

Report made on 02/05/18
by Hon. Wairera Choge
Mph
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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY-FIRST SESSION

REPORT
OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING

**REPORT ON THE VETTING OF THREE (3) NOMINEES FOR
APPOINTMENT TO THE POSITION OF CHIEF OFFICER**

Approved
2/5/2018
[Signature]

Clerk's Chambers
City Hall Buildings
NAIROBI

MAY, 2018

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1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Planning and Housing is established under Standing Order No. 203, and its mandate amongst others, as outlined under Standing Order 203 (6) (f) includes “*to 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).*”

1.2 Committee Membership

Hon. Speaker,

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

1. **Hon. Anthony Karanja, MCA- Chairperson**
2. **Hon. Husni Mohamed Alawi, MCA-Vice Chairperson**
3. Hon. Abdi Ibrahim Hassan, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Paul Kados, MCA
6. Hon. Alvin Olando Palapala, MCA
7. Hon. Geoffrey Ng'ang'a, MCA
8. Hon. Daniel Ngengi, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Joseph Wambugu, MCA
11. Hon. Ruth Ndumi, MCA
12. Hon. Naftali Owuor Ogola, MCA
13. Hon. Carolyne Mayunzu, MCA
14. Hon. John Kyalo Mulyungi, MCA
15. Hon. Redson Otieno Onyango, MCA
16. Hon. Mark Ndungu, MCA
17. Hon. Geoffrey Majiwa, MCA
18. Hon. Leah Supuko, MCA
19. Hon. Patricia Musyimi, MCA

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to section 45 (1) (a) 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 names of the following three (3) nominees for vetting by the Sectoral Committee on Planning & Housing and consideration for approval by the County Assembly for appointment as Chief Officers responsible for the three Sub-Sectors under the Sector of Lands, Planning and Housing as follows:-

NO	NAME OF NOMINEE	SUB-SECTOR
1.	Mr. Stephen Gathuita Mwangi	Lands
2.	Mr. Justus Mwendwa Kathenge	Urban Planning
3.	Ms. Pauline Nyambura Kahiga	Urban Renewal, Housing and Project Management

1.4 Committal to Committee on Planning and Housing

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 Planning and Housing 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 the 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,

All the nominees appeared before the Committee on Tuesday 17th April, 2018 and were vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on their suitability for appointment to the position of Chief Officers. In total, the Committee held one Sitting 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 service 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 Planning and Housing, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the three (3) nominees for appointment to the position of Chief Officers 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. Anthony Karanja, MCA

Chairperson, Sectoral Committee on Planning and Housing

Dated this 2nd day of May, 2018

2.0. BACKGROUND

2.1 Establishment of the Sectoral Committee on Planning and Housing

The Sectoral Committee on Planning and Housing is one of the Sectoral Committees established under Standing Order No. 203 with the mandate to consider, for approval by the County Assembly, appointments under Section 45 of the County Governments Act, 2012 and Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017. The said Sections require **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 County 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 County Chief Officer Nominees

Section 45 of the County Governments Act, 2012, and Section (6) (1) of the Public Appointments (County Assemblies Approval) Act, 2017 provide for the Governor's power to appoint Chief Officers, with the approval of the Assembly, from among persons competitively sourced and recommended by the County Public Service Board.

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 Section 45 (1) (a) of the County Governments Act, 2012, H.E. the Governor, Hon. Mbuvi Gideon Kioko Mike Sonko had nominated three (3) nominees to be considered for approval by the County Assembly for appointment as Chief Officers of the Lands, Urban Renewal and Housing Sector.

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 three (3) nominees,

and directed that the names and curriculum vitae of the said nominees be referred to the Sectoral Committee on Planning and Housing for vetting and reporting to the Assembly pursuant to Standing Order 203(6)(f) and Section 7 (1) of the Public Appointments (County Assemblies Approval) Act, 2017(No. 5 of 2017).

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 Standard Newspaper and the 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. The submissions were to be received latest by 5.00 pm on Monday 16th April, 2018.

In accordance with the provisions of Article 196 of the Constitution and section 7(4) of the Public Appointments (County Assemblies Approval) Act 2017, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Committee on Planning and Housing to conduct the vetting and approval hearing of the nominees on Tuesday, 17th April, 2017.

2.4 Clearance Requirements

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominees were 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.

2.5 Criteria for vetting

Section 8 of the Public Appointments (County Assemblies Approval) Act 2017 provides that the issues for consideration by the relevant County Assembly in relation to any nomination shall be—

- (a) the procedure used to arrive at the nominee including the criteria for the short listing of the nominees;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

2.6 Submission of Memoranda

Pursuant to section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 which 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”*, the Clerk of the County Assembly placed an advert in the local dailies on 11th April, 2018, inviting interested members of the public to submit any representations by written statement on oath (affidavit) , that they may have on the suitability of the said nominees for appointment as Chief Officers for their respective Sectors.

By close of business on 16th April, 2018, the Committee had received **two (2)** submissions against the approval for appointment of the nominee for Lands.

There were no memoranda submitted in respect of-

- a) the nominee for Urban Planning; and
- b) the nominee for Urban Renewal, Housing and Project Management.

The details of the Memoranda are as follows: -

2.6.1 Memorandum by Mr. James Mbugua Kimiri against Mr. Stephen Gathuita Mwangi

Mr. James Mbugua submitted a signed letter dated 16th April, 2018 with the subject *“Complaint against the Appointment of Chief Lands Officer”*.

The following documents were attached in support of the Letter;-

- (i) A sworn affidavit dated 12th April, 2018 against the appointment of Mr. Stephen Gathuita Mwangi, the Chief Officer nominee for Lands Sub-Sector.
- (ii) Signed letter dated 15th December, 2015 by the County Secretary and Head of County Public Service, S.G MWANGI LS to Mr. James Mbugua Kimiru with the subject *“Allocation of Parcel No. Nairobi Block 12062/1245 kariobangi South”*
- (iii) Signed letter dated 6th November, 2002 by the Town Clerk, J.M Mbugua to Mr. James Mbugua with the subject *“Formalization of kariobangi South (Sector VI) Juja Kali Project-Plot No. 35A. (Minister’s letter Ref. 1142-01/31 dated 2/5/2002).”*
- (iv) Signed letter dated 2nd May, 2002 by The Permanent Secretary Ministry of Local Government, Mr. Mark K Borro to the Town Clerk, Nairobi City council with the subject *“Formalization of Squatter/informal settlements in the City.”*
- (v) Minutes of the Town planning Committee held on 18th January 1996 at 14.30 hours.

Analysis of the Memorandum

In the affidavit, the deponent states that he is the owner of Plot No. 35 A situated at Kariobangi South Sector VI, Juakali. He deposes that through misrepresentation, Mr Stephen .G. Mwangi, had intentions to issue letters of allotment and title deeds to third parties regarding LR 12062/R. A case in this regard was filed at the High court and is pending hearing.

He further depones that he was allocated the plot by the then D.O on 6th November, 2002 and that he has been paying the statutory charges, fees and premiums and will continue to pay. He states that Mr Stephen Mwangi, allocated the same plot to third parties this time redesigning it to plot LR No.120062/1245.

Mr. James Kimiri further states that the nominee should not be approved for the appointment of Chief Officer, Lands citing that it would be disastrous to uphold his appointment.

2.6.2 Memorandum by Mr. Sevelino Njeru Kiringa against Mr. Stephen Gathuita Mwangi

Mr. Sevelino Njeru Kiringa submitted a sworn affidavit dated 12th April, 2018 against the appointment of Mr. Stephen Gathuita Mwangi as Chief Officer, Lands. He also attached his ID card and a Ksh 80 receipt dated 29/10/1999 being payment of connection for plot no 203 Sec 13, Kariobangi South, Jua Kali to the County Council.

Analysis of the memorandum

In reference to the submission made against the nominee for Lands by Mr. Sevelino Njeru Kiringa, the affidavit submitted points out that since 1992 he is the owner of Plot No.57 B situated at Kariobangi South Sector VI, Juakali. He depones that through misrepresentation, Mr Stephen .G. Mwangi, had intentions to issue letters of allotment and title deeds to third parties regarding LR 12062/R. A case in this regard was filed at the High court and is pending hearing.

He further depones that in 2002, Mr. Stephen .G. Mwangi allocated the same plot to third parties this time redesigned to Block 12062/1245 and downsized from 0.02 Ha to 0.015 Ha. He continues to state that Mr. Stephen .G. Mwangi was in the process of issuing new titles to third parties who were never allocated land on 6th November, 2002 in Kariobangi south Sector VI the same land that they hold as theirs.

Mr. Sevelino Njeru Kiringa in conclusion states that the nominee should not be approved for the appointment of Chief Officer, Lands citing that it would be prejudicial to the transformation of Nairobi County if his appointment was upheld.

The memorandum has the same accusations against the nominee as those that are contained in the memorandum filed by Mr. James Mbugua

Mr. Stephen .G. Mwangi Response to the two Memorandums

In response to Mr. Mbugua and Mr. Kiringa's allegations, the nominee responded by tabling before the Committee a ruling heard at the Environment and Land Court on ELC Petition No.1337 Of 2016.

The ruling was based on a petition that had been filed by Mr James Mbugua and others with the nominee for the post of Chief Officer Lands being the 3rd respondent. In the ruling, the court found that the petitioners were not discriminated as they alleged and that the petitioner's application dated 10th October, 2016 had no merit. The same was dismissed accordingly.

Committee Observations

In reference to the submissions made against the Chief Officer nominee for Lands, the

Committee observed as follows:

- i) **THAT**, the affidavit is a sworn statement as required by section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, which provides that evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated to should be by way of "*a written statement on oath*".
- ii) **THAT**, the issues raised by the complainants fall within the purview of the issues for consideration by the Committee. Section 7 (8) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that; "*An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background*", and hence a question as to the suitability of the candidate as provided for under the above section.
- iii) **THAT**, a ruling by the Environment and land Court at Nairobi of ELC PETITION NO.1337 of 2016 did not find the nominee and other respondents culpable of the claims raised by the petitioners.

In view of the foregoing and in accordance with the provisions of the Constitution, the Public Appointments (County Assemblies Approvals) Act 2017 and the Standing Orders of the County Assembly, the Committee on Planning and Housing resolved to proceed to undertake the approval hearing of the nominee for post of Chief Officer, Lands.

3.0 VETTING OF COUNTY CHIEF OFFICER NOMINEES

In conducting the vetting process, the Sectoral Committee on Planning and Housing examined the nominees 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 Sittings held on Tuesday April, 2018 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.

3.1 APPEARANCE BEFORE THE COMMITTEE BY MR. STEPHEN GATHUITA MWANGI- COUNTY CHIEF OFFICER NOMINEE FOR LANDS SUB-SECTOR

The County chief Officer nominee for the Lands Sub-Sector, Mr. Stephen Gathuita Mwangi, appeared before the Committee on Tuesday, 17, 2018 at 10.00 am 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 had invited submissions from the Public on his suitability or otherwise for appointment to Public office, two submissions from members of the public 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 he was born on 3rd February 1957 and that;

- a) He is currently the Chief Officer, Lands, Nairobi City County.
- b) He is currently a member Institution of Surveyors of Kenya and Land Surveyors Board.
- c) He holds a BSc (Hons) in Surveying and Photogrammetry from the University of Nairobi.
- d) Attended various other conferences and attained Certificates in building competencies.
- e) The nominee previously worked for the defunct Nairobi City Council as a Deputy Director, land & Engineering Survey(2008-2013),Assistant Director Land Survey (2004-2008),Principal Land Surveyor (1989-2004) and Senior Surveyor (1985-1989).Prior to that he was a Staff Surveyor at Ministry of Works, Housing & Physical Planning (1982-1985) and Engineer Grade II at Ministry of Water (1981-1982)

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

I. With respect to his suitability and Education background for the Position Nominated

The nominee stated as follows –

That:

- a. As a licensed Surveyor and having vast work experience gained over the years he has worked under the Lands docket in the County and former defunct City Council. He is well aware of what the docket entails and the challenges it poses. He is a Member of the Institution of Surveyors of Kenya.
- b. He possesses an undergraduate degree in BSc (Hons) in Surveying and Photogrammetry from University of Nairobi and the Land Law Examination. He noted these qualifications as crucial to understanding his duties under the Sector.
- c. He served as Chief Officer Lands, Nairobi City County from 2013 to 2017 where he has overseen the implementing of the Sectors goals and contributed to some of its achievement.

- d. Served as Deputy Director in various capacities where managerial experience was essential.
- e. Overall, experience and technical knowledge demonstrated will suffice in the position nominated.

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 twenty nine years now, and has been part of a team that has strived to ensure the County Government has the right team for delivery on its mandate.
- b. Noted that from his experience in Ministries and the defunct City Council, there is opportunity for making things better.
- c. He will endeavor to make the County achieve its four pillar plans by focusing on programs and budgets so as to improve on service delivery for Nairobi residents.

III. Regarding the specific changes he is bringing to the position-

The nominee stated that he will ensure full roll out of the Geographical Information Systems (GIS) which is to manage spatial data so as to support planning and service delivery.

IV. Regarding how he will relate with his counterparts in the National Government to ensure that the Sector delivers to Nairobi Citizens-

- a. He recognizes that as Chief Officer he will be part of a team responsible for policy and day to day administration of the Lands Sector and that he recognizes the role of the County Assembly, and he will work towards creating a conducive environment where working together will be his major priority.
- b. He asserts that the Constitution envisages seamless working between levels of Government in their coordination and cooperation. He will thus engage with his counterparts from the National government when necessary so as to achieve the core mandate of service delivery to the citizenry of Nairobi.

- c. He acknowledges and reiterates that he will partner and collaborate with the Assembly through the relevant Sector Committee of the Assembly, being the Sectoral Committee on Planning and Housing.

V. Regarding the critical challenges of slow absorption of development funds the sector is facing-

- a. The challenge of low absorption of funds by the Sector can be attributed to the weaknesses found in the County Finance Sector. Going forward there will be a push to have all sectors run their finances so as to ensure projects do not stall.

VI. With respect to ever being adversely mentioned in any investigatory or audit report in the last three years-

The nominee stated that he has never been mentioned in any report either in the Assembly, Auditor General or any other Commission of Inquiry in the last three years.

VII. With respect to how he would treat conflict of interest from family members or other persons

He quoted his knowledge of the provisions of Chapter six of the Constitution on Leadership & Integrity and that by being a law abiding citizen his conscious would not allow him to even contemplate on tolerating anything arising from his family or friends that would amount to conflict of interest.

Committee Observations on Suitability of Mr. Stephen Githuita Mwangi for appointment as County Chief Officer for Lands

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (9) of Public Appointments (County Assemblies Approval) Act 2017, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as County Chief Officer for Lands:-

1. **THAT**, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority,

Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.

2. **THAT**, he has not been charged in a Court of Law in the last three (3) years.
3. **THAT**, he possesses the requisite work experience and educational background of the job he applied for.
4. **THAT**, he is well conversant with what the docket he has applied for a job as Chief Officer, entails.

3.2 APPEARANCE BEFORE THE COMMITTEE BY MR JUSTUS MWENDWA KATHENGE – CHIEF OFFICER NOMINEE FOR URBAN PLANNING

Mr. Justus Mwendwa Kathenge appeared before the Committee on Tuesday, 17th April, 2018 at 12.00 noon and after introductions, he 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 Memoranda from the Public on his suitability or otherwise for appointment to public office, and none was received.

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

- A. Regarding self-introduction, knowledge, experience and qualification, the nominee informed the committee that he was born on 24th April 1969 and;**
- a. He is currently working as the Acting Chief Officer, Urban Planning, Nairobi City County.
 - b. He holds a Masters degree in Urban and Regional Planning from the University of Nairobi and a BSc. Hons (Mathematics and Geography) from the University of Nairobi. He further holds Bachelor of Laws (LLB Hons.) from University of Nairobi and a Diploma in Law from the Kenya School of Law.
 - c. He has attended other professional courses at various institutions, as well as seminars and workshops.
 - d. He's a member of the following professional associations;
 - (i) Architectural Association of Kenya (AAK)-Town Planners Chapter,
 - (ii) Corporate Member of Kenya Institute of Planners.

- (iii) Advocate Member, Law Society of Kenya.
 - (iv) Associate Member of the Chartered Institute of Arbitrators (CIArb).
 - (v) JICA Ex-participants Alumni of Kenya (JEPAK).
- e. The nominee previously worked for the defunct City Council and the Nairobi County under the following positions:-
- (i) Director, Planning Compliance and Enforcement: 2014-Present.
 - (ii) Principal planner and Acting Assistant Director of Enforcement Section (City Planning): 2009-2014.
 - (iii) Acting Assistant Director of forward Planning Section (City Planning): 2007-2008
 - (iv) Acting Assistant Director of Urban design and Development (City Planning): 2005-2006
 - (v) Senior Planner and Acting Assistant Director of Research Section (City planning): 2003-2004
 - (vi) City Council of Nairobi Planning Assistant 1 (Research Section-City Planning): 1999-2002

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

I. With respect to his suitability for the position nominated and why he applied-

The nominee observed as follows –

- a) The experience he has accumulated over the years equips him with the necessary skills to serve in the docket nominated.
- b) Has lived and worked in the City Council and County Government and been involved in the Planning sector for a long time. He also has relevant education training pertaining to Planning.
- c) Having acted in the Chief Officer position, he is well conversant with the role of a Chief Officer which is that of being an accounting officer and handling general administrative structures.

II. How he will relate with his counterparts in the National Government if appointed -

The nominee informed the committee that he is well conversant with the provisions of article 189 (1) (c) which states that “Government at either level shall liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.”

It is based on this provision that he will ensure he works closely with the National Government.

III. In terms of legislative support what he would want the Assembly to consider as a priority in the Urban planning docket -

The nominee informed the committee that he would like support from the Assembly in enacting the following Bills and policies that will ensure efficiency in running the docket;-

- a) The Regularization of properties Bill.
- b) The full roll out of the NIUPLAN.
- c) Development control policies.
- d) Nairobi City County Outdoor Advertising and Signage Control and Regulation Bill, 2017.

IV. Navigating the relationship between himself and Members of the County Assembly if appointed -

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.

V. With respect to what difference he is bringing to the Sector now that buildings are collapsing every other day in the City –

-He will ensure County Officers responsible for enforcement and compliance in the Sector do monitor what is happening on the ground so as to control upcoming of illegal structures. The Officers will also investigate buildings for compliance.

VI. With respect to ever being adversely mentioned in any investigatory or audit report in the last three years and his approach on conflict of interest-

-He has never been mentioned in any investigatory or audit report. He has no relative in the County neither does he directly or indirectly do business with the County. Based on Chapter 6 of the Constitution on Leadership & Integrity, he believes in upholding the rule of law and doing what is rightful.

Committee Observations on Suitability of Mr. Justus Mwendwa Kathenge for appointment as County Chief Officer for the Urban Planning

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (9) of Public Appointments (County Assemblies Approval) Act 2017, his Curriculum Vitae and having heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as County Chief Officer for the Urban Planning:-

5. **THAT**, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
6. **THAT**, he has not been charged in a Court of Law in the last three (3) years.
7. **THAT**, he possesses the requisite work experience and educational background of the job he applied for.
8. **THAT**, he is well conversant with what the docket he has applied for a job as Chief Officer, entails.

3.3 APPEARANCE BEFORE THE COMMITTEE BY Ms. PAULINE NYAMBURA KAHIGA - COUNTY CHIEF OFFICER NOMINEE FOR URBAN RENEWAL, HOUSING AND PROJECT MANAGEMENT

The County Chief Officer nominee for the Urban Renewal, Housing and Project Management, appeared before the Committee on Tuesday, 17th April, 2018 at 1.00 pm 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, and none had been received by close of business on 16th April, 2018.

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

A. Regarding self-introduction, knowledge, experience and qualification, the nominee informed the committee that she was born on 30th May 1973 and;

- a) She is currently the General Manager at professional Digital Systems Limited.
- b) She also holds a Bachelor of Science degree from United States International University (USIU)-California, USA.
- c) She is a member of the Marketing Leadership forum.
- d) She has over 16 years working experience in senior positions in the banking industry as hereby highlighted;-
 - (i) Senior Relationship Manager-CFC Stanbic Bank.
 - (ii) Manager, Move-NIC Bank.
 - (iii) Africa Relationship Manager-Commercial Bank of Africa.
 - (iv) Customer Service Manager-Prudential Bank.

B. In response to questions put to her by Members of the Committee, Ms Pauline Nyambura Kahiga stated as follows:-

I. With respect to why she applied for the job –

The nominee stated she had a strong belief that the strengths she has acquired throughout her work experience in the private sector would inject new ideas to the docket she has been nominated to.

II. With respect to the Challenges of the docket she has applied for-

She is well aware of the growing demand for housing in the city owing to the expanding population. Further, she stated that public utility lands are not clearly documented thus posing a challenge of grabbing of the said lands. To her, existing dwellings established by the defunct County Council need renovation and to achieve this she will establish partnerships with the private sector so as to finance establishment of more County housing.

III. With regard to why she is applying for a job which she has neither the relevant experience or educational background –

The nominee stated that she is coming in with a mindset of providing good services to the Citizens of Nairobi. Having worked at managerial levels in the private sector she reckons this as a driving strength in the job she has applied for.

The fact that she has built networks while in the banking industry is a clear indication that if given the job she will be in a great position to strike partnerships with the private sector in driving County goals that require public-private partnerships.

IV. With regard to whether she understands the job she applied for and why she applied knowing very well the job does not suit her qualifications –

The nominee informed the Committee that if accorded the opportunity to serve in the docket she would not work in isolation. She would work with the technical people in the sector for a better understanding of the sector to ensure she executes her mandate as required.

V. With respect to how she will handle urban renewal where houses are currently occupied –

The nominee cited that she will go by the laid plans and first priority of owning houses will be given to the settlers inhabiting the land where the upgrade will be going on.

VI. With respect to her knowledge on the sector and number of departments –

She answered as follows:-

There are three sectors i.e:-

- (i) Lands-Looks at mapping, boundaries and demarcation of county land.
- (ii) Physical planning-Where physical planning of the city and its dwellings is done.
- (iii) Urban Renewal, Housing and Project Management-Where the actual implementation of the housing plans is done.

Committee Observations on Suitability of Ms. Pauline Nyambura Kahiga for appointment as County Chief Officer for the Urban Renewal, Housing and Project Management

The Committee having considered the nominee's filled Questionnaire pursuant to Section 6 (9) of Public Appointments (County Assemblies Approval) Act 2017, her Curriculum

Vitae and having heard her oral submission during the vetting exercise/interview, made the following observations on her suitability for appointment as County Chief Officer for the Urban Renewal, Housing and Project Management:-

9. **THAT**, she satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
10. **THAT**, she did not provide her original clearance from HELB and the Criminal Investigation Department (CID) during the interview.
11. **THAT**, she has not been charged in a Court of Law in the last three (3) years.
12. **THAT**, she possesses a rich work experience in Managerial/Senior positions.

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

The Committee having considered the nominees curriculum vitae and heard their 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 Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, their Curricula Vitae and having heard their oral submissions during the vetting exercise made the following observations:

1. **THAT**, the three nominees satisfy 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 the nominees have 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).
2. **THAT**, the nominees have not been charged in a Court of Law in the last three years except Mr. Stephen Gathuita Mwangi who has since been found not culpable.

3. **THAT**, the nominees do not exhibit a potential conflict of interest and stated that they will adhere to the provisions of the C.O.K 2010 and statutes in carrying out their duties.
4. **THAT**, none of the nominees has ever 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 the Assembly or any Commission of Inquiry.
5. **THAT**, the nominees for position of Chief Officer, Lands, Chief Officer ,Urban Planning and Chief Officer Urban Renewal, Housing and Project Management meet the requirements of Section 45 (1) (a) of the County Government Act,2012 since they have the requisite abilities, qualifications and experience.

Therefore, the Committee found the three nominees suitable for appointment as County Chief Officers having met both the Constitutional and the statutory requirements.

5.0. RECOMMENDATION

Pursuant to Section 45 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:-

1. **THAT**, this Assembly approves the following nominees for appointment by H.E. the Governor as Chief Officers in the Lands, Urban Renewal and Housing sector as follows:-
 - (i) Mr. Stephen Gathuita Mwangi- Chief Officer, Lands.
 - (ii) Mr. Justus Mwendwa Kathenge- Chief Officer, Urban Planning.
 - (iii) Ms. Pauline Nyambura Kahiga- Chief Officer, Urban Renewal, Housing and Project Management

NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING

ADOPTION OF THE REPORT ON VETTING OF CHIEF OFFICERS HELD ON TUESDAY
17TH APRIL, 2017

1. Mr. Stephen Gathuita Mwangi-Lands
2. Mr. Justus Mwendwa Kathenge-Urban Planning
3. Ms. Pauline Nyambura Kahiga-Urban Renewal, Housing and Project Management

DATE (dd/mm/yy) 2ND MAY 2018

S/NO	NAME	DESIGNATION	SIGN
1.	Anthony K. Karanja		AKK
2.	Alvin Olando		Alvin
3.	Muturi Ogile		Muturi
4.	Mutley Musyimi		Mutley
5.	Heah Suruko		Heah
6.	Ruth Ndumi		Ruth
7.	CAROLYN MATUNZU		Carolyn
8.	Daniel Ngongi		Daniel
9.	JOHN KIALO		John
10.	Gregory Nganga		Gregory
11.	Rados		Rados
12.	ADAM OJIBO		A.O.O
13.			
14.			
15.			
16.			
17.			
18.			
19.			

