. The minutes of the vetting proceedings are attached to this report.

#### **4.1 MS. ASHA ABDI – NOMINEE FOR THE POSITION OF CHIEF OFFICER FOR FINANCE**

##### **Submissions by the Nominee**

18. **Ms. Asha Abdi**, the nominee for the position of the Chief Officer for **Finance** appeared before the Committee on **Thursday 22<sup>nd</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

19. The nominee is a female Kenyan born on 27<sup>th</sup> August, 1988 in Isiolo County and does not hold dual citizenship.

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

20. The nominee holds a Master of Arts in Project Planning from the University of Nairobi (2016- 2020), Bachelor of Economics from the University of Nairobi (2008-2012), Diploma in International Studies from the University of Nairobi (2010-2011).

The nominee is currently pursuing a PhD at the University of Nairobi (2021- to date).

The nominee also was in possession of a number of certificates from Harvard Business School and Strathmore Business School.

##### ***Employment Record***

The nominee has served as County Executive Committee Member, for Finance and Economic Planning (2013-2017), Acting. County Executive Committee Member for Health Services (2015-2017) in Isiolo County Government.

The nominee has also served as Acting County Chief Officer for Trade, Tourism and Investment and County Chief Officer for Finance and Economic Planning in Mombasa County Government.

### ***Income and net worth***

21. The nominee estimated her net worth to be **Kshs. 39 million** with the sources of income being monthly salary and gratuity from County Government of Mombasa.

### ***Professional Associations and Memberships***

22. The nominee is a Member of the Kenya Institute of Management (2022), Kenya Institute of Management, Project Management Institute (2022) and Institute of Economic Affairs(IEA).

### ***Potential Conflict of Interest***

23. The nominee declared that she did not have any conflict of interest to the position to be filled. She stated that should such a situation arise she would disclose the same and maintain a conflict of interest register.

### ***Probono/Charity Work***

24. The nominee was involved in mentoring and coaching young girls as well as supporting children homes and orphanages.

### ***Integrity***

25. The nominee declared that she has not been charged in a court of law nor has she been adversely mentioned in any investigatory report of Parliament or any other Commission of Inquiry. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

26. The Committee posed several questions to the nominee on his knowledge of the Finance Sector. The nominee responded as follows: -



***On what achievements she made having worked in Isiolo as County Executive Committee for Finance and as Chief Officer for Finance in Mombasa County.***

27. The nominee submitted that while she served as the Chief Officer for Finance in Mombasa County she made a lot of achievements key being automation of revenue systems, spearheaded economic diversification given that Mombasa County had relied heavily on tourism which was hit hard by the COVID pandemic and increased revenue collection from Ksh.3.1billion to Ksh 3.6billion. She further informed the Committee that she participated in coming up with structures in Isiolo County on the dawn of devolution.

***On the menace of the pending bills that had accumulated to Ksh.5.2billion during her tenure***

28. The nominee informed the Committee that given the uniqueness of Mombasa County the figure was tolerable considering that the pending bills was a matter of concern nationally having been inherited from the defunct council and there were also capital projects that were being initiated by the county government that were in line with the priorities of the county government of the day. The County Treasury had endeavored to reduce such bills and close to Ksh.3 billion had been paid out in an effort to ensure those who trade with the county are paid their dues.

***On why the County had increased audit queries and receiving qualified audit opinions from the Auditor General during her tenure***

29. The nominee averred that such an opinion was a stepping stone compared to disclaimer and adverse ones that the county got prior to her employment. She prided herself that the Auditor General had given an improved audit opinion that made it possible to continue putting in place internal control systems intended to ensure better reports are achieved.

***On why the County constantly failed to ensure the quarterly reports for special funds are submitted as required by Section 116 of the Public Finance Management Act,2012***

30. The nominee decried lack of skilled human resource in preparation of such reports but admitted that mechanisms had been put in place to ensure compliance with the provisions of the Act.

***On non-observance of prudent fiscal discipline where over 49% of county revenues went to payment of staff***

31. The nominee informed the Committee that the wage bill just like pending bills is an inherent problem from the defunct councils and Mombasa was not exceptional since most of the employees were employed then. She reminded the committee that the management of the wage bill was a collective responsibility with all concerned county departments and

the Board. She informed the Committee that during her tenure in Mombasa she initiated the Voluntary Early Retirement program which was yet to be rolled out as well as freezing on employment in a bid to ease on the wage bill.

***On why the Department of Finance and Economic Planning had the highest percentage of recurrent expenditure absorption at 103.1% which is irregular and implies unauthorized use of funds for purposes other than those intended for the funds***

32. The nominee admitted the anomaly but informed the Committee that such spending was occasioned by payment of pending bills and other statutory deductions which were domiciled in the Finance sector.

***On Non-remittance of statutory deductions for staff***

33. The nominee observed that the County equitable share was about Ksh.7billion which made Mombasa a marginalized county owing to the revenue sharing formula developed by Commission on Revenue Allocation(CRA) and approved by the Senate. This made honoring some staff deductions an uphill task given that the same share had to be divided to the County Assembly.

***On whether the County remained without a functional register of all accounts payables as required under regulation 100 of the Public Finance Management (County Governments) Regulations, 2015.***

34. The nominee informed that the County had a functional register of all accounts payables as required under regulation 100 of the Public Finance Management (County Governments) Regulations, 2015.

***On the understanding of the role especially in reference to Section 107 of the Public Finance Management Act, 2012***

35. The nominee stated that in managing the county government's public finances, the County Treasury was mandated to enforce the following fiscal responsibility principles-

- (a) the county government's recurrent expenditure shall not exceed the county government's total revenue;
- (b) over the medium term a minimum of thirty percent of the county government's budget shall be allocated to the development expenditure;
- (c) the county government's expenditure on wages and benefits for its public officers shall not exceed a percentage of the county government's total revenue as prescribed by the County Executive member for finance in regulations and approved by the County Assembly;

(d)over the medium term, the government's borrowings shall be used only for the purpose of financing development expenditure and not for recurrent expenditure.

***On her views of the challenges facing implementation of the WDF projects in relation to the PFM Regulations 197***

36. The nominee admitted that she was not well versed with the challenges to do with Ward Development funds projects in Nairobi but hinted that financing of the projects has been a major hindrance given the scarcity of resources.

***On her views concerning procurement challenges that have affected service delivery in Nairobi***

37. The nominee observed that delays in the formulation and non-adherence to procurement plans posed a real challenge. She endeavored to ensure proper expenditure management and adherence to procurement plans so that projects can be undertaken.

***Concerning the County asset and the mechanism that would be employed to ensure that the County gets back all its assets including those that were initiated and procured during the NMS tenure as the functions revert to the County***

38. The nominee proposed formation of an asset management committee to ensure that all assets are identified, verified and are handed back to the County. Further she undertook to ensure that all ownership documents especially for assets with Nairobi Metropolitan Services (NMS) are repossessed.

***On management of the pending bills***

39. The nominee appealed to the Committee that a multifaceted approach by all stakeholders should be put in place. She planned to ensure that the pending bills are audited to ensure only legible ones are paid, proposed that a city financing plan be developed as proposed to the Senate so that unique cities do not rely only on the exchequer to pay the pending bills. Further it was her submission that there is need for engagement with creditors especially on statutory deductions owed to LAPFUND, LAPTRUST and KRA so that the accumulated interest can be waived. The nominee also proposed debt swaps which could involve exchanging idle county properties.

***On how she endeavors to work with Economic Planning and Revenue Administration since they are independent and interdependent functions in the budget process.***

40. The nominee assured that she is a team player and will share her experiences with the other chief officers in the sector in a bid to ensure the County objectives are achieved.

***On the allegation that as a Chief Officer in Mombasa she single- handedly ran the finance docket therefore usurping the powers of other sectors.***

41. The nominee distanced herself from the claims and asserted that she is a team player but very diligent and strict in discharging her duties. She reported that in her previous post she collaborated with other players especially the council of Chief Officers chaired by the County Secretary and she also worked closely with the Sector Working Groups (SWGs).

***On what policies she would recommend to be put in place to ensure prudent financial management in payments***

42. The nominee committed to abide by the Public Service (Values and Principle) Act for officers and also be guided by the Leadership and Integrity Act. She further insinuated that if possible a corruption assessment risk for the County in liaison with Ethics and Anti-Corruption Commission (EACC) be done as was the case in Mombasa.

***On why the Finance Sector and specifically the Chief Officer for Finance have largely become payment masters rather than the policy developers and how it can be corrected***

43. The nominee admitted that the docket had been largely turned to paymasters and recommended that the economic diversification be undertaken by the County to avoid greatly relying on the exchequer.

***On the leadership skills she possessed that can help navigate the political environment she will be working in if appointed***

44. The nominee appealed that she had excellent communication skills that has helped her both with internal and external stakeholders. She also submitted that she had attended several institutions that has equipped her with various skills key being in decision making and problem solving.

**Committee Observations on the suitability of the nominee**

45. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, her curriculum vitae and having heard her oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Chief Officer for Finance: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan Citizen born on 27<sup>th</sup> August, 1988 in Isiolo County and does not hold dual citizenship.

- (ii) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.
- (iii) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (iv) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (v) **THAT**, the nominee demonstrated experience, huge knowledge of topical, administrative, and technical issues touching on Finance which position she has been nominated to.

## **4.2 MS. WINFRED WANGUI GATHAGU– NOMINEE FOR THE POSITION OF CHIEF OFFICER FOR ECONOMIC PLANNING**

### **Submissions by the Nominee**

46. **Ms. Winfred Wangui Gathagu**, the nominee for **Economic Planning** appeared before the Committee on **Thursday 22<sup>nd</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

#### ***Date and Place of Birth***

47. The nominee is a female Kenyan born on 16<sup>th</sup> January, 1978 in Nairobi, Nairobi County and does not hold dual citizenship.

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

48. She holds a Bachelor of Arts in Economics and Sociology from the University of Nairobi (1997-2001). She is currently pursuing a Master of Business Administration at Nazarene University (2013-2020)

#### ***Employment Record***

49. The nominee has served in the Nairobi City County Government as County Executive Committee Member in different capacities as follows: -

- Acting County Executive Committee Member for Urban Renewal, Housing and Project Management (Feb 2022 – to-date)
- County Executive Committee Member for Commerce, Tourism and Cooperatives (2020-2022)

- County Executive Committee Member for Finance and Economic Planning (2019)
- County Executive Committee Member for Finance and Economic Planning (2019)
- County Executive Committee Member Food, Agriculture, Water and Forestry (2019)
- County Executive Committee Member for Lands, Urban Renewal, Housing and Project Management (2019)

The nominee has also served in the Nairobi City County Government as County Chief Officer for Finance (2019) and County Chief Officer for Economic Planning (2019)

The nominee previously worked at Cooperative Bank of Kenya, Rift and Nairobi West Branches (2013- 2017) as product/Relationship Manager.

#### ***Income and net worth***

50. The nominee estimated her net worth to be Kshs 65 million with the sources of income being rentals, family business and salary.

#### ***Potential Conflict of Interest***

51. The nominee declared that she currently did not have any persons or matter that would present any potential conflict of interest should he assume the position of County Chief Officer for Economic Planning.

#### ***Responses to general and sector specific questions to the nominee***

The Committee posed several questions to the nominee on her knowledge of Economic Planning she had been nominated to. The nominee responded as follows: -

#### ***On her achievements while serving as the Chief Officer for Finance & Economic Planning for Nairobi County***

52. The nominee noted that she was able to pay salaries for the County Executive and County Assembly by 25<sup>th</sup> day of each month which achievement was never attained in the County until her appointment in 2018. The nominee stated that she received an award for being the best county in terms of its transparency in the budget process.

#### ***On why anyone should trust her with the docket she has been nominated to despite available data showing numerous failures while serving in the same position previously***

53. The nominee asserted that during her short stint as the CECM Finance she was able to pay salaries by 25<sup>th</sup> day of each month which had never been the case, remitted statutory deductions in time, overseen the highest own source revenue that hit Ksh.10.1 billion which has been the highest for the last 3 financial years. The nominee further informed the

Committee that the Auditor General had persistently given a disclaimer opinion but from the time she took over, the auditor was able to express an opinion hence the county obtained an adverse opinion which though not favorable was a stepping stone towards prudent financial management and control.

***On why there have been many buildings collapsing within the city during her tenure as the CECM for urban planning and housing***

54. The nominee responded that the Sector was lacking enough engineers and planners and to address the problem, she had put in place measures that include hiring of more engineers and planners as well as private surveillance team.

***On the understanding of her role in reference to sections 117, 118 and 126 of the Public Finance Management (PFM) Act, 2012***

55. The nominee stated that her role is generally to coordinate the Budgeting and Planning functions of the County. In particular, she promised that if appointed she will be developing the County Fiscal Strategy Paper (CFSP), prepare and submit the County Budget Review and Outlook Paper (CBROP) and development planning documents like the County Integrated Development Plan (CIDP) in line with Sections 117, 118 and 126 of the PFM Act, 2012 respectively.

***On the strategies that are necessary to measure the performance the Economic Planning Department***

56. The nominee stated the following as the performance measurement tools for the Economic Planning Department: -

- ✓ Timely preparation of the budget documents
- ✓ Quality of the budget documents
- ✓ Engagement with Stakeholders through public participation

***On the challenges affecting the Economic Planning mechanisms of Nairobi City County***

57. The nominee informed the committee that challenges of understaffing and limited financial resources were the key hurdles in the Economic Planning Department. She noted that while in ideal case, each Sector of the County needed to have one economist, the reality was that the department had only four economists.

***On what she needs to do to improve budget transparency ratings in areas of the availability and accessibility of the budget documents for the citizens***

58. The nominee informed the Committee that in order to improve on county budget transparency, she committed to ensure effective public participation on all budget documents is undertaken, collaborate with the stakeholders like the Finance, Budget and Appropriations Committee, build capacity for the staff of the Economic Planning Department; and upload budget documents on the County Website on time.

***On who she thinks has the over anchoring role in County budgeting among the actors that include the Controller of Budget, the Commission on Revenue Allocation, the Senate, the National Treasury, the County Treasury and the County Assembly and which role of the entities stands out for her***

59. The nominee observed that the County Assembly plays the over anchoring role in the County budgeting. She supported her observation by stating that without County Assembly engagement, the County would have no budget.

***On how the County Assembly can assist her in ensuring that planning informs budgeting and vice versa***

60. The nominee stated that she expected the County Assembly to approve the budget plans and develop various legislations that support the Economic Planning function.

***On her take about the negligence that caused the irregular transfer of bursary funds to Maryland health services and whether the incident caused delays in the disbursement of the bursary to the beneficiaries***

61. The nominee informed the committee that the mistake was on the part of the Co-operative Bank due to a typo of the account number for bursary fund account and was swiftly corrected upon detection. She further enumerated that Maryland is a donor that support the County in areas of HIV programs. The nominee further affirmed to the Committee that the bursary funds were eventually disbursed to the beneficiaries without delay.

#### **Committee observations on the suitability of the nominee**

62. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, her curriculum vitae and having heard her oral submissions during the approval hearing, made



the following observations on her suitability for appointment as County Chief Officer for Economic Planning: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan Citizen born on 16<sup>th</sup> January, 1978 in Nairobi County and does not hold dual citizenship.
- (ii) **THAT**, the nominee previously served at Nairobi City County Government as the County Chief Officer for Finance, Chief Officer for Economic Planning and County Executive Committee Member for Finance and Economic Planning (2018 - 2019).
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.
- (vi) **THAT**, the nominee lacked knowledge of current, administrative, and practical issues touching on the Economic Planning which position she has been nominated to.

#### **4.3 MR. WILSON GAKUYA – NOMINEE FOR THE POSITION OF CHIEF OFFICER FOR REVENUE ADMINISTRATION**

##### **Submissions by the Nominee**

63. **Mr. Wilson Njoroge Gakuya**, the nominee for **Revenue Administration** appeared before the Committee on **Thursday 22<sup>nd</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

64. The nominee is a male Kenyan born on **13<sup>th</sup> August, 1980** in Maragua, Muranga County and does not hold dual citizenship.

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

65. He holds a Master Degree in Public Finance from GRIPS, Japan, Bachelor of Education (Science) from Egerton University, Diploma in Tax Administration from Kenya School of Revenue Administration and Certificate of Certified Public Accountants from Kenya Accountants and Secretaries National Examination Board (KASNEB).

#### ***Employment Record***

66. The nominee is currently a Supervisor at Kenya Revenue Authority since 2018. He previously served as a Polling/Registration Clerk at Independent Electoral and Boundaries Commission.

#### ***Income and net worth***

67. The nominee estimated his net worth to be **Kshs. 43 million** with the sources of income being businesses and salary.

#### ***Professional Associations and Memberships***

68. He was a member of the Kenya Red Cross Society and League of Young Profession.

#### ***Potential Conflict of Interest***

69. The nominee declared that he currently did not have any persons or matter that would present any potential conflict of interest should he assume the position of County Chief Officer for Revenue Administration.

#### ***Probono/Charity Work***

70. The nominee is a founder Member of Makovictor Mentorship Program for school going children and teachers of Makomboki Primary School where he offers books and assistance in kind.

#### ***Integrity***

71. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

#### ***Responses to general and sector specific questions to the nominee***

72. ***On his specialized skills and experience, he was bringing to the County to maximize on own source revenue collection.***

73. The nominee stated that having worked with KRA from the lowest rank as a graduate trainee to a supervisor, he had taken a leading role in implementing revenue strategies

within the Authority. He asserted the rich first-hand experience in matters of taxation and financial reporting spanning for more than a decade which he would use to enhance revenue collection in the County.

***On the shortfalls in revenue collection arising from Service Level Agreement entered between the Nairobi County and KRA***

74. The nominee informed the Committee that the prevailing economic conditions brought about by Covid-19 could have affected revenue collection at both County and national level. He also cited political interferences arising from the transfer of functions from Nairobi City County to Nairobi Metropolitan Services.

***On the knowledge relating to administration of public revenue***

75. The nominee stated that public finance bills were tools used to mobilize revenue collection and as such proper measures needed to be incorporated to improve on revenue collection.

***On the knowledge of public finance principle***

76. The nominee stated that the principle was about equitability on how resources were utilized and how tax burdens were absorbed both by the taxpayers and other actors. He also emphasized that the public finance principle was about accountability, transparency and public participation which values he intends to ensure prudent utilization of resources in the County.

***On the responsibility in budget making process and revenue raising measures***

77. The nominee informed the Committee that he would develop appropriate strategies for revenue mobilization as well as mechanisms to achieve proper assessment of taxes and their collection. He stated the need for the County to automate the revenue systems and customize them to prevent leakages through owning their rights. The nominee committed to borrow reports of Commission on Revenue Allocation and Treasury whose recommendations could help establish existing revenue collection gaps in the County and provide lasting solutions. The nominee committed to undertake a holistic review of existing revenue systems with the intention of enhancing revenue collection.

***On the Parking and Cess fees that are not recoverable after a day lapses***

78. The nominee proposed for a legal framework that will aid in enforcement of such parking and cess fees at the point of entry. He promised to have the revenue officers collect such fees immediately at strategic points of entry.

***On conditional grants the County has failed to receive over the years***

79. The nominee pledged to liaise with his counterparts in the Finance Department and ensure that conditional grants were prudently utilized for intended projects/programmes which also needed to be implemented within stipulated timelines.

***On the issue of county borrowing and credit rating***

80. The nominee acknowledged the challenge the County was facing in raising adequate revenue which impacted on its inability to pay pending bills that result in accumulated debts. He informed the Committee that he would initiate a good working relationship with the national treasury to address and unlock the debts which are owed to the County by other institutions. By achieving this, he emphasized that the County would enhance its revenue collection and also improve on its credit rating which would place it in a better position to borrow from other entities.

**Committee Observations on the suitability of the nominee**

81. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Chief Officer for Revenue Administration: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on **13<sup>th</sup> August, 1980** in Muranga County and does not hold dual citizenship.
- (ii) **THAT**, the nominee is currently a supervisor at the Kenya Revenue Authority. He previously served as a Revenue Officer with the same institution.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.

(vi) **THAT,** the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the revenue administration which position he has been nominated to.

## **5.0 COMMITTEE GENERAL OBSERVATIONS**


82. **That** pursuant to Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that **Ms. Asha Abdi**, the **County Chief Officer** nominee for **Finance** and **Mr. Wilson Njoroge Gakuya**, the **County Chief Officer** nominee for **Revenue Administration** demonstrated knowledge on matters touching on the positions to which they had been nominated. In the foregoing, the two nominees be **approved** for appointment.

83. That **Ms. Winfred Wangui Gathagu**, the **County Chief Officer** nominee for **Economic Planning** lacked knowledge on issues touching on the position to which she had been nominated and that appointment of the said nominee be **rejected**.

**6.0 COMMITTEE RECOMMENDATIONS**

84. **THAT**, having conducted the approval hearing of the nominees pursuant Section 45 of the County Government Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 202(4) the Committee recommends that the House-

- 1. Approves the nomination of Asha Abdi for appointment as County Chief Officer for Finance by His Excellency the Governor.**
- 2. Approves the nomination of Wilson Njoroge Gakuya for appointment as County Chief Officer for Revenue Administration by His Excellency the Governor.**
- 3. Rejects the nomination of Winfred Wangui Gathagu for appointment as County Chief Officer for Economic Planning by His Excellency the Governor.**


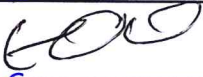
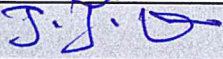
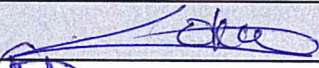
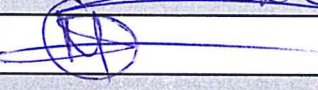
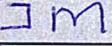
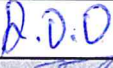




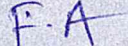
SIGNED ..... 

**HON. WIFRED OLUOCH ODALO, MCA**

**CHAIRPERSON: SELECT COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS**

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We the undersigned Members of the Finance, Budget and Appropriations Committee affirm that this is the approved report of the Committee on the Vetting of the Nominees for the positions of Chief Officer for Finance, Chief Officer for Economic Planning and Chief Officer for Revenue Administration as adopted by the Committee at its sitting held on Friday 23<sup>rd</sup> day of December, 2022

NAME	SIGNATURE
1. Hon. Wilfred Oluoch Odalo, MCA - Chairman	
2. Hon. Emily Oduor, MCA - Vice Chairperson	
3. Hon. Jeckoniah Onyango, MCA	
4. Hon. Robert Mbatia, MCA	
5. Hon. Catherine Apiyo Okoth, MCA	
6. Hon. Moses Ogeto, MCA	
7. Hon. Jane Muasya, MCA	
8. Hon. Redson Otieno Onyango, MCA	
9. Hon. Asli Muhamed, MCA	
10. Hon. Rosemary Masitsa, MCA	
11. Hon. Perpetua Mponjiwa, MCA	
12. Hon. Collins Ogenga, MCA	
13. Hon. Fathiya Abdillahi Mohamed, MCA	
14. Hon. Sam Kago, MCA	
15. Hon. Anthony Ngaruiya Jasho, MCA	
16. Hon Paul Ndungu, MCA	
17. Hon Ciciliah Wairimu Njathi, MCA	
18. Hon Waruguru Kanyi, MCA	
19. Hon Joyce Kamau Muthoni, MCA	
20. Hon Waithera Chege, MCA	
21. Hon Anthony Kiragu, MCA	
22. Hon Mark Mugambi, MCA	
23. Hon Susan Makungu, MCA	

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