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THE NAIROBI CITY COUNTY GOVERNMENT



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THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - SECOND SESSION

layer found on 02/05/18.

THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES

ON

THE VETTING OF THE NOMINEES FOR THE CHIEF OFFICERS FOR THE SECTOR OF COMMERCE, TOURISM AND COOPERATIVES

Clerk's Chambers, CITY HALL, NAIROBI.

Edition: May 2018



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1.0 PREFACE

1.1 Committee Mandate

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives is established under Standing Order No. 203 (1) and its mandate amongst others, as outlined under Standing Order 203 (6) includes "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 Trade, Tourism and Cooperatives was reconstituted by the Assembly on 14th March, 2018 comprising of the following Members:-

- 1. Hon. Charles Thuo Wakarindi, MCA
- Chairperson
- 2. Hon. Lawrence Otieno Odhiambo, MCA
- 3. Hon. Samuel Ng'ang'a Mwangi, MCA
- 4. Hon. Paul Ndung'u Irungu, MCA
- 5. Hon. Jayendra Virchand Malde, MCA
- 6. Hon. Maurice Ochieng Onyango, MCA
- 7. Hon. Naftaly Wagura Mathenge, MCA
- 8. Hon. Wilson Ongele Ochola, MCA
- 9. Hon. Benson Mwangi Macharia, MCA
- 10. Hon. Millicent Wambui Mugadi, MCA
- 11. Hon. Wilfred Oluoch Odalo, MCA
- 12. Hon. Redson Otieno Onyango, MCA
- 13. Hon. Jeremiah Karani Themendu, MCA
- 14. Hon. Doris Ngoyo Kanario, MCA
- 15. Hon. Jacinta Wanjiru, MCA
- 16. Hon. Mary Njuguna Njambi, MCA
- 17. Hon. Emily Ondeje Oduor, MCA
- 18. Hon. Eve Malenya, MCA
- 19. Hon. Jane Muasya, MCA

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mike Mbuvi Sonko vide a letter dated 5th April, 2018 forwarded to the Speaker of the Nairobi City County Assembly, the names of the following two (2) nominees for vetting by the Sectoral Committee on Trade, Tourism and

Cooperatives and consideration for approval by the County Assembly for appointment as County Chief Officers responsible for the Commerce, Tourism and Cooperatives Sector as follows:-

| S/NO | NAME OF NOMINEE | DEPARTMENT | |
|------|------------------------------|---------------------------------------|--|
| 1. | Mr. Fredrick Nzioki Kamunzyu | Commerce, Trade and Industrialization | |
| 2. | Mr. Paul Machira Gichohi | Cooperative Development and Tourism | |

1.4 Committal to the Committee

Hon. Speaker,

Pursuant to Standing Order 43(1), the Honourable Speaker informed the Assembly on 10th April, 2018 that the Assembly had received the notification of the nominations. The notification of nominations was therefore referred to the Sectoral Committee on Trade, Tourism and Cooperatives 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.

Subsequently, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation Newspaper and the Standard Newspaper of 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 Public Appointments (County Assemblies Approval) Act, 2017.

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, the County Governments Act, 2012 and the County Assembly Standing Orders on their suitability for appointment to the position of County Chief Officer. In total, the Committee held three (3) Sittings in consideration of this matter.

1.6 Acknowledgement

Hon. Speaker,

I take this opportunity to thank the 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 for the 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.

Finally, on behalf of the Sectoral Committee on Trade, Tourism and Cooperatives pursuant to Standing Order 191 (6), it is my pleasure and duty to present to the County Assembly, the Committee's Report on the vetting of the two (2) nominees for appointment to the position of County 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. Charles Thuo Wakarindi, MCA

(Chairperson)

Sectoral Committee on Trade, Tourism and Cooperatives

2.0 BACKGROUND

2.1 Establishment of the Sectoral Committee on Trade, Tourism and Cooperatives

The Sectoral Committee on Trade, Tourism and Cooperatives is one of the Sectoral Committees established under Standing Order No. 203 (1) with the mandate to vet and report on appointments under Section 45 of the County Governments Act, 2012, (County Chief Officers). The said Section requires H.E. the Governor of Nairobi City County, Hon. Mike Mbuvi Sonko to nominate as recommended by the County Public Service Board and with the approval of the County Assembly, appoint County Chief Officers.

In addition, Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:-

"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 Officers

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 County 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 Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mike Mbuvi Sonko had nominated two (2) nominees to be considered for approval by the County Assembly for appointment as County Chief Officers responsible for the Sector of Commerce, Tourism and Cooperatives.

On Tuesday, 10th April, 2018, the Honourable Speaker in a Message to the Assembly informed the Assembly on the receipt of the names of the two (2) nominees, and directed that the names and curriculum vitae of the said nominees be referred to the relevant Sectoral Committee for vetting and reporting to the Assembly pursuant to Standing Order 203 (6) (f) and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017.

2.3 Notification to the Public

Section 7(4) and (5) of the Public Appointments (County Assemblies Approval) Act, 2017provides that-, "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" and "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".

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation Newspaper and the 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 nominees had been received from the public.

In accordance with the 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 Sectoral Committee on Trade, Tourism and Cooperatives to conduct the vetting and approval hearing of the two (2) nominees on Tuesday 17th April, 2018 at 10.00 am and 11.00 am at the Assembly Chambers.

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.

3.0 VETTING OF COUNTY CHIEF OFFICERS NOMINEES

In conducting the vetting process, the Sectoral Committee on Trade, Tourism and Cooperatives examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act, 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 17th April, 2018 at the Assembly Chamber, 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 <u>APPEARANCE BEFORE THE COMMITTEE BY MR. FREDRICK NZIOKI</u> KAMUNZYU

Mr. Fredrick Nzioki Kamunzyu appeared before the Committee on Tuesday, 17th April, 2018 at 10.00 am and after introductions, he was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act 2017, the Committee had invited Memoranda from the Public on his suitability or otherwise for appointment to public office, but none was received. He was further requested to forward his original credentials for verification by the Committee.

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 23rd March, 1972 and;
 - a. He is currently working as a Consultant and Trainer at Visual Presence
 - b. He is currently pursuing Masters of Business Administration at the University of Nairobi. In addition, he holds a Bachelor of Commerce Degree from the University of Nairobi (1992-1996).
 - c. He's a member of:
 - (i) Marketing Society of Kenya and
 - (ii) Chartered Institute of Marketing
 - d. The nominee previously worked as a Consultant at Divergys Brand

Consultants (2014-2016), National Sales Manager at Mumias Sugar Company Limited (2012-2014), Head of Sales and Marketing at Kenya Tea Packers Ltd (2010-2012), General Manager at Marketing Africa Limited (2008-2010), Marketing Manager and Brand Manager at East African Breweries Limited (2000-2008) and Area Sales Manager at Eveready Batteries Limited (1996-2000).

B. In response to questions put to him by Members of the Committee, Fredrick Nzioki Kamunzyu stated as follows:-

1. Education suitability for the position nominated –

The nominee informed the Committee that he holds a bachelor degree in Commerce from the University of Nairobi and he is currently pursuing a Masters degree in Business Administration in the same university; and therefore, he believed to have aptly qualified for the position he was nominated for.

II. Experience suitability for the position nominated –

The nominee informed the Committee that he has gained sufficient managerial and marketing experience necessary for undertaking the tasks of the Sector he has been nominated to. The skills gained from his experience makes him suitably qualified for the position nominated.

III. Why he applied for the position nominated -

The nominee informed the Committee that he has passion to help people to do business in the County and enable the County Government to realize its revenue targets. He informed that his experience in administration and marketing may help him to manage the office he was nominated to. He further informed that he can brand the County in business through his vast knowledge and experience in marketing.

IV. Regarding the knowledge about the Sector and challenges bedeviling the Sector

The nominee was able to list various departments in the Sector which include cooperatives, tourism, trade licensing, gaming and betting, weights and measures, administration. The challenges the nominee highlighted were hawkers menace in the Central Business District, small scale trade licenses collections and revenue collection.

The nominee informed the Committee that to address some of the challenges, hawkers in the County to be licensed and registered, trade licenses to be issued on annual basis and revenue collection to be digitized. He added that he will engage all stakeholders from across the divide to find ways to solve challenges in the Sector.

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

The nominee informed the Committee as follows -

- a) He will learn on the workings of the County Assembly and have proper sessions with the Members of the County Assembly and Assembly Committees.
- b) He will ensure the Sector works closely with the Assembly in delivery of its mandates by listening to the issues that may crop-up in the Sector. He assured the Committee of his availability to attend to issues of the Sector when called upon.

VI. Regarding the rampant cases of conflicts between hawkers and the County Askaris

The nominee informed that -

a) He will involve Members of the County Assembly who are the representatives of the public including hawkers in coming up with a proper system on how to handle hawking in the City to avoid the rampant conflicts between the City Askaris and hawkers.

VII. Regarding the loophole in revenue collection from the Sector

The nominee stated that he will strive to have revenue collection digitized and will harmonize revenue collection laws both at the County and the National levels to minimize loopholes within the system which makes it difficult for the county to reach its revenue targets and maximize on revenue collection.

VIII. With respect to the legislative support from the County Assembly

The nominee informed that if given the opportunity he will initiate legislative support from the County Assembly on digitalization and industrialization to have a legal framework to operate within.

IX. With respect to the working relationship with the County Executive Committee Member responsible for the Sector and other officers

The nominee stated that he committed to having a good working relationship with the C.E.C Member and other officers and build bridges.

X. Regarding pressure from family and friends seeking services and favors from the docket

The nominee reiterated that he will deal professionally with pressure from friends and family within the given laws.

XI. With respect to Chapter Six of the Constitution and integrity, corruption and bribery and how he has fought it

The nominee informed the Committee as follows –

a) That while at Mumias Sugar Company, he stood firm against the illegal distributors where he deregistered 300 distributors who were unlawfully involved in transactions. He reiterated to be a law abider.

XII. With regard to rendering Community services in the County and the Country The nominee informed the Committee that he does not render community service in the County. However, he involves himself in community services based in Makueni County.

XIII. With regard to what Nairobi should expect if he is appointed - The nominee committed to ensure growth of trade in the City.

3.2 <u>APPEARANCE BEFORE THE COMMITTEE BY MR. PAUL MACHIRA</u> GICHOHI

Mr. Paul Machira Gichohi appeared before the Committee on Tuesday, 17th April, 2018 at 12.00 pm and after introductions, he was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act 2017, the Committee had invited Memoranda from the Public on his suitability or otherwise for appointment to public office, but none was received. He was further requested to forward his original credentials for verification by the Committee.

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 25th November, 1960 in Nyeri and;
 - He is currently working as a Chief Executive Officer at Agricom Resource
 Centre
 - He holds Masters of Business Administration at Moi University (2004-2005). In addition, he holds a Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi (1981-1985);

- He's a member of Kenya Institute of Food Technologists
- The nominee previously worked as a Chief Executive Officer/ Managing Director at Kenya Dairy Board (2003-2015), Chief Executive Officer at Performance Improvement Services (2002-2003), Process Manager at British American Tobacco (1995-2002), Production Brewer at Kenya Breweries Limited (1989-1994), Factories Manager at Kenya Tea Development Authority (1986-1988) and as an Agriculture officer at the Ministry of Agriculture and Rural Development (1985-1986).
- B. In response to questions put to him by Members of the Committee, Mr. Paul Machira Gichohi stated as follows:-
- 1. Education suitability for the position nominated –

The nominee informed the Committee that he holds Masters Degree in Business Administration from Moi University, Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi, a Diploma in Production Management from Heriot Watt University (UK); and therefore, he believed to have appositely qualified for the position he was nominated to as Chief Officer for Cooperative Development and Tourism.

II. Experience suitability for the position nominated –

The nominee informed the Committee that working in various cooperatives has gained sufficient managerial experience necessary for undertaking the tasks of the Cooperative Development and Tourism docket he has been nominated to. The skills gained from his experience makes him suitably qualified for the position nominated to. He further informed that his service in four (4) contracts consecutively and running a management consultancy firm gives him an upper hand for the position he was nominated to.

III. Why he applied for the position nominated –

The nominee informed the Committee that he has the knowledge of the County and its needs which is service to the Nairobians. He informed that he is to create a good environment for cooperative development and local tourism and give quality service to Nairobi.

IV. Regarding the knowledge about the Sector, challenges bedeviling the Sector and possible mechanisms to alleviate the challenges

The nominee was able to estimate the departments in the Sector to be four to five departments. The challenges the nominee highlighted were hawkers menace, employment, insecurity, governance and management.

The nominee informed the Committee that to address some of the challenges, he has to understand the working environment by getting information through other officers and get the right solutions to issues. The nominee stated that he will classify the tourism part into three categories i.e. local tourism (Nairobians), tourists from other Counties and Intentional tourism; for him to liaise with stakeholders on how to beautify the County to attract tourism. In addition, the nominee informed that he will encourage City tours, improve infrastructure, tap into the various meetings and activities held in the City such as International Fair Trade show and provide Internship Programmes to college students to come up with ideas to boost tourism in the County.

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

The nominee informed the Committee as follows -

- a) That he will use the rights facts in decision making; by listening to the Members of the County Assembly for ideas. He will ensure the Sector works closely with the Assembly in delivery of its mandates.
- b) That he will spearhead a good working relationship between the two Arms of the County Government to ensure openness in implementation of budget.

VI. With respect to the support from the County Assembly

The nominee informed that if given the opportunity he will seek new ideas from the County Assembly on how to uplift the Sector. He further stated that he will require support from the Assembly in terms of resource allocation (budgeting).

VII. With respect to the working relationship with the County Executive Committee Member responsible for the Sector and other officers

The nominee stated that he committed to having a good working relationship with the C.E.C Member and other officers by listening to each other and respecting the institution.

VIII. Regarding pressure from family and friends seeking services and favors from the docket

The nominee reiterated that he will deal with pressure from friends and family as people within the law that governance in public management.

IX. With respect to Chapter Six of the Constitution and integrity, corruption and bribery and how he has fought it

The nominee had no past experiences in his life to demonstrate his commitment to the requirements of Chapter Six of the Constitution on leadership and integrity. However, he is to operate within the confines of the public laws.

X. With regard to rendering Community services in the County and the Country

The nominee informed the Committee that he recommended to the Ministry the provision of milk to children in informal settlements in Nairobi during his tenure at Kenya Dairy Board. He further informed that he has been involved in giving resources to churches on personal basis.

XI. With regard to his net worth

The nominee informed that he is worth Kshs. 305 million for he has investments in Nairobi, Mombasa and Nyeri.

XII. With regard to what Nairobi should expect if he is appointed

The nominee informed that he will ensure a transformed City by ensuring local tourism through programmes such as weekend tour buses, encourage establishment of consumer cooperatives for the County to link them to producer Counties; and ensure food security by reorganizing food supply and distribution.

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 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:

THAT: -

1. All the 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. The nominees have not been charged in a Court of Law.

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

4.2 MR. FREDRICK NZIOKI KAMUNZYU – NOMINEE FOR CHIEF OFFICER, COMMERCE, TRADE AND INDUSTRIALIZATION

- a. He is currently working as a Consultant and Trainer at Visual Presence
- b. He is currently pursuing Masters of Business Administration at the University of Nairobi. In addition, he holds a Bachelor of Commerce Degree from the University of Nairobi (1992-1996).
- c. He's a member of;
 - i) Marketing Society of Kenya and
 - ii) Chartered Institute of Marketing
- d. The nominee previously worked as a Consultant at Divergys Brand Consultants (2014-2016), National Sales Manager at Mumias Sugar Company Limited (2012-2014), Head of Sales and Marketing at Kenya Tea Packers Ltd (2010-2012), General Manager at Marketing Africa Limited (2008-2010), Marketing Manager and Brand Manager at East African Breweries Limited (2000-2008) and Area Sales Manager at Eveready Batteries Limited (1996-2000).
- e. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from State Agencies as required.
- f. From the employment records, the nominee resigned from the positions he held in various cooperatives within a period of two (2) years.

4.3 MR. PAUL MACHIRA GICHOHI – NOMINEE FOR CHIEF OFFICER, COOPERATIVE DEVELOPMENT AND TOURISM

- a. He is currently working as a Chief Executive Officer at Agricom Resource Centre
- b. He holds Masters of Business Administration at Moi University (2004-2005). In addition, he holds a Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi (1981-1985);

- c. He's a member of Kenya Institute of Food Technologists
- d. The nominee previously worked as a Chief Executive Officer/ Managing Director at Kenya Dairy Board (2003-2015), Chief Executive Officer at Performance Improvement Services (2002-2003), Process Manager at British American Tobacco (1995-2002), Production Brewer at Kenya Breweries Limited (1989-1994), Factories Manager at Kenya Tea Development Authority (1986-1988) and as an Agriculture officer at the Ministry of Agriculture and Rural Development (1985-1986).
- e. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from State Agencies as required.

The Committee found the nominees suitable and qualified for appointment as the County Chief Officers for the Sector

5.0 RECOMMENDATIONS

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:-

THAT, this Assembly approves the following two (2) nominees for appointment by H.E. the Governor as County Chief Officers in their respective departments as follows:-

- 1. Mr. Fredrick Nzioki Munzyu Commerce, Trade and Industrialization
- 2. Mr. Paul Machira Gichohi Cooperative Development and Tourism

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 - 5) Ethics and Anti-Corruption Commission
- b) Annexure (2)
 - 1) Minutes
- c) Annexure (3) Curricula Vitae

1.0 PREFACE

1.1 Committee Mandate

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives is established under Standing Order No. 203 (1) and its mandate amongst others, as outlined under Standing Order 203 (6) includes "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 Trade, Tourism and Cooperatives was reconstituted by the Assembly on 14th March, 2018 comprising of the following Members:-

1. Hon. Charles Thuo Wakarindi, MCA

- Chairperson

- 2. Hon. Lawrence Otieno Odhiambo, MCA
- 3. Hon. Samuel Ng'ang'a Mwangi, MCA
- 4. Hon. Paul Ndung'u Irungu, MCA
- 5. Hon. Jayendra Virchand Malde, MCA
- 6. Hon. Maurice Ochieng Onyango, MCA
- 7. Hon. Naftaly Wagura Mathenge, MCA
- 8. Hon. Wilson Ongele Ochola, MCA
- 9. Hon. Benson Mwangi Macharia, MCA
- 10. Hon. Millicent Wambui Mugadi, MCA
- 11. Hon. Wilfred Oluoch Odalo, MCA
- 12. Hon. Redson Otieno Onyango, MCA
- 13. Hon. Jeremiah Karani Themendu, MCA
- 14. Hon. Doris Ngoyo Kanario, MCA
- 15. Hon. Jacinta Wanjiru, MCA
- 16. Hon. Mary Njuguna Njambi, MCA
- 17. Hon. Emily Ondeje Oduor, MCA
- 18. Hon. Eve Malenya, MCA
- 19. Hon. Jane Muasya, MCA

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mike Mbuvi Sonko vide a letter dated 5th April, 2018 forwarded to the Speaker of the Nairobi City County Assembly, the names of the following two (2) nominees for vetting by the Sectoral Committee on Trade, Tourism and

Cooperatives and consideration for approval by the County Assembly for appointment as County Chief Officers responsible for the Commerce, Tourism and Cooperatives Sector as follows:-

| S/NO NAME OF NOMINEE | | DEPARTMENT | |
|----------------------|------------------------------|---------------------------------------|--|
| 1. | Mr. Fredrick Nzioki Kamunzyu | Commerce, Trade and Industrialization | |
| 2. | Mr. Paul Machira Gichohi | Cooperative Development and Tourism | |

1.4 Committal to the Committee

Hon. Speaker,

Pursuant to Standing Order 43(1), the Honourable Speaker informed the Assembly on 10th April, 2018 that the Assembly had received the notification of the nominations. The notification of nominations was therefore referred to the Sectoral Committee on Trade, Tourism and Cooperatives 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.

Subsequently, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation Newspaper and the Standard Newspaper of 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 Public Appointments (County Assemblies Approval) Act, 2017.

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, the County Governments Act, 2012 and the County Assembly Standing Orders on their suitability for appointment to the position of County Chief Officer. In total, the Committee held three (3) Sittings in consideration of this matter.

1.6 Acknowledgement

Hon. Speaker,

I take this opportunity to thank the 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 for the 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.

Finally, on behalf of the Sectoral Committee on Trade, Tourism and Cooperatives pursuant to Standing Order 191 (6), it is my pleasure and duty to present to the County Assembly, the Committee's Report on the vetting of the two (2) nominees for appointment to the position of County 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.

Sectoral Committee on Trade, Tourism and Cooperatives

2.0 BACKGROUND

2.1 Establishment of the Sectoral Committee on Trade, Tourism and Cooperatives

The Sectoral Committee on Trade, Tourism and Cooperatives is one of the Sectoral Committees established under Standing Order No. 203 (1) with the mandate to vet and report on appointments under Section 45 of the County Governments Act, 2012, (County Chief Officers). The said Section requires H.E. the Governor of Nairobi City County, Hon. Mike Mbuvi Sonko to nominate as recommended by the County Public Service Board and with the approval of the County Assembly, appoint County Chief Officers.

In addition, Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:-

"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 Officers

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 County 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 Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Mike Mbuvi Sonko had nominated two (2) nominees to be considered for approval by the County Assembly for appointment as County Chief Officers responsible for the Sector of Commerce, Tourism and Cooperatives.

On Tuesday, 10th April, 2018, the Honourable Speaker in a Message to the Assembly informed the Assembly on the receipt of the names of the two (2) nominees, and directed that the names and curriculum vitae of the said nominees be referred to the relevant Sectoral Committee for vetting and reporting to the Assembly pursuant to Standing Order 203 (6) (f) and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017.

2.3 Notification to the Public

Section 7(4) and (5) of the Public Appointments (County Assemblies Approval) Act, 2017provides that-, "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" and "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".

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation Newspaper and the 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 nominees had been received from the public.

In accordance with the 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 Sectoral Committee on Trade, Tourism and Cooperatives to conduct the vetting and approval hearing of the two (2) nominees on Tuesday 17th April, 2018 at 10.00 am and 11.00 am at the Assembly Chambers.

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.

3.0 VETTING OF COUNTY CHIEF OFFICERS NOMINEES

In conducting the vetting process, the Sectoral Committee on Trade, Tourism and Cooperatives examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act, 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 17th April, 2018 at the Assembly Chamber, 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 <u>APPEARANCE BEFORE THE COMMITTEE BY MR. FREDRICK NZIOKI KAMUNZYU</u>

Mr. Fredrick Nzioki Kamunzyu appeared before the Committee on Tuesday, 17th April, 2018 at 10.00 am and after introductions, he was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act 2017, the Committee had invited Memoranda from the Public on his suitability or otherwise for appointment to public office, but none was received. He was further requested to forward his original credentials for verification by the Committee.

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 23rd March, 1972 and;
 - a. He is currently working as a Consultant and Trainer at Visual Presence
 - b. He is currently pursuing Masters of Business Administration at the University of Nairobi. In addition, he holds a Bachelor of Commerce Degree from the University of Nairobi (1992-1996).
 - c. He's a member of:
 - (i) Marketing Society of Kenya and
 - (ii) Chartered Institute of Marketing
 - d. The nominee previously worked as a Consultant at Divergys Brand

Consultants (2014-2016), National Sales Manager at Mumias Sugar Company Limited (2012-2014), Head of Sales and Marketing at Kenya Tea Packers Ltd (2010-2012), General Manager at Marketing Africa Limited (2008-2010), Marketing Manager and Brand Manager at East African Breweries Limited (2000-2008) and Area Sales Manager at Eveready Batteries Limited (1996-2000).

- B. In response to questions put to him by Members of the Committee, Fredrick Nzioki Kamunzyu stated as follows:-
- 1. Education suitability for the position nominated –

The nominee informed the Committee that he holds a bachelor degree in Commerce from the University of Nairobi and he is currently pursuing a Masters degree in Business Administration in the same university; and therefore, he believed to have aptly qualified for the position he was nominated for.

II. Experience suitability for the position nominated –

The nominee informed the Committee that he has gained sufficient managerial and marketing experience necessary for undertaking the tasks of the Sector he has been nominated to. The skills gained from his experience makes him suitably qualified for the position nominated.

III. Why he applied for the position nominated -

The nominee informed the Committee that he has passion to help people to do business in the County and enable the County Government to realize its revenue targets. He informed that his experience in administration and marketing may help him to manage the office he was nominated to. He further informed that he can brand the County in business through his vast knowledge and experience in marketing.

IV. Regarding the knowledge about the Sector and challenges bedeviling the Sector

The nominee was able to list various departments in the Sector which include cooperatives, tourism, trade licensing, gaming and betting, weights and measures, administration. The challenges the nominee highlighted were hawkers menace in the Central Business District, small scale trade licenses collections and revenue collection.

The nominee informed the Committee that to address some of the challenges, hawkers in the County to be licensed and registered, trade licenses to be issued on annual basis and revenue collection to be digitized. He added that he will engage all stakeholders from across the divide to find ways to solve challenges in the Sector.

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

The nominee informed the Committee as follows -

- a) He will learn on the workings of the County Assembly and have proper sessions with the Members of the County Assembly and Assembly Committees.
- b) He will ensure the Sector works closely with the Assembly in delivery of its mandates by listening to the issues that may crop-up in the Sector. He assured the Committee of his availability to attend to issues of the Sector when called upon.

VI. Regarding the rampant cases of conflicts between hawkers and the County Askaris

The nominee informed that -

a) He will involve Members of the County Assembly who are the representatives of the public including hawkers in coming up with a proper system on how to handle hawking in the City to avoid the rampant conflicts between the City Askaris and hawkers.

VII. Regarding the loophole in revenue collection from the Sector

The nominee stated that he will strive to have revenue collection digitized and will harmonize revenue collection laws both at the County and the National levels to minimize loopholes within the system which makes it difficult for the county to reach its revenue targets and maximize on revenue collection.

VIII. With respect to the legislative support from the County Assembly

The nominee informed that if given the opportunity he will initiate legislative support from the County Assembly on digitalization and industrialization to have a legal framework to operate within.

IX. With respect to the working relationship with the County Executive Committee Member responsible for the Sector and other officers

The nominee stated that he committed to having a good working relationship with the C.E.C Member and other officers and build bridges.

X. Regarding pressure from family and friends seeking services and favors from the docket

The nominee reiterated that he will deal professionally with pressure from friends and family within the given laws.

XI. With respect to Chapter Six of the Constitution and integrity, corruption and bribery and how he has fought it

The nominee informed the Committee as follows -

- a) That while at Mumias Sugar Company, he stood firm against the illegal distributors where he deregistered 300 distributors who were unlawfully involved in transactions. He reiterated to be a law abider.
- XII. With regard to rendering Community services in the County and the Country The nominee informed the Committee that he does not render community service in the County. However, he involves himself in community services based in Makueni County.

XIII. With regard to what Nairobi should expect if he is appointed - The nominee committed to ensure growth of trade in the City.

3.2 <u>APPEARANCE BEFORE THE COMMITTEE BY MR. PAUL MACHIRA</u> GICHOHI

Mr. Paul Machira Gichohi appeared before the Committee on Tuesday, 17th April, 2018 at 12.00 pm and after introductions, he was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act 2017, the Committee had invited Memoranda from the Public on his suitability or otherwise for appointment to public office, but none was received. He was further requested to forward his original credentials for verification by the Committee.

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 25th November, 1960 in Nyeri and;
 - He is currently working as a Chief Executive Officer at Agricom Resource Centre
 - He holds Masters of Business Administration at Moi University (2004-2005). In addition, he holds a Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi (1981-1985);

- He's a member of Kenya Institute of Food Technologists
- The nominee previously worked as a Chief Executive Officer/ Managing Director at Kenya Dairy Board (2003-2015), Chief Executive Officer at Performance Improvement Services (2002-2003), Process Manager at British American Tobacco (1995-2002), Production Brewer at Kenya Breweries Limited (1989-1994), Factories Manager at Kenya Tea Development Authority (1986-1988) and as an Agriculture officer at the Ministry of Agriculture and Rural Development (1985-1986).
- B. In response to questions put to him by Members of the Committee, Mr. Paul Machira Gichohi stated as follows:-
- 1. Education suitability for the position nominated –

The nominee informed the Committee that he holds Masters Degree in Business Administration from Moi University, Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi, a Diploma in Production Management from Heriot Watt University (UK); and therefore, he believed to have appositely qualified for the position he was nominated to as Chief Officer for Cooperative Development and Tourism.

II. Experience suitability for the position nominated –

The nominee informed the Committee that working in various cooperatives has gained sufficient managerial experience necessary for undertaking the tasks of the Cooperative Development and Tourism docket he has been nominated to. The skills gained from his experience makes him suitably qualified for the position nominated to. He further informed that his service in four (4) contracts consecutively and running a management consultancy firm gives him an upper hand for the position he was nominated to.

III. Why he applied for the position nominated -

The nominee informed the Committee that he has the knowledge of the County and its needs which is service to the Nairobians. He informed that he is to create a good environment for cooperative development and local tourism and give quality service to Nairobi.

IV. Regarding the knowledge about the Sector, challenges bedeviling the Sector and possible mechanisms to alleviate the challenges

The nominee was able to estimate the departments in the Sector to be four to five departments. The challenges the nominee highlighted were hawkers menace, employment, insecurity, governance and management.

The nominee informed the Committee that to address some of the challenges, he has to understand the working environment by getting information through other officers and get the right solutions to issues. The nominee stated that he will classify the tourism part into three categories i.e. local tourism (Nairobians), tourists from other Counties and Intentional tourism; for him to liaise with stakeholders on how to beautify the County to attract tourism. In addition, the nominee informed that he will encourage City tours, improve infrastructure, tap into the various meetings and activities held in the City such as International Fair Trade show and provide Internship Programmes to college students to come up with ideas to boost tourism in the County.

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

The nominee informed the Committee as follows -

- a) That he will use the rights facts in decision making; by listening to the Members of the County Assembly for ideas. He will ensure the Sector works closely with the Assembly in delivery of its mandates.
- b) That he will spearhead a good working relationship between the two Arms of the County Government to ensure openness in implementation of budget.

VI. With respect to the support from the County Assembly

The nominee informed that if given the opportunity he will seek new ideas from the County Assembly on how to uplift the Sector. He further stated that he will require support from the Assembly in terms of resource allocation (budgeting).

VII. With respect to the working relationship with the County Executive Committee Member responsible for the Sector and other officers

The nominee stated that he committed to having a good working relationship with the C.E.C Member and other officers by listening to each other and respecting the institution.

VIII. Regarding pressure from family and friends seeking services and favors from the docket

The nominee reiterated that he will deal with pressure from friends and family as people within the law that governance in public management.

IX. With respect to Chapter Six of the Constitution and integrity, corruption and bribery and how he has fought it

The nominee had no past experiences in his life to demonstrate his commitment to the requirements of Chapter Six of the Constitution on leadership and integrity. However, he is to operate within the confines of the public laws.

X. With regard to rendering Community services in the County and the Country

The nominee informed the Committee that he recommended to the Ministry the provision of milk to children in informal settlements in Nairobi during his tenure at Kenya Dairy Board. He further informed that he has been involved in giving resources to churches on personal basis.

XI. With regard to his net worth

The nominee informed that he is worth Kshs. 305 million for he has investments in Nairobi, Mombasa and Nyeri.

XII. With regard to what Nairobi should expect if he is appointed

The nominee informed that he will ensure a transformed City by ensuring local tourism through programmes such as weekend tour buses, encourage establishment of consumer cooperatives for the County to link them to producer Counties; and ensure food security by reorganizing food supply and distribution.

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 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:

THAT: -

1. All the 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. The nominees have not been charged in a Court of Law.

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

4.2 MR. FREDRICK NZIOKI KAMUNZYU – NOMINEE FOR CHIEF OFFICER, COMMERCE, TRADE AND INDUSTRIALIZATION

- a. He is currently working as a Consultant and Trainer at Visual Presence
- b. He is currently pursuing Masters of Business Administration at the University of Nairobi. In addition, he holds a Bachelor of Commerce Degree from the University of Nairobi (1992-1996).
- c. He's a member of:
 - i) Marketing Society of Kenya and
 - ii) Chartered Institute of Marketing
- d. The nominee previously worked as a Consultant at Divergys Brand Consultants (2014-2016), National Sales Manager at Mumias Sugar Company Limited (2012-2014), Head of Sales and Marketing at Kenya Tea Packers Ltd (2010-2012), General Manager at Marketing Africa Limited (2008-2010), Marketing Manager and Brand Manager at East African Breweries Limited (2000-2008) and Area Sales Manager at Eveready Batteries Limited (1996-2000).
- e. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from State Agencies as required.
- f. From the employment records, the nominee resigned from the positions he held in various cooperatives within a period of two (2) years.

4.3 MR. PAUL MACHIRA GICHOHI – NOMINEE FOR CHIEF OFFICER, COOPERATIVE DEVELOPMENT AND TOURISM

- a. He is currently working as a Chief Executive Officer at Agricom Resource Centre
- b. He holds Masters of Business Administration at Moi University (2004-2005). In addition, he holds a Bachelor of Science (in food technology and nutrition) Degree from the University of Nairobi (1981-1985);

- c. He's a member of Kenya Institute of Food Technologists
- d. The nominee previously worked as a Chief Executive Officer/ Managing Director at Kenya Dairy Board (2003-2015), Chief Executive Officer at Performance Improvement Services (2002-2003), Process Manager at British American Tobacco (1995-2002), Production Brewer at Kenya Breweries Limited (1989-1994), Factories Manager at Kenya Tea Development Authority (1986-1988) and as an Agriculture officer at the Ministry of Agriculture and Rural Development (1985-1986).
- e. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from State Agencies as required.

The Committee found the nominees suitable and qualified for appointment as the County Chief Officers for the Sector

5.0 RECOMMENDATIONS

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:-

THAT, this Assembly approves the following two (2) nominees for appointment by H.E. the Governor as County Chief Officers in their respective departments as follows:-

- 1. Mr. Fredrick Nzioki Munzyu Commerce, Trade and Industrialization
- 2. Mr. Paul Machira Gichohi Cooperative Development and Tourism

MEMBERS' ADOPTION OF THE REPORT ON THE VETTING OF THE NOMINEES FOR CHIEF OFFICERS OF THE SECTOR OF COMMERCE, TOURISM AND COOPERATIVES

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|------------------------------|--------------|------------------|
| 1. Hon. Charles Thuo Wakar | ndi, MCA | 410 |
| 2. Hon. Lawrence Otieno Oc | lhiambo, MCA | |
| 3. Hon. Samuel Ng'ang'a Mv | vangi, MCA | |
| 4. Hon. Benson Mwangi Ma | charia, MCA | |
| 5. Hon. Naftaly Wagura Ma | henge, MCA | |
| 6. Hon. Jacinta Wanjiru, MC | A | The |
| 7. Hon. Jayendra Virchand N | Nalde, MCA | |
| 8. Hon. Mary Njuguna Njan | nbi, MCA | \overline{MNN} |
| 9. Hon. Paul Ndungu Irungu | , MCA | D.N |
| 10. Hon. Millicent Wambui N | Iugadi, MCA | |
| 11. Hon. Jeremiah Karani The | emendu, MCA | Koran |
| 12. Hon. Doris Ngoyo Kanar | o, MCA | DKN |
| 13. Hon. Wilfred Oluoch Od | alo, MCA | |
| 14. Hon. Emily Ondenje Odu | ior, MCA | |
| 15. Hon. Redson Otieno On | ango, MCA | <u> </u> |
| 16. Hon. Jane Muasya, MCA | | JM |
| 17. Hon. Eve Malenya, MCA | | Fund |
| 18. Hon. Wilson Ochola On | gele, MCA | |
| 19. Hon. Maurice Ochieng C | nyango, MCA | |
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