

Report laid on 02/05/11

by Hon. Moses Ogeto
COUNTY GOVERNMENT OF NAIROBI CITY



to Hon.
PCA CLS P)
02/05/2018

NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY-SECOND SESSION

REPORT
OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
ON

THE VETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF
COUNTY CHIEF OFFICER RESPONSIBLE FOR DEVOLUTION AND SUB-
COUNTY ADMINISTRATION

Approved
2/5/2018

Clerk's Chambers
City Hall Buildings
NAIROBI

APRIL, 2018

TABLE OF CONTENTS

1.0. PREFACE.....	4
1.1. Committee Mandate.....	4
1.2. Committee Membership.....	4
1.3. Message from His Excellency the Governor.....	5
1.4. Committal to Sectoral Committee on Justice and Legal Affairs.....	5
1.5. Committee Meetings.....	6
1.6. Acknowledgement.....	6
2.0. BACKGROUND.....	8
2.1. Establishment of the Sectoral Committee on Justice and Legal Affairs.....	8
2.2. Appointment process of the Chief Officer Nominee.....	8
2.3. Notification to the Public.....	9
2.4. Clearance Requirements.....	9
3.0. VETTING OF CHIEF OFFICER NOMINEE RESPONSIBLE FOR DEVOLUTION AND SUB COUNTY ADMINISTRATION.....	10
3.1. APPEARANCE BEFORE THE COMMITTEE BY MR. JAIRUS MUSUMBA –NOMINEE FOR CHIEF OFFICER FOR DEVOLUTION AND SUB COUNTY ADMINISTRATION.....	10
4.0. COMMITTEE’S OBSERVATIONS AND FINDINGS.....	14
5.0. RECOMMENDATIONS.....	16



ANNEXES

(i) Annexure (1)–Clearance Certificates

- Kenya Revenue Authority
- Higher Education Loans Board
- Ethics and Anti-Corruption Commission
- Criminal Investigation Department
- Credit Reference Bureau

(ii) Annexure (2)

- Minutes

(iii) Annexure (3) – Curricula Vitae

- Mr. Jairus Musumba

1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Justice and Legal Affairs 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*
- g) 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 Justice and Legal Affairs was constituted by the Assembly on 4th October, 2017 comprising of the following Members:-

- | | |
|-------------------------------------|------------------------|
| 1. Hon. Jayendra Malde, MCA | Chairman |
| 2. Hon. Moses Ogeto Nyangaresi, MCA | Vice - chairman |
| 3. Hon. Julius Njoka, MCA | |
| 4. Hon. Osman Khalif, MCA | |
| 5. Hon. Mwaura Samora, MCA | |
| 6. Hon. Sylvia Museiya, MCA | |

7. Hon. Doris Kanario, MCA
8. Hon. Anthony Kimemia , MCA
9. Hon. Elijah Mputhia, MCA
10. Hon. Wanjiru Kariuki, MCA
11. Hon. Elizabeth Nyambura, MCA
12. Hon. David Ayo, MCA
13. Hon. Francis Otieno Ngesa, MCA
14. Hon. Elias Otieno Okumu, MCA
15. Hon. Jackline Apondi, MCA
16. Hon. Esther Nyangweso, MCA
17. Hon. Patrick Kanyangi Logedi, MCA
18. Hon. June Ndegwa, MCA
19. Hon. Stephen Gikonyo, 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 Mr. Jairus Musumba for vetting by the Sectoral Committee on Justice and Legal Affairs for approval by the County Assembly for appointment as Chief Officer responsible for Devolution and Sub-County Administration.

1.4. Committal to Sectoral Committee on Justice and Legal Affairs

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 nominations was therefore referred to the Sectoral Committee on Justice and Legal Affairs 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 local dailies, specifically the Standard Newspaper and Daily Nation Newspaper on Wednesday 11th April, 2018, inviting the nominee for vetting before the Committee.

1.5. Committee Meetings

Hon. Speaker,

The nominee appeared before the Committee on Tuesday 17th April, 2018 and was vetted in accordance with the provisions of the Constitution, the County Governments Act, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on his suitability for appointment to the position of Chief Officer responsible for Devolution and Sub County Administration. The Committee held three Sittings in consideration of this matter.

1.6. Acknowledgement

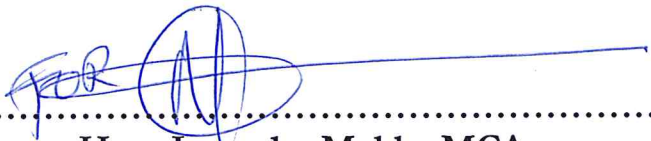
Hon. Speaker,

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.

Finally, on behalf of the Sectoral Committee on Justice and Legal Affairs, 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 Devolution and Sub County Administration to the Assembly for

adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

Signed 
Hon. Jayendra Malde, MCA

(Chairperson)

Sectoral Committee on Justice and Legal Affairs

Dated this 2nd day of May 2018

2.0. BACKGROUND

2.1. Mandate of the Sectoral Committee on Justice and Legal Affairs

The Sectoral Committee on Justice and Legal Affairs is one of the Sectoral Committees established under Standing Order No. 203 (1) with the mandate to vet and consider for approval by the County Assembly appointments under Section 45 of the County Governments Act, 2012, (*Chief Offices*). The said Section requires **H.E. the Governor of Nairobi City County, Hon. Mbuvi Gideon Kioko Mike Sonko** to nominate and with the approval of the County Assembly, appoint Chief Officers.

Additionally, 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. Appointment process of the Chief Officer Nominee

Section 45 (1) (a) and (b) of the County Governments Act, 2012 provide for the Governor’s power to appoint County 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 the provisions of Article 179 (2) of the Constitution and Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko had nominated nominees to be considered for approval by the County Assembly for appointment as Chief Officers within 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 nominees, and directed that the names and curriculum vitae of the said nominees be referred to the relevant Sectoral Committees for vetting and reporting to the Assembly pursuant to

Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017(No. 5 of 2017) and Standing Order 203 6 (f)

2.3. Notification to the Public

Section 7 (5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 respectively 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 Daily Nation and Standard 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 had been received from the public.

2.4. Clearance Requirements

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominee was asked to submit his 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 nominee on: -

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

3.0. VETTING OF CHIEF OFFICER NOMINEE RESPONSIBLE FOR DEVOLUTION AND SUB COUNTY ADMINISTRATION

In conducting the vetting process, the Sectoral Committee on Justice and Legal Affairs 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 Tuesday, 17th April, 2018 at Chamber Boardroom, Assembly Precincts, City Hall Buildings from 10:00am, the Committee conducted face to face interview of the nominee. The minutes of the vetting proceedings are attached to this report.

3.1. APPEARANCE BEFORE THE COMMITTEE BY MR. JAIRUS MUSUMBA –NOMINEE FOR CHIEF OFFICER FOR DEVOLUTION AND SUB COUNTY ADMINISTRATION

The Chief Officer nominee for Devolution and Sub County Administration Sector, Mr. Jairus Musumba, appeared before the Committee on Tuesday, 17 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 his suitability or otherwise for appointment to Public office, and that none had been received by close of business on 16th April, 2018.

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

A. With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that-

- a) He was born on 23rd March 1968 and;
- b) He is currently the Acting Deputy Director Public Health, Nairobi City County Government.
- c) He is currently pursuing a PhD in Public Health from Jomo Kenyatta University of Agriculture and Technology. (Already published one paper)
- d) He holds a Masters in Public Health from Jomo Kenyatta University of Agriculture and Technology.
- e) He holds a Bachelor of Science (Environmental Health) from Moi University (Graduated with honors and awarded best Community Based Education and Service group in 2002).
- f) The nominee also holds a certificate in Public Health Technology from Kenya Medical Training College.
- g) Attended other professional courses at various institutions, as well as seminars, trainings and workshops.
- h) The nominee previously worked as an Assistant Chief Public Health Officer/Public Health (Nairobi City County Government), Acting Senior Public Health Officer (City Council Of Nairobi), Senior Public Technician (City Council Of Nairobi), Officer in charge of public health (Mathare National Mental Hospital) between 2005– 2014, 2005-2006, 1995 – 2001 and 1992 - 1995 respectively and Deputy to the Public Health officer in charge of Sagana Division, Kirinyaga District between 1988 – 1992.

B. In response to questions put to him by Members of the Committee, Mr. Jairus Musumba stated as follows:-

I. With respect to his suitability for the Position Nominated -

The nominee stated that –

- a. He has very good management and administration skills.
- b. Has good planning, budgeting and implementation skills
- c. He is able to develop strategic plans and policies.

- d. He can manage and administer human and financial resources
- e. He is able to coordinate implementation of policies and programs.
- f. He is a believer and promoter of National Values and both principles of good governance and public service.
- g. He is a strategic thinker and result oriented;
- h. Has the ability to work in a multiethnic environment
- i. Understands the tenets of Vision 2030 and the Nairobi Governors manifesto

II. Why he applied for the position nominated -

The nominee informed the committee as follows –

- a. He has served in the Nairobi City County government, for the last thirteen years, and has the ability to enable the Sector achieve its mandate.
- b. He applied for the position because of his managerial and administrative skills.
- c. The County government needs someone like him with a combination of his skills to deliver on the docket nominated.

III. Challenges he expects to meet in the docket, and how he will address them –

The nominee noted thus –

- a) That the sector has numerous challenges, chief being insufficient financing, lack of equipment and staff crisis
- b) He will leverage his networks in the Private Sector to try secure financing from donors for projects in the health sector and ameliorate some of the challenges in so doing.

IV. With respect to how he will relate with his counterpart at National level to ensure both County and National Government respect their constitutional mandates and deliver services to wananchi -

The nominee observed as follows –

- a) That the relationship between levels of government is clearly defined in Inter Governmental Relations Act, 2012.

b) He will create a good working relationship with the National Government for the good of the public in seamless public service delivery.

V. Legislative support that is a priority in the docket and of which he would like the Assembly to consider

The nominee informed the Committee as follows –

a) That he will draft a Civic Education Bill that will give the department a legal basis to reach the public and mobilize them legally within the statute.

VI. How best he would handle resistance from both the Members of City County Assembly, employees, the electorate and the business Community

The nominee informed the Committee that he will strive to promote cordial working relations to ensure delivery on his mandate and the Assembly's expectations and mandates.

VII. Whether he is up to task of managing a department with such a big budget-

The nominee informed the Committee as follows –

That when he was in acting capacity as the Deputy Director Public Health he used to manage Kshs. 4 Billion comfortably and hence has the capacity to oversee use of large amounts of money.

VIII. With respect to dealing with pressure from family and friends and Members of the County Assembly seeking services and favors from his docket, once appointed-

The nominee observed that he would act professionally and within the confines of the law in dealing with pressures. Accordingly, he will rely on due procedure in dealing with friends should such arise.

IX. Regarding the structuring of oversight process to avoid conflicts between the Assemblies, the Senate and the Courts –

Nominee observed that institutions of government needs to promote understanding and proper coordination to sort out budget challenges.

X. How he would ensure that the Sub County Administrators and Ward Administrators work harmoniously -

The nominee stated that he would formulate an annual work plan that has activities for each and every level of the Sub County and Ward level.

XI. Demonstrated commitment to the requirements of Chapter Six of the Constitution, on leadership and integrity -

The nominee stated as follows -

- a) He has always been guided by integrity values throughout his life and upholds professional conduct in his work.

4.0. COMMITTEE'S OBSERVATIONS ON THE SUITABILITY OF MR. JAIRUS MUSUMBA FOR APPOINTMENT AS CHIEF OFFICER, DEVOLUTION AND SUB COUNTY ADMINISTRATION

The Committee having considered the nominee's curriculum vitae and heard his oral submissions during the vetting exercise made the following observations and findings.

4.1. General Observations

The Committee having considered the nominees' filled Questionnaires pursuant to the Public Appointments (County Assemblies Approval) Act, 2017, his Curricula Vitae and having heard his oral submissions during the vetting exercise made the following observations:

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 did not exhibit a potential conflict of interest.
2. The nominee exhibited impressive knowledge of topical and legal issues touching on the devolution and sub county administration and has the requisite abilities, qualifications and experience.

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

4.2. MR. JAIRUS MUSUMBA - NOMINEE FOR CHIEF OFFICER DEVOLUTION AND SUB COUNTY ADMINISTRATION

- a) He is currently the Acting Deputy Director Public Health, Nairobi City County Government.
- b) He is currently pursuing a PhD in Public Health from Jomo Kenyatta University of Agriculture and Technology. (Already published one paper)
- c) He holds a Masters in Public Health from Jomo Kenyatta University of Agriculture and Technology.
- d) He holds a Bachelor of Science (Environmental Health) from Moi University (Graduated with honors and awarded best COBES group in 2002).
- e) The nominee also holds a certificate in Public Health Technology from Kenya Medical Training College.
- f) Attended other professional courses at various institutions, as well as seminars, trainings and workshops.
- g) The nominee previously worked as an Assistant Chief Public Health Officer/Public Health (Nairobi City County Government), Acting Senior Public Health Officer (City Council Of Nairobi), Senior Public Technician (City Council Of Nairobi), Officer in charge of public health (Mathare National

Mental Hospital) between 2005– 2014, 2005-2006, 1995 – 2001 and 1992 - 1995 respectively and Deputy to the Public Health officer in charge of Sagana Division, Kirinyaga District between 1988 – 1992.

The Committee found the nominee suitable and qualified for appointment as the County Chief Officer for Devolution and Sub County Administration.

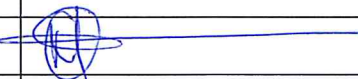
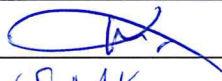
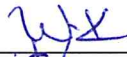




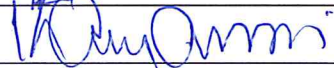
5.0. COMMITTEE RECOMMENDATIONS

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 (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

THAT, this Assembly approves Mr. Jairus Musumba for appointment by H.E. the Governor as Chief Officer Devolution and Sub County Administration.

ADOPTION OF THE COMMITTEE REPORT ON THE VETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF COUNTY CHIEF OFFICER RESPONSIBLE FOR DEVOLUTION AND SUB- COUNTY ADMINISTRATION

The following members appended their signatures to signify their agreement with the report:-

No.	Name	Signature
1.	Hon. Jayendra Malde, MCA Chairman	
2.	Hon. Moses Ogeto Nyangaresi, MCA Vice-chairman	
3.	Hon. Julius Njoka, MCA	
4.	Hon. Osman Khalif, MCA	
5.	Hon. Mwaura Samora, MCA	
6.	Hon. Sylvia Museiya, MCA	SMK
7.	Hon. Doris Kanario, MCA	DKN
8.	Hon. Anthony Kimemia , MCA	AK
9.	Hon. Elijah Mputhia, MCA	
10.	Hon. Wanjiru Kariuki, MCA	
11.	Hon. Elizabeth Nyambura, MCA	
12.	Hon. David Ayoi, MCA	
13.	Hon. Francis Otieno Ngesa, MCA	
14.	Hon. Elias Otieno Okumu, MCA	
15.	Hon. Jackline Apondi, MCA	
16.	Hon. Esther Nyangweso, MCA	
17.	Hon. Patrick Kanyangi Logedi, MCA	
18.	Hon. Stephen Gikonyo, MCA	
19.	Hon. June Ndegwa, MCA	