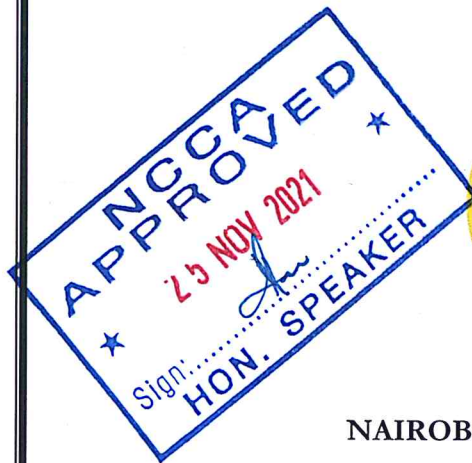


COUNTY GOVERNMENT OF NAIROBI CITY



*Paper laid by
Hon. Abdulla Hassan
Majority Leader on
25th November, 2021
[signature]
25/11/2021*

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY-FIFTH SESSION

REPORT

OF THE SELECT
COMMITTEE ON APPOINTMENTS
ON

THE VETTING OF THE NOMINEE FOR THE OFFICE OF THE DEPUTY
GOVERNOR, NAIROBI CITY COUNTY

Clerk's Chambers
City Hall Buildings
Nairobi
November, 2021

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1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Select Committee on Appointments is established under Standing Order No. 196, and its mandate amongst others, as outlined under Standing Order 196 (4) includes “*to consider, for approval by the County Assembly, appointments under Articles 179(2) (Members of County Executive Committee).*”

1.2. Committee Membership

Hon. Speaker,

The Committee on Appointments was constituted by the Assembly on 4th October, 2017 comprising of the following Members:-

1. Hon. Benson Mutura, MCA - Speaker (Chairperson)
2. Hon. Abdi I. Hassan, MCA - Leader of the Majority party
3. Hon. Michael Ogada, MCA - Leader of the Minority party
4. Hon. Paul Kados, MCA
5. Hon. Peter Imwatok, MCA
6. Hon. Elias Okumu, MCA
7. Hon. Paul Ndung'u, MCA
8. Hon. Emily Oduor, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Millicent Jagero, MCA

1.3. Message from Her Excellency the Governor

Hon. Speaker,

Pursuant to Section 32D of the County Governments Act, 2012 (*as amended by the County Governments (Amendment) Act, No. 11 of 2020*), **H.E. the Governor, Hon. Anne Kananu Mwenda** vide a letter dated 16th November 2021 forwarded to the Speaker of the Nairobi City County Assembly, the name of Mr. Paul Mutunga Mutungi for vetting by the Select Committee on Appointments

and consideration for approval by the County Assembly for appointment as the Deputy Governor, Nairobi City County.

1.4. Committal to Committee on Appointments

Hon. Speaker,

Pursuant to Standing Order 43(1), the Honorable Speaker informed the Assembly on 18th November 2021 that he had received the notification of the nomination. The notification of nomination was therefore referred to the Committee on Appointments on 18th November 2021 for vetting and reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act.

1.5. Committee Meetings

Hon. Speaker,

The nominee appeared before the Committee on Thursday November 25th, 2021, and was vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act and the County Assembly Standing Orders on his suitability for appointment to the position of Deputy Governor, Nairobi City County. In total, the Committee held four (4) Sittings in consideration of this matter.

1.6. Acknowledgement

Hon. Speaker,

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it during the vetting exercise. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered to the Committee. Their efforts and input made the work of the Committee and the production of this Report possible. The Committee is also grateful to the media

for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

Finally, on behalf of the Select Committee on Appointments, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of nominee for appointment to the position of Deputy Governor, Nairobi City County 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. Benson Mutura, MCA

(Chairperson)

Select Committee on Appointments

Dated this 25th.....day of Nov.....2021

2.0. BACKGROUND

2.1. Establishment of the Select Committee on Appointments

The Select Committee on Appointments is one of the Select Committees established under Standing Order No. 196 with the mandate to consider, for approval by the County Assembly, appointments under Articles 179(2) of the Constitution and Section 35 of the County Governments Act, 2012, (*Members of County Executive Committees*); appointment of the County Attorney under the Office of the County Attorney Act, 2020; as well as appointments under Section 32D of the County Governments Act, 2012 (*Deputy Governor*). Specifically, Section 32D of the County Governments Act, 2012 (*as amended by the County Governments (Amendment) Act, No. 11 of 2020*) requires **H.E. the Governor of Nairobi City County, Hon. Anne Kananu Mwenda** to nominate and with the approval of the County Assembly, appoint a Deputy Governor within fourteen (14) days of the Office of the Deputy Governor falling vacant.

Additionally, Section 10(1) of the Public Appointments (County Assemblies Approval) Act. No. 5 of 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 Deputy Governor Nominee

Section 32D of the County Government’s Act, 2012 (*as amended by the County Governments (Amendment) Act, No. 11 of 2020*), provides for the Governor’s power to appoint a Deputy Governor, with the approval of the Assembly, from among persons who are not members of the County Assembly.

A letter from the Office of the Governor dated 16th November 2021, addressed to the Speaker of the County Assembly indicated that pursuant to the provisions of Section 32D of the County Government’s Act, 2012 (*as amended by the County Governments*

(Amendment) Act, No. 11 of 2020), H.E. the Governor, Hon. Anne Kananu Mwenda had nominated Mr. Paul Mutunga Mutungi to be considered for approval by the County Assembly for appointment as the Deputy Governor, Nairobi City County.

On Thursday, 18th November, 2021, the Honourable Speaker in a Message to the Assembly informed the Assembly that his office had received the name of Mr. Paul Mutunga Mutungi as the nominee for the Office of the Deputy Governor, and directed that the name and curriculum vitae of the said nominee be referred to the Select Committee on Appointments for vetting and reporting to the Assembly pursuant to Standing Order 196 and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act. No. 5 of 2017.

2.3. Notification to the Public

Section 7(10) of the Public Appointments (County Assemblies Approval) Act provides 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”*.

The Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and the Star Newspaper on Friday 19th November 2021 inviting the public to submit memoranda by way of written statements on oath (*sworn affidavits*) on the suitability or otherwise of the nominee in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act.

Pursuant to the provisions of Article 118 of the Constitution and section 7(4) of the Public Appointments (County Assemblies Approval) Act the public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominees on Thursday 25th November 2021.

2.4. Memoranda from the Public

At the close of business on Wednesday 24th November 2021, the Assembly had received one Memoranda contesting the suitability of the nominee as follows.

2.4.1. Memoranda from Concerned Citizen Alliance

In the Memoranda, the Petitioners, upon laying the basis for their objections to the suitability of the nominee, raised the following objections: -

- a. That Paul Mutunga Mutungi is facing various corruption cases in the Anti-Corruption and Economic Crimes Division Court. For instance, Petition 30 of 2019 at the High Court, Anti-Corruption and Economic Crimes Division.
- b. That Paul Mutunga Mutungi has been allegedly adversely mentioned in different land scandals in Nairobi including Kayole evictions and World Bank Housing projects in Makongeni.
- c. That the Office of the Deputy Governor is an important Office whose holder's integrity should be above suspicion like Ceaser's Wife.
- d. That in light of the above, Mr. Paul Mutunga Mutungi is not fit to hold public office on the ground of failing to meet the requirements of Chapter Six of the Constitution of Kenya, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act.
- e. To the Memoranda was annexed a copy of an image titled "The Money Trail" in which the Petitioners alleged indicated the sum of Kshs6.5M, under the name Paul Mutunga Mutungi.

2.5. Clearance Requirements

The Committee also resolved that the nominees be asked to submit their clearance status with the following institutions for the vetting exercise –

- a) Kenya Revenue Authority (KRA)
- b) Criminal Investigation Department (CID)
- c) Higher Education Loans Board (HELB)
- d) Credit Reference Bureau (CRB) and

e) The Ethics and Anti-Corruption Commission (EACC)

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

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

3.0 VETTING OF THE NOMINEE FOR THE OFFICE OF THE DEPUTY GOVERNOR

In conducting the vetting process, the Select Committee on Appointments examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 –

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

During its Sitting held on Thursday 25th November 2021 at the Assembly Plenary Chamber, Assembly Precincts, City Hall Buildings from 9:00 am, the Committee conducted a face-to-face interview of the nominee. The minutes of the vetting proceedings are attached to this report.

3.1. Appearance Before the Committee by Mr. Paul Mutunga Mutungi – Nominee for Office of The Deputy Governor

Mr. Paul Mutunga Mutungi, appeared before the Committee on Thursday 25th November 2021 at 10.00am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee invited submissions from the Public on his suitability or otherwise for appointment to public office, and had received Memoranda from Concerned Citizen Alliance by close of business on Wednesday 24th November 2021. The nominee was informed that he would be given ample opportunity to respond to the issues raised in the memoranda in due course of the hearing.

The nominee took the oath and proceeded to inform the Committee as follows: -

A. On self-introduction, knowledge, experience and qualifications, the nominee informed the committee as follows: -

- a) He was born on 5th August 1974.
- b) His name is Paul Mutunga Mutungi, and he is currently the Chief of Staff of the Governor, Nairobi City County.
- c) He holds a Bachelor of Arts degree in Disaster Management and International Diplomacy from Masinde Muliro University.
- d) The nominee previously served for two terms as a Councilor in the defunct Nairobi City Council as Member for Mbotela Ward.
- e) He served as a Director for the Nairobi Water and Sewerage Company as well as Director Liquor Board, Nairobi City County.

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

I. On Suitability for the Position Nominated -

The nominee stated as follows –

That he:

- a. He has a long and illustrious career in the public sector, having served as an elected leader in the County when it was the Council, and currently serving as the Chief of Staff for the Governor.
- b. His experience draws from years of public service management and leadership skills gained from holding both elected public office and administrative management at high levels.
- c. Noted position calls for experienced leadership skills – relevant to help the Governor steer the County.
- d. Overall, experience and technical knowledge demonstrated will suffice in position nominated.

II. Regarding The Memoranda Received from Concerned Citizen Alliance Contesting His Suitability For The Position Nominated -

The nominee responded as follows: -

- a. There is indeed a petition in the High Court, and since the matter is active, the nominee asked to be excused from responding to the Memoranda in respect of the case.
- b. That he has never been convicted of any crimes before a court of law.
- c. Has never received a bribe nor solicited for any.
- d. Regarding interfering with land matters, that he has never dealt with land matters, nor has he had any interest in land matters in Kayole.
- e. He has never interfered with housing in Makongeni.
- f. That all the land he owns is either inherited or purchased and has nothing to do with public land.

III. On Corruption In The County And Whether There Are Cartels In The County, He Stated That: -

- a) Corruption remains a major challenge for the County, but the Office of the Governor is doing everything possible to address it.
- b) The office of the Governor is currently training its officers from the various sectors on bribery and corruption prevention.
- c) That the fight against Corruption requires a joint effort to succeed, seeing as it's a widespread problem.
- d) He will ensure the County works closely with the relevant agencies to help stem the tide and prosecute culpable officers where appropriate.
- e) The question of Cartels is exaggerated and used as an excuse for corruption which is always assigned to unknown cartels.
- f) That in his belief, what ails the County is corruption carried out by Officers, and not unknown figures called cartels.

IV. On How He Will Address the Endless Hostilities Between Small Scale Traders In The City And The County Inspectorate Department, He Stated That: -

- a. In the short period that he has served as Chief of Staff, the question of hostilities between hawkers and the inspectorate is live in the Governor's office.
- b. The County enforcement department still operates in what he termed "the old way" by which Officers of the inspectorate have gone about their work without due regard for human rights.
- c. That the Office of the Governor is actively pursuing training for the inspectorate officers to ensure they appreciate the new dispensation in which they operate.
- d. That he will implore upon the governor that existing legislation to address the organization and operations of the Inspectorate Department are implemented.

V. On Administrative Challenges The County Faces And How He Plans To Address Them, He Noted That: -

- a. The confusion around the Office of the governor created a lacuna in which Officers of the County Executive did not have clear administrative control.
- b. That with the inauguration of the Governor and now the filling of the Office of the Deputy Governor, the County Executive administrative structures would be fully in operation.
- c. Any officers found culpable of incompetence or other laxity will be appropriately dealt with.

VI. Regarding The Strained Relationship Between County Workers, The County Executive, And The NMS, He Stated That: -

- a) In his experience, the evidence out there is that the working relationship between the various stakeholders has been frosty.
- b) However, this initial teething problems have since been addressed and the stakeholders are working effectively.
- c) The staff of the County have mostly used their unions to complain against the NMS, particularly around staff.
- d) That the administrative issues around the management of staff affairs is still work in progress but a lot is being done to address the same.
- e) The NMS from his experience has tried its very best to delivery on its mandate while keeping all relevant stakeholders involved.

VII. On What He Will Do To Make The Relationship Cordial, He Stated That: -

- a) That his background in diplomacy makes him experienced in addressing the friction amongst the various stakeholders in the County.
- b) That he has sought time and again to address the issues of staff even within the short time he has served as Chief of Staff of the Governor.

VIII. On How He Will Handle the Matatu Menace, Particularly The Disorderly Establishment Of Bus Stops In The CBD, He Stated That:

-

- a) This matter is a matter of great concern, and Members of the County Assembly have raised the same.
- b) That because the House has resolved on the question of addressing Matatus menace and bus stops, he will be working with the governor to ensure the resolution is implemented.
- c) That he will help the governor engage the NMS with a view to helping where necessary address the matter.

- d) That long term, the solution to the Matatu menace in the long run will be the establishment of Mass Rapid Transport system.

IX. On Addressing Incessant Fires In Gikomba And Other Informal Settlements, he noted: -

- a) That the incessant fires in Gikomba have been a recurring feature for decades.
- b) That the governor recently took action and committed to work with other agencies to ensure the fires are investigated and those culpable prosecuted.
- c) That all stakeholders need to work together to get to the root of the problem, so the problem is solved once and for all.

X. Whether He Can Be Associated With The Failures Or Success Of The County Having Been Around For Thirty Years, He Stated That: -

- a) That he has always endeavored to serve the public and humanity.
- b) That he finds it a privilege that he has had such a long and illustrious career in the County.
- c) That he had handled his work in the defunct city council with utmost integrity and had handed over a well running County Treasury.
- d) That, therefore, he would not associate himself with the failures of the County and will use his appointment to ensure effectiveness of service delivery in the County.

XI. On What He Will Do To Return Confidence To The Public That The County Can Manage Its Affairs Without Intervention From The National Government, He Stated: -

- a) That the County found itself where it is with the NMS because of certain failures of governance.
- b) That transfer was therefore necessary to address some teething governance challenges.
- c) That as it is, the County will have to work closely with NMS to ensure service delivery is not affected.

- d) That in his belief, civil problems require civil problems, and therefore as the NMS contracts comes to an end, it will behoove all stakeholders to demonstrate capacity to run the affairs of the County effectively.

XII. Regarding What He Will Do To Streamline Revenue Collection And The County Treasury Having Served As Chair Of The Finance Committee In The Defunct Nairobi City Council, He Stated: -

- a) That the County is currently in a contract of agency with KRA.
- b) That under the agency KRA has promised to double revenues, but the same has not been fruitful owing to certain challenges raised by KRA.
- c) That he will insist upon the governor and the County Assembly that the TORs with KRA be reviewed, failure to which should revenues continue to dip, the County Assembly make appropriate recommendations.
- d) That the County may need to revisit other arrangements for revenue collection devoid of force, for instance the use of Police officers to collect revenue.

XIII. On Complaints By Members That NMS Is Developing The CBD Only And Ignoring Wards, He Stated That:

- a) Having worked as a politician, and with his diplomacy skills, he will leverage these skills to engage relevant stakeholders to ensure projects are done fairly. That he will endeavor to raise these matters with the Director General of NMS with a view to having the same addressed.
- b) That the Assembly is the biggest stakeholder in the budget making process, and accordingly needs to ensure each Ward gets its rightful allocation.
- c) That the allocation of priority projects remains with the Assembly's purview.

XIV. On How He Will Address Pending Bills, Particularly Complaints By Small Scale Traders Regarding Delays In Settling Their Claims, He Stated: -

- a) That promoting SMEs remains a major function of the County Government.
- b) That it will be his duty as the principal adviser and deputy to the governor to advise that SMEs be prioritized for pending bills payment.
- c) The County is doing everything it can to ensure small scale traders and others with pending Bills are dispensed with.
- d) That the matter requires joint effort by the NMS, the County and the Assembly to be fully addressed.
- e) That the County may have to consider drastic action such as stopping disbursement of funds to Sectors that inordinately delay the processing of pending Bills.
- f) That the County is working with Treasury to expedite the settlement of pending Bills.

XV. On His Source Of Income and Net Worth And Whether He Is Corrupt-

The nominee informed the Committee as follows –

- a) He is not corrupt and has conducted himself throughout his public life with integrity.
- b) His net worth is around Kshs 80 to 100 million derived from his long service to the public and investments.

XVI. On How He Will Handle Pressure From Members And The Public, The Nominee Stated That: -

- a) Challenges have arisen from transfer of functions from County to NMS
- b) These functions have not affected the oversight role of the County Assembly.

- c) He will work to ensure resolutions of the House are implemented, particularly budgetary allocation regarding issues such as Bursaries.
- d) As Deputy Governor, should the matter of bursaries fall under his Office for addressing, he will work to ensure the impasse is unlocked and bursaries dispersed.

XVII. On Challenges He Expects To Meet In The Docket, And How He Will Address Them, he stated: –

- a) That the prevailing circumstances with respect to the County and the NMS are challenging.
- b) That the solution was to help the City deliver services as opposed to endless sideshows.
- c) As Deputy Governor and principal adviser to the Governor, he will promote collaboration with the Legislature to ensure the challenges arising are addressed holistically.
- d) That he will work to ensure the policy issues of the County are well addressed for the interest of Nairobi residents.

3.2. Consideration of Memoranda from the Public

The Committee on 23rd November 2021 received Memoranda from the public in keeping with the notice sent out for public participation in the vetting process vide the advertisement placed in the local dailies on 19th November 2021. Upon conclusion of the vetting hearing, the Committee sat in consideration of the Memoranda from the Concerned Citizen Alliance, taking into consideration the nominee's responses to each of the issues raised in the Memoranda.

Noteworthy, the Committee framed the following issues as germane for consideration in dispensing with the Memoranda, namely: -

- a. Legal requirements around the submission of Memoranda to the Committee on the vetting process pursuant to the Public Appointments (County Assemblies Approval) Act;

b. The substance of the Memoranda, namely: -

- (i.) That Paul Mutunga Mutungi is facing various corruption cases in the Anti-Corruption and Economic Crimes Division Court, particularly, Petition 30 of 2019 at the High Court, Anti-Corruption and Economic Crimes Division.
- (ii.) That Paul Mutunga Mutungi has been allegedly adversely mentioned in different land scandals in Nairobi including Kayole evictions and World Bank Housing projects in Makongeni.
- (iii.) That the Office of the Deputy Governor is an important Office whose holder's integrity should be above suspicion like Ceaser's Wife.
- (iv.) That in light of the above, Mr. Paul Mutunga Mutungi is not fit to hold public office on the ground of failing to meet the requirements of Chapter Six of the Constitution of Kenya, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act.
- (v.) Annexure of a copy of an image titled "The Money Trail" in which the Petitioners alleged indicated the sum of Kshs6.5M, under the name Paul Mutunga Mutungi.

In dispensing with the above, the Committee relied on the following statutes: -

1. The Constitution of Kenya;
2. Public Appointments (County Assemblies Approval) Act;
3. The County Governments Act, 2012; and
4. Nairobi City County Assembly Standing Orders.

The Committee noted as follows: -

1. Regarding the manner of presentation of the Memoranda:

It was observed that the Public Appointments (County Assemblies Approval) Act in section 7 on the approval hearing provides that-

(10) 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.

Upon review of the Memoranda, it was noted that it was presented in the form of a letter and not in the form of a written statement on oath (affidavit). The Committee observed that this provision aims at providing evidence that what is deposed is true. Further, the Petitioner did not equally provide evidence to prove the veracity of the statements in the letter.

2. Regarding the Memorandum's contestation of the qualifications of the nominee: -

It was noted that the qualifications for a County Governor apply to the Deputy Governor and Member of county Assembly.

These qualifications are as follows-

- a. Must have been a Kenyan citizen for at least 10 years;
- b. Must not owe allegiance to a foreign state;
- c. Must be eligible for election as a member of the county assembly;
- d. Must be a registered voter;
- e. Is a holder of a degree from a University recognized in Kenya;
- f. Is nominated by a Political Party or is an independent candidate;
- g. Must meet the statutory moral and ethical requirements under the Leadership and Integrity Act;
- h. Must not be a public officer or acting in any State of public office other than a member of the County Assembly;
- i. Must not hold dual citizenship unless citizenship of the other country has been obtained by operation of law without capacity to opt out;
- j. Must not be an undischarged bankrupt;
- k. Must not be a person of unsound mind;

- l. Must not be subject to a sentence of imprisonment of at least six months from the date of registration of candidates or date of elections;
- m. Must not have been found to have abused or misused state or public office or contravened Chapter Six of the Constitution; and
- n. Must not have been dismissed or removed from public office for contravening the provisions of Articles 75, 76, 77 and 78 of the Constitution.

Additionally, it was observed that Article 193 of the Constitution provides for the *Qualifications and disqualifications for election as a Member of County Assembly as follows-*

(1) Unless disqualified under clause (2), a person is eligible for election as a member of County Assembly if the person—

- a) is registered as a voter;*
- b) satisfies any educational, moral and ethical requirements prescribed by this Constitution or by an Act of Parliament; and*
- c) is either-*
 - i. nominated by a political party; or*
 - ii. an independent candidate who is supported by at least five hundred registered voters in the ward concerned*

*(2) A person is **disqualified** from being elected a member of County Assembly if the person—*

- a) is a State officer or other public officer, other than a member of County Assembly;*
- b) has, at any time within the five years immediately before the date of election, held office as a member of the Independent Electoral and Boundaries Commission;*
- c) has not been a citizen of Kenya for at least the ten years immediately preceding the date of election*
- d) is of unsound mind*
- e) is an undischarged bankrupt*

- f) is serving a sentence of imprisonment of at least six months; or*
- g) has been found, in accordance with any law, to have misused or abused a State office or public office or to have contravened Chapter Six.*

(3) A person is not disqualified under clause (2) unless all possibility of appeal or review of the relevant sentence or decision has been exhausted.

Accordingly, it was noted that the Nominee was qualified for consideration for appointment as Deputy Governor, Nairobi City County.

In conclusion thereof, the Committee noted as follows: -

- a. That the Memoranda was raised by way of a letter and not a Statement on oath (Affidavit).
- b. That no proof/evidence had been provided by the Memoranda on the existence of the quoted court case, its facts, its decision, or if the nominee has been found personally culpable.
- c. The petition also fails to raise substantive matters in relation to the allegations or even the general status of the mentioned case in relation to the nominee.
- d. Further, no evidence has been presented to challenge that the nominee does not have the qualifications set out above.
- e. Presence of a court case does not disqualify the nominee as there is no evidence presenting the decision and further, in the event the judgment was not in his favour and is pursuing an appeal, the same cannot be used to disqualify the nominee.
- f. Despite the Memoranda indicating that the nominee is not fit to hold public office by virtue of various statutes, the Memoranda did not indicate the specific provisions of the law that have been contravened, how the nominee

has failed to raise public confidence and integrity. The allegations were therefore not substantiated.

The Memoranda therefore failed and was dispensed with accordingly by the Committee.

4.0 COMMITTEE'S OBSERVATIONS/FINDINGS

The Committee having considered the nominee's curriculum vitae and heard his oral submissions during the vetting exercise/interview, made the following observations: -

- a) He is currently working as the Chief of Staff for the Governor, Nairobi City County.
- b) He holds a Bachelor of Arts degree in Disaster Management and International Diplomacy from Masinde Muliro University.
- c) The nominee previously served for two terms as a Councilor in the defunct Nairobi City Council as Member for Mbotela Ward.
- d) He served as a Director for the Nairobi Water and Sewerage Company as well as Director Liquor Licensing Board, Nairobi City County.
- e) While he has been charged in a Court of law, the matter is still pending before Court.
- f) The nominee has no potential conflict of interest and has fully complied with his tax obligation and other relevant clearances from state agencies as required.
- g) He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- h) That the Memoranda against his nomination was raised by way of a letter and not a Statement on oath (Affidavit).
- i) That no proof/evidence had been provided by the Memoranda on the existence of a court case, its facts, its decision, or if the nominee has been found personally culpable.
- j) No evidence has been presented to challenge that the nominee does not have the qualifications set out in law.

The Committee found the nominee suitable and qualified for appointment as the Deputy Governor, Nairobi City County.

5.0 RECOMMENDATION

Pursuant to Section 32D of the County Governments Act, 2012, the Committee recommends: -

THAT, this Assembly approves the nomination of Mr. Paul Mutunga Mutunga for appointment by H.E. the Governor as the Deputy Governor, Nairobi City County.

ANNEXES