

Abraham Njiragu On

02/05/2018

COUNTY GOVERNMENT OF NAIROBI CITY



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NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY-SECOND SESSION

REPORT

OF THE SECTORAL
COMMITTEE ON CULTURE AND COMMUNITY SERVICES
ON

THE VETTING OF NOMINEE OF CHIEF OFFICER RESPONSIBLE FOR
DISASTER MANAGEMENT AND COORDINATION SUB-SECTOR

Approved
2/5/2018
Blaw

Clerk's Chambers
City Hall Buildings
NAIROBI

APRIL, 2018

TABLE OF CONTENTS

1.0.	PREFACE.....	4
2.0.	BACKGROUND.....	8
3.0.	VETTING OF THE CHIEF OFFICER NOMINEE.....	10
4.0.	COMMITTEE'S OBSERVATIONS AND FINDINGS	16
5.0	RECOMMENDATIONS.....	18

ANNEXES

(i) Annexure (1)–Clearance Certificates

- 1) Kenya Revenue Authority
- 2) Criminal Investigation Department
- 3) Higher Education Loans Board
- 4) Credit Reference Bureau
- 5) Ethics and Anti-Corruption Commission

(ii) Annexure (2)

- 1) Minutes

(iii) Annexure (3) – Curricula Vitae

- 1) Ms. Ann Kananu Mwenda

(iv) Annexure (4) – Correspondences

- 1) Higher Education Loans Board
- 2) Ethics and Anti-Corruption Commission

1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Culture and Community Services is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
 - b) study the programme and policy objectives of departments and the effectiveness of the implementation;
 - c) study and review all county legislation referred to it;
 - d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
 - e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
 - f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation

1.2 Committee Membership

Hon. Speaker,

The Sectoral Committee on Culture and Community Services was constituted by the Assembly on 5th October, 2017 comprising of the following Members:-

1. **Hon Mwangi Njihia, MCA - Chairman**
2. Hon Anthony Nganga Gatune, MCA – Vice - Chairman
3. Hon Millicent Anyango, MCA
4. Hon Patrick Karani, MCA

5. Hon Leah Supuko, MCA
6. Hon Nicholas Okumu, MCA
7. Hon Joseph Wambugu, MCA
8. Hon Benson Mwangi, MCA
9. Hon. Clarence Munga, MCA
10. Hon Anthony Karanja, MCA
11. Hon Annita Thumbi, MCA
12. Hon. Nancy Muthami, MCA
13. Hon. Emapet Kemunto, MCA
14. Hon. Mellab Atemah Lumalah, MCA
15. Hon. David Njilithia Mberia, MCA
16. Hon. Jared Okoth Okode, MCA
17. Hon. Kennedy Odhiambo Oyugi, MCA
18. Hon. Jairus Amukhoye Omayya, MCA
19. Hon. John Kamau, MCA

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to Section 45(1) (a) and (b) of the County Governments Act, 2012, **H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko** vide a letter dated 5th April, 2018 forwarded to the Speaker of the Nairobi City County Assembly, the name of Ms. Ann Kananu Mwenda for vetting by the Sectoral Committee on Culture and Community Services for approval by the County Assembly for appointment as Chief Officer responsible for Disaster Management and Coordination.

1.4 Committal to Committee on Culture and Community Services

Hon. Speaker,

Pursuant to Standing Order 43(1), the Honorable Speaker informed the Assembly on 10th April, 2018 that she had received the notification of the nominations. The notification of nomination of the nominee for Chief Officer responsible for Disaster Management and Coordination was therefore referred to the Sectoral

Committee on Culture and Community Services on 10th April, 2018 for vetting and reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (*hereinafter referred to as "the Act"*).

Subsequently, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and the Daily Nation Newspaper on Wednesday 11th April, 2018, inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees in conformity with Section 7(10) of the Act.

1.5 Committee Meetings

Hon. Speaker,

The nominee appeared before the Committee on Thursday 19th April, 2018 and was vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on her suitability for appointment to the position of Chief Officer responsible for Disaster Management and Coordination. The Committee held three Sittings in consideration of this matter.

1.6 Acknowledgement

Hon. Speaker,

May I take this opportunity to thank Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. 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 vetting exercise. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered to the Committee. Their efforts and input made the work of the Committee and the production of this Report possible. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

2.0. BACKGROUND

2.1 Establishment of the Sectoral Committee on Culture and Community Services

The Sectoral Committee on Culture and Community Services is one of the Sectoral Committees established under Standing Order No. 203. Further Standing Order 203 (6) (f) contemplates that one of the functions of a Sectoral Committee shall be

“To vet and report on all appointments where the Constitution or any other law requires that County Assembly to approve, except those under Standing Order 196(Committee on Appointment)”

Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (No. 5 of 2017) provides thus:-

“Where the nomination of a candidate is rejected by a County Assembly, the appointing authority may submit to the relevant County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.”

2.2 Vetting process of the Chief Officer Nominee responsible for Disaster Management and Coordination

Section 45 (1) (a) and (b) of the County Governments Act, 2012, provides for the Governor’s power to nominate Chief Officers, with the approval of the Assembly, from among persons who are not members of the County Assembly.

A letter from the Office of the Governor dated 5th April, 2018, addressed to the Speaker of the County Assembly indicated that pursuant to section 45 (1) (a) and (b) of the County Governments Act, 2012, H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko had nominated twenty two (22) nominees to be considered for approval by the County Assembly for appointment as Chief Officers of the ten Sectors.

On Tuesday, 10th April, 2018, the Honourable Speaker in a Message to the Assembly informed the Assembly that her office had received the names of the twenty three (23) nominees, and directed that the names and curriculum vitae of the said nominees be referred to the various Select and Sectoral Committees for vetting and reporting to the Assembly pursuant to Standing Order 203 (6) (f) and Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017(No. 5 of 2017).

Finally, on behalf of the Sectoral Committee on Culture and Community Services, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the nominee for appointment to the position of Chief Officer responsible for Disaster Management and Coordination to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Signed 

Hon. Abraham M. Njihia, MCA
(Chairperson)

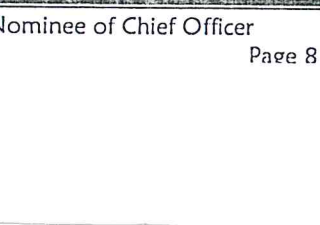
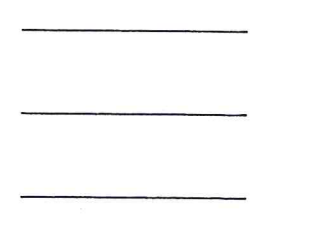
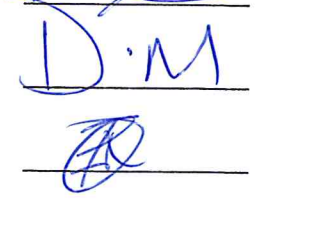
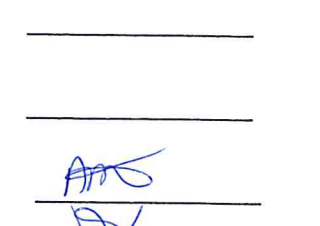
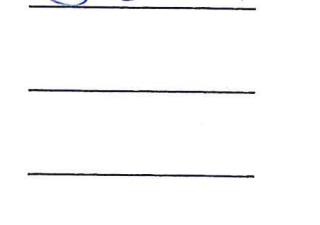
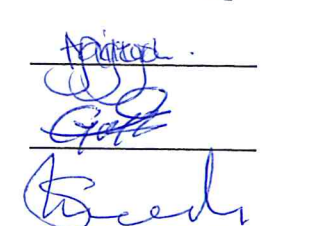
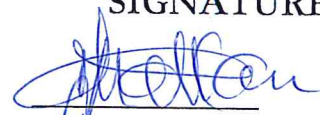
Sectoral Committee on Culture and Community Services

Dated this th30.....day of.....APRIL.....2018

COMMITTEE MEMBERS

SIGNATURE

1. Hon Mwangi Njihia, MCA – Chairman
2. Hon Anthony Nganga, MCA – Vice Chairman
3. Hon John Kamau, MCA
4. Hon Millicent Anyango, MCA
5. Hon Patrick Karani, MCA
6. Hon Leah Supuko, MCA
7. Hon Nancy Muthami, MCA
8. Hon Joseph Wambugu, MCA
9. Hon Benson Mwangi, MCA
10. Hon Anthony Karanja, MCA
11. Hon Annita Thumbi, MCA
12. Hon. Nicholas Okumu, MCA
13. Hon. Emapet Kemunto, MCA
14. Hon. Mellab Atemah Lumalah, MCA
15. Hon. David Njilithia Mberia, MCA
16. Hon. Jared Okoth Okode, MCA
17. Hon. Kennedy Odhiambo Oyugi, MCA
18. Hon. Jairus Amukhoye Omayo, MCA
19. Hon. Clarence Munga, MCA



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2.3 Notification to the Public

Section 7 (5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that-, *“the committee shall, 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”* and *“any person may, prior to the approval hearing and by a 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”*.

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and the Daily Nation Newspaper on Wednesday 11th April, 2018 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees. At the close of business on Monday 16th April, 2018, no memoranda contesting the suitability of the nominee for Chief Officer for Disaster Management and Coordination had been received from the public.

In accordance with the provisions of Article 196 of the Constitution and section 7(5) of the Public Appointments (County Assemblies Approval) Act, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Sectoral Committee on Culture and Community Services to conduct the vetting and approval hearing of the nominees on Thursday 19th April, 2018.

2.4 Clearance Requirements

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominees be asked to submit their clearance status with the following institutions for the vetting exercise –

- a) Kenya Revenue Authority (KRA)
- b) Criminal Investigation Department (CID)
- c) Higher Education Loans Board (HELB)
- d) Credit Reference Bureau (CRB) and
- e) The Ethics and Anti-Corruption Commission (EACC)

The clearance by the foregoing institutions was primarily meant to provide information about the nominees on: -

- a) Matters touching on integrity;
- b) Tax compliance;
- c) Loan repayments; and
- d) Presence or absence of criminal records.

3.0 VETTING OF THE CHIEF OFFICER NOMINEE

In conducting the approval hearing/vetting process, the Sectoral Committee on Culture and Community Services examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017—

- (i.) Academic qualifications.
- (ii.) Employment record
- (iii.) Professional associations.
- (iv.) Potential conflict of interest.
- (v.) Knowledge of the relevant subject.
- (vi.) Overall suitability for the position.
- (vii.) Tax compliance.
- (viii.) Integrity.

During its Sitting held on Thursday, 19th April, 2018 at the Resource Center, Assembly Precincts, City Hall Buildings from 10:00am, the Committee conducted face to face interview of the nominee. The minutes of the approved hearing proceedings are attached to this report.

3.1 APPEARANCE BEFORE THE COMMITTEE BY MS. ANN KANANU MWENDA- CHIEF OFFICER NOMINEE FOR THE DISASTER MANAGEMENT AND COORDINATION DEPARTMENT

The Chief Officer nominee for the Disaster Management and Coordination Department, Ms. Ann Kananu Mwenda, appeared before the Committee on Thursday 19th April, 2018 at 10.00am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee

invited submissions from the Public on her suitability or otherwise for appointment to Public office, but none had been received by close of business on 16th April, 2018.

While under oath, she proceeded to inform the Committee as follows:-

A. With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that she was born on 1st May, 1980 and;

- a) She is currently the Security Supervisor – in charge of Quality Control & Training, Kenya Airports Authority.
- b) She holds a Bachelor of Science in Criminology and Security Management (Forensic and Criminal Investigation) from the Dedan Kimathi University.
- c) The nominee also holds a Diploma in Criminology and Security Management from St. Paul's University.
- d) Attended other professional courses at various institutions, as well as seminars and workshops.
- e) Attended various other professional courses and attained Certificates in Crisis Management from AVSEC. Female Screening, Man Portable Air Defense Systems (Man pads Training) from US Department of Homeland Security.
- f) The nominee previously worked as a Personal Assistant, H. Mogambi & CO. Advocates between 2003 - 2004 and Customer Service & Personal Assistant to the CEO, MOKIR Enterprises between 2002 - 2003.

B. In response to questions put to her by Members of the Committee, Ms. Ann Kananu Mwenda stated as follows:-

I. a) With respect to her Educational Qualifications suitability for the Position Nominated -

The nominee stated as follows –

That She:

- a. Holds a Bachelor of Science Degree in Criminology and Security Management majored in Forensic and Criminal Investigation from Dedan Kimathi University undertaken in 2016. (Second Class Upper Division)

- b. Has a Diploma in Criminology and Security Management from St. Paul's University undertaken in 2013
- c. Undertook two Certificate courses in Human Resource Management and Public Relations at University of Nairobi between 2011 – 2012
- d. Had very good training in Disaster management and Security as well as Active Shooter and Hostage training – e.g. in AVSEC and Humanitarian Peace Support School
- e. Cleared her Kenya Certificate of Secondary Education at Our Lady of Mercy High School in 1999

II. a. With regard to her employment history –

The nominee stated that She:

- a. Currently serving as a Security Supervisor – In Charge of Quality Control & Training – responsible in ensuring the Standard Operating Procedures are followed, update all Contingency plans for the organization
- b. Served as a Personal Assistant at H. Mogambi & CO. Advocates
- c. Served as an Incharge Customer Service & Personal Assistant to the CEO at Mokir Enterprises, which was a Safaricom Consultancy Firm- responsible for handling Customer Services
- d. Served as a Switchboard Operator at the Kenya College of Communications Technology – responsible in assisting callers by answering the line and connecting the caller to the correct person or department.

b. Relevance to the position nominated to –

She responded that –

- a. In Quality Control, disaster management and preparedness was important in making contingency plans and mitigation measures when a disaster occurs.
- b. She further responded that while setting up mitigation measures its vital to have a well trained personnel who understand what response should be given in case of a disaster.

III. a) Why she applied for the position nominated -

The nominee informed the committee as follows –

- a. She has served at Kenya Airports Authority as a Security Supervisor, for the past thirteen years, and has been part of a team that has strived to ensure that disaster crisis is managed well and the Organization is well prepared to mitigate any disaster and breach of security.
- b. Noted that from her experience at Kenya Airports Authority, there is an opportunity for handling and mitigating disaster management better.

b) Knowledge of what the Sub - Sector she had been nominated to serve entails-

- a. She indicated that the Sub-Sector is under the office of the Governor and the team is tasked with handling of fire and disaster management in the City which includes planning, organizing and ensuring there is timely response when a disaster occurs.

c) Main challenges in the Sub- Sector and how she would address those challenges if confirmed to the position-

She responded that –

- a) Shortage of staff and lack of consistent disaster management trainings
- b) Lack of personal protective equipment for the staff who handle disasters
- c) The roads in the City especially the ones in the slums are too narrow therefore they cannot be accessed with ease in case of disasters. -
- d) Lack of funds in the sub-sector.
- e) Being a professional trainer she will ensure that the staff are continuously trained. On shortage of staff and lack of funds, she would liaise with the Members of the County Assembly to ensure that as they pass the annual budget the sub- sector is not underfunded.

d) Regarding what experience she was bringing to the position-

The nominee informed the committee as follows –

- a) Having worked as a Security Supervisor she was bringing her skills as well as experience gained in handling disaster management at Kenya Airport Authority.

b) She mentioned that she would ensure that the staff under the Sub-Sector will be accountable to all the disaster management tools issued. i.e Fire engines and protective gears .

e) What can Mwananchi expect to benefit from the above mentioned experience-

The nominee informed the committee as follows –

- a. Work closely with Members of County Assembly to ensure that all the 85 Wards are well equipped to mitigate disaster crisis.
- b. Ensure that Communities undertake awareness programs in matters relating to fire, floods and collapse of buildings.
- c. That a cordial working relationship with subordinate staff will be key to ensuring that Mwananchi gets fast and timely response to disasters.
- f) Regarding navigating the relationship between the roles of the position nominated to and those of the County Executive Committee Members and other County Staff if appointed-**

The nominee stated that she -

- a. Recognizes that as Chief Officer she will be part of the team, responsible for policy and day to day administration of the Disaster Management and Coordination Sub-Sector.
- b. Recognizes the vital role the County Assembly plays – i.e. relationship between herself as a Chief Officer and County Assembly will be understood from the mandate drawn from the County Governments Act and conducting herself in a professional manner, using her expertise to develop a close working relationship with the Assembly
- g) With respect on how the roles of the County Assembly will be of help in enhancing efficiency and effectiveness in service delivery of the Sub - Sector nominated to –**
- a. She responded that with the key main roles of the County Assembly being Oversight, Legislation and Representation she would work hand in hand

with the Members of the County Assembly to ensure that their issues on disaster management are handled efficiently and effectively.

- b. That the policies the Sub-Sector will propose in regards to Nairobi City County Disaster and Emergency Act, 2015 she would work with the County Assembly to ensure that the policies outlines what the Sub - Sector hopes to achieve and the methods and principles it will use to achieve them.
- c. That she would ensure through the County Assembly that the Sub – Sector is not underfunded therefore enabling the County perform well in terms of disaster management and coordination.

IV a) How she will navigate the relationship between herself and Members of the Assembly-

The nominee stated that she -

- a. That partnership and collaboration with the Assembly through the relevant Sector committee of the Assembly will be key, being the Sectoral Committee on Culture and Community Services.
- b. Will generally cultivate a close working relationship with the Assembly generally and all stakeholders, based on cordiality and open communications channel.

b) How will the Nominee ensure full implementation of the Nairobi City County Disaster and Emergency Act, 2015 –

The nominee stated that she –

- a. Would perform a situational analysis and understand the current status of the implementation of the said Act.
- b. Perform an audit and understand the vulnerable areas for disasters like fire and floods.
- c. Ensure adequate planning and mitigation measures to ensure there's full implementation of the Act.

V a) Regarding handling pressure from family and friends seeking services and favors

The nominee stated that she –

- a. Nominee observed that she would act professionally and within the confines of the law in dealing with pressures. Accordingly, she will rely on due procedure in dealing with friends should such arise.

b) Regarding Past experiences to Nominees commitment to the requirements of Chapter Six of the Constitution on Leadership and Integrity -

The nominee stated that she –

- a. She has always been guided by integrity values and good faith in her work and has never been investigated on any matters of corruption.

c) On rendering Community Service within the County –

The nominee stated that she –

- a. During the recent Langata Ward fire, she provided snacks, tea and sodas to the support staff who were assisting in putting off the fire for 8 days which costed her almost Ksh. 20,000.
- b. She further stated that when the County Fire Engines came to put off the fire they lacked water and therefore she authorized that they be supplied with water from Kenya Airports Authority.

d) What can residents of Nairobi expect from the Nominee should the Assembly approve her nomination -

The nominee stated that she –

- a. The nominee committed to giving the City her best, ensuring there's adequate planning and quick response in disaster management and total dedication to service delivery.

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS ON SUITABILITY OF MS. ANN KANANU MWENDA FOR THE APPOINTMENT AS CHIEF OFFICER, DISASTER MANAGEMENT AND COORDINATION

The Committee having considered the nominee filled Questionnaire pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017, her Curriculum Vitae and having heard her oral submission during the vetting exercise made the

following observations: on her suitability for appointment as Chief Officer responsible for Disaster Management and Coordination:-

THAT: -

1. The nominee satisfies the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that:-
 - a) The nominee has been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
 - b) The nominee has not been charged in a Court of Law.
 - c) The nominee does not exhibit a potential conflict of interest.
2. The nominee meets the requirements of Section 45(1) (a) of the Public Appointments (County Assemblies Approval) Act, 2017 since she:-
 - a) Exhibited impressive knowledge of topical issues touching on the docket nominated to and has the requisite abilities, qualifications and experience.
 - b) She was competently sourced and recommended by the County Public Service Board.

A summary of the Committee's specific observations for the nominee is highlighted as follows:-

4.1 MS. ANN KANANU MWENDA - NOMINEE FOR THE CHIEF OFFICER RESPONSIBLE FOR DISASTER MANAGEMENT AND COORDINATION SUB-SECTOR.

- a) She is currently the Security Supervisor – in charge of Quality Control & Training, Kenya Airports Authority.
- b) Holds a Bachelor of Science Degree in Criminology and Security Management majored in Forensic and Criminal Investigation from Dedan Kimathi University. (Second Class Upper Division)
- c) The nominee also holds a Diploma in Criminology and Security Management from St. Paul's University.
- d) Attended other professional courses at various institutions, as well as seminars

and workshops.

- e) Attended various professional courses and attained Certificates in Crisis Management from AVSEC. Female Screening, Man Portable Air Defense Systems (Man pads Training) from US Department of Homeland Security.
- f) Has a Diploma in Criminology and Security Management from St. Paul's University undertaken in 2013.
- g) Undertook two Certificate courses in Human Resource Management and Public Relations at University of Nairobi between 2011 – 2012
- h) Had very good training in Disaster management and Security as well as Active Shooter and Hostage training – e.g. in AVSEC and Humanitarian Peace Support School
- i) She has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation and other relevant clearances from state agencies as required.
- j) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- k) The Committee found the nominee suitable and qualified for appointment as the Chief Officer responsible for Disaster Management and Coordination Sub-Sector.

5.0. RECOMMENDATIONS

Pursuant to Section 45 (1) (a) and (b) of the County Governments Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 203 (6) (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

THAT, this Assembly **approves** the nominee for appointment by H.E. the Governor as Chief Officer responsible for Disaster Management and Coordination in the respective Sector as follows:-

- 1) Ms. Ann Kananu Mwenda- Disaster Management and Coordination