

**COUNTY GOVERNMENT OF NAIROBI CITY**



**NAIROBI CITY COUNTY ASSEMBLY**

**THIRD ASSEMBLY-FIRST SESSION**

**COMMITTEE ON APPOINTMENTS**

**FIRST REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT TO THE  
OFFICES OF MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE.**

Clerk's Chambers  
City Hall Buildings  
**NAIROBI**

**DECEMBER, 2022**

## TABLE OF CONTENTS

<b>LIST OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>4</b>
<b>1.0. FORWARD .....</b>	<b>6</b>
<b>2.0. PREFACE.....</b>	<b>11</b>
2.1. Establishment and Mandate of the Committee .....	11
2.2. Committee Membership.....	11
2.3. Committee Secretariat .....	11
<b>3.0. BACKGROUND.....</b>	<b>13</b>
3.1. Notification of Nominations .....	13
3.2. Notification to the House and referral to the Committee on Appointments.....	13
3.3. Notification to the Public .....	14
3.4. Notification to the Nominees .....	15
3.5. Employment and Labour Relations Court (ELRC) Petition No. E184 of 2022 .....	15
3.6. Resumption of the vetting process/approval hearings.....	16
3.7. Clearance and Compliance Requirements .....	16
3.8. Issues for consideration during the Approval Hearings .....	17
3.8.1. Procedure for Nomination .....	17
3.8.2. Constitutional and Statutory Requirements .....	17
3.8.3. Suitability of the Nominees for the proposed appointment having regard to whether the nominees' abilities, experience and qualities meet the needs of the Sector to which the nomination is made. ....	18
3.8.4. Memorandum from Members of Public in respect of the Nominees... ..	18
3.8.5. Affidavit by Sosian Five Courts Residents Association .....	19
3.8.6. Affidavit by Migenga & Company Advocates on behalf of Members of Zone 9 Plots Owners Association.....	19
3.8.7. Letter by the Waste and Environment Management Association of Kenya (WEMAK).....	20
<b>4.0. APPROVAL HEARINGS OF THE NOMINEES .....</b>	<b>21</b>
4.1. MR. STEPHEN GATHUITA MWANGI – NOMINEE FOR BUILT ENVIRONMENT AND URBAN PLANNING.....	21
4.1.1. Submissions by the Nominee .....	21
4.1.2. Committee Observations on the suitability of the nominee .....	24

4.2. MR. MICHAEL GUMO – NOMINEE FOR INNOVATION AND DIGITAL ECONOMY .....	25
4.2.1. Submissions by the Nominee .....	25
4.2.2. Committee observations on the suitability of the nominee .....	28
4.3. MR. BRIAN MULAMA – NOMINEE FOR TALENT, SKILLS DEVELOPMENT AND CARE .....	29
4.3.1. Submissions by the Nominee .....	29
4.3.2. Committee Observations on the suitability of the nominee .....	31
4.4. MR. PATRICK MBOGO – NOMINEE FOR MOBILITY AND WORKS.....	32
4.4.2. Committee Observations on the suitability of the nominee .....	35
4.5. MR. CHARLES KERICH – NOMINEE FOR FINANCE AND ECONOMIC AFFAIRS.....	36
4.5.1. Submissions by the Nominee .....	36
4.5.2. Committee Observations on the suitability of the nominee. ....	39
4.6. MR. IBRAHIM AUMA NYANGOYA – NOMINEE FOR BOROUGH ADMINISTRATION AND PERSONNEL.....	40
4.6.1. Submissions by the Nominee .....	40
4.6.2. Committee Observations on the suitability of the nominee .....	42
4.7. MS. ROSEMARY KARIUKI – NOMINEE FOR BUSINESS AND HUSTLER OPPORTUNITIES. ....	43
4.7.1. Submissions by the Nominee .....	43
4.7.2. Committee Observations on the suitability of the nominee .....	45
4.8. MS. MAUREEN NJERI – NOMINEE FOR GREEN NAIROBI (ENVIRONMENT, WATER, FOOD AND AGRICULTURE) .....	46
4.8.1. Submissions by the Nominee .....	46
4.8.2. Committee Observations on the suitability of the nominee .....	51
4.9. DR. ANASTASIA MUTETHYA NYALITA – NOMINEE FOR HEALTH, WELLNESS AND NUTRITION .....	52
4.9.1. Submissions by the Nominee .....	52
4.9.2. Committee Observations on the suitability of the nominee .....	55
4.10. MS. SUZANNE SILANTOI – NOMINEE FOR INCLUSIVITY, PUBLIC PARTICIPATION AND CUSTOMER SERVICE .....	56
4.10.1. Submissions by the Nominee .....	56
4.10.2. Committee Observations on the suitability of the nominee .....	58
<b>5.0. COMMITTEE GENERAL OBSERVATIONS .....</b>	<b>60</b>
<b>6.0. COMMITTEE RECOMMENDATIONS.....</b>	<b>61</b>



## **ANNEXES**

### **(i) Annexure (1)–Clearance Certificates**

- 1) Kenya Revenue Authority
- 2) Higher Education Loans Board
- 3) Ethics and Anti-Corruption Commission
- 4) Directorate of Criminal Investigations (DCI)

### **(ii) Annexure (2)**

- 1) Minutes

### **(iii) Annexure (3) – Curricula Vitae**

1. Mr. Stephen Gathuita Mwangi
2. Mr. Michael Gumo
3. Mr. Brian Mulama
4. Mr. Patrick Mbogo
5. Mr. Charles Kerich
6. Mr. Ibrahim Auma Nyangoya
7. Ms. Rosemary Kariuki
8. Ms. Maureen Agnes Njeri
9. Ms. Anastasia Mutethya Nyalita
10. Ms. Suzanne Silantoi

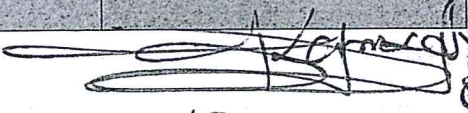



### **(iv) Annexure (4) – Correspondences and affidavits**

- 1) Directorate of Criminal Investigations (DCI)
- 2) Ethics and Anti-Corruption Commission
- 3) Sosian Five Courts Residents Association
- 4) Zone 9 Plots Owners Association



# COMMITTEE ADOPTION SHEET

Table 1: Signing sheet for the adoption of the Committee Report (by a simple Majority of Members) – Standing Order No. 196(4)

No.	Name	Signature
1.	Kennedy O. Nyong'i	
2.	Dele Imwafu	
3.	OGBU MOSES	
4.	Walter Odaka	
5.	Emmanuel ODUOR	EOO
6.	SUSAN MAKUMU	S.M
7.	Mark. Mugambi	<del>NY. J. M. C.</del>
8.	Anthony K. Koranyi	AKK
9.	OSCAR LORE	LORE
10.	Chege Mwaura	CM

[illegible]

## LIST OF ABBREVIATIONS AND ACRONYMS

CEC	-	County Executive Committee
PFM	-	Public Finance Management
NHIF	-	National Hospital Insurance
NMS	-	Nairobi Metropolitan Services



## **1.0. FORWARD**

Pursuant to Article 179(2) (b) of the Constitution and Section 35 of the County Governments Act, 2012, **H.E. the Governor, Hon. Sakaja Arthur Johnson** nominated **Mr. Charles Kerich, Mr. Michael Gumo, Mr. Brian Mulama, Mr. Patrick Mbogo, Mr. Ibrahim Auma Nyangoya, Ms. Rosemary Kariuki, Ms. Maureen Njeri, Dr. Anastasia Mutethya Nyalita and Ms. Suzanne Lengewa Silantoi** for appointment as **County Executive Committee (CEC) Members** for various Sectors.

The nomination of the ten (10) persons was conveyed to the Assembly vide a letter **Ref. NCC/GOV/ADM/150/2022** dated **26<sup>th</sup> October, 2022**. On **Thursday 27<sup>th</sup> October, 2022** and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor to the Assembly communicating the names of the nominees. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the names of the nominees were referred to the Committee on Appointments for vetting and reporting to the Assembly within twenty-one (21) days.

Consequently, pursuant to Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Standard Newspaper and the Star Newspaper on **Thursday 3<sup>rd</sup> November, 2022**, 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. The advertisement indicated that the submissions were to be received by **Friday, 4<sup>th</sup> November, 2022**.

Further, in the fulfilment of the provisions of Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk notified the general public that the approval hearings of the nominees would be held on **14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> November, 2022**.

However, on **9<sup>th</sup> November, 2022**, the Employment and Labour Relations Court in **ELRC Petition No. E184 of 2022; the Association of Muslim Lawyers and Nubian Rights Forum versus the Governor, County Government of Nairobi and the Speaker, County Assembly of Nairobi**, granted *Ex-parte* Conservatory Orders, suspending the approval process pending the hearing and determination of the application. The Committee challenged the Orders on grounds that the courts lacked jurisdiction to interfere with active parliamentary and legislative processes, especially where the Assembly has exclusive original jurisdiction and that courts and indeed all other institutions need to uphold the doctrine of separation of powers. In a ruling delivered on **Wednesday, 30<sup>th</sup> November, 2022**, the Court agreed that that the County Assembly has exclusive original jurisdiction to first carry out the approval process before the court can intervene. Thus, the Court paved way for the resumption of the vetting process. Accordingly, the Committee resolved to resume the approval hearings. To this end, the Clerk through the print media informed the general public and the nominees for the resumption of the vetting process and that the approval hearings would be held on Tuesday, 6<sup>th</sup> December, 2022.

The nominees appeared before the Committee as scheduled pursuant to the provisions of the Public Appointments (County Assemblies Approval) Act, 2017. Pursuant to the provisions of Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that all the ten (10) nominees met the integrity threshold, demonstrated knowledge of topical, administrative, and technical issues touching on the Sectors to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

Further, the Committee observed that H.E. the Governor while naming various Sectors to which the nominees have been nominated, did not strictly adhere to the naming of Sectors as they relate to the devolved functions as provided for under Part (II) of the Fourth Schedule to the Constitution which is a complete departure from the previous administrations and could likely lead to confusion



among County residents who shall be seeking services from the Sectors. To this end, with this lack of clarity it will prove difficult for the County Assembly which operates on Committee system to perform effective oversight on some of the named Sectors for instance the Sector currently named as Inclusivity, Public Participation and Customer Service.

Having conducted the approval hearing of the nominees pursuant to Article 179(2)(b) of the Constitution, Section 35 of the County Government Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 202(4) the Committee recommends that the House-

- 1. approves the nomination of Stephen Gathuita Mwangi for appointment as County Executive Committee Member for Built Environment and Urban Planning by His Excellency the Governor.**
- 2. approves the nomination of Michael Gumo for appointment as County Executive Committee Member for Innovation and Digital Economy by His Excellency the Governor.**
- 3. approves the nomination of Brian Mulama for appointment as County Executive Committee Member for Talent, Skills Development and Care by His Excellency the Governor.**
- 4. approves the nomination of Patrick Mbogo for appointment as County Executive Committee Member for Mobility and Works by His Excellency the Governor.**
- 5. approves the nomination of Charles Kerich for appointment as County Executive Committee Member for Finance and Economic Affairs by His Excellency the Governor.**
- 6. approves the nomination of Ibrahim Auma Nyangoya for appointment as County Executive Committee Member for Boroughs Administration and Personnel by His Excellency the Governor.**



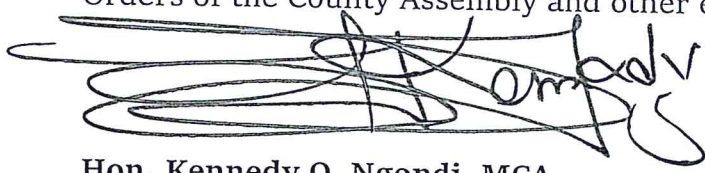
7. approves the nomination of Rosemary Kariuki for appointment as County Executive Committee Member for Business and Hustler Opportunities by His Excellency the Governor.
8. approves the nomination of Maureen Njeri for appointment as County Executive Committee Member Green Nairobi (Environment, water, Food and agriculture).
9. approves the nomination of Anastasia Mutethya Nyalita for appointment as County Executive Committee Member for Health, Wellness and Nutrition by His Excellency the Governor.
10. approves the nomination of Suzanne Silantoi for appointment as County Executive Committee Member for Inclusivity, Public Participation and Customer Service by His Excellency the Governor.

In addition, in view of the Committee's observation on the naming of Sectors, the Committee recommends that H.E. the Governor re-considers renaming of the following Sectors to closely reflect the devolved functions as listed under Part (II) of the Fourth Schedule to the Constitution: -

<b>Current Name as submitted by H.E. the Governor</b>	<b>Proposed renaming by the Committee</b>
Innovation and Digital Economy	Information Communication and Technology
Talent, Skills Development and Care	Education, Youth and Sports
Mobility and Works	Transport and Public Works
Boroughs Administration and Personnel	Devolution and Public Service Management
Built Environment and Urban Planning	Urban Planning and Lands
Business and Hustler Opportunities	Trade and Cooperatives
Green Nairobi (Environment, water, Food and agriculture)	Environment, water, Food and agriculture
Health, Wellness and Nutrition	Health Services

May I take this opportunity to thank Members of the Committee for their input and valuable contributions during the approval hearings and deliberations during the writing of the report. 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 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 the ten (10) nominees for appointment to the position of County Executive Committee Member to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

 27/12/2022

Hon. Kennedy O. Ngondi, MCA

Speaker Nairobi City County Assembly /Chairperson, Committee on  
Appointments

## **2.0. PREFACE**

### **2.1. Establishment and Mandate of the Committee**

1. Section 14 (3) of the County Governments Act, 2012 provides that when a County Assembly considers any appointment for which its approval is required under the Constitution, an Act of Parliament or county legislation, the appointment shall be considered first by a committee of the County Assembly.
2. The Select Committee on Appointments is therefore established under Standing Order No. 202, and its mandate amongst others, as outlined under Standing Order 202 (4) includes *to consider, for approval by the County Assembly, appointments under Articles 179(2) of the Constitution (Members of County Executive Committee).*”

### **2.2. Committee Membership**

3. The Committee was constituted by the Assembly on **26<sup>th</sup> October, 2022** comprising of the following Members: -
  1. Hon. Kennedy Ng’ondi, MCA – Chairperson
  2. Hon. Peter Imwatok, MCA – Majority Leader
  3. Hon. Anthony Kiragu, MCA – Minority Leader
  4. Hon. Moses Ogeto, MCA – Majority Whip
  5. Hon. Mark Mugambi, MCA – Minority Whip
  6. Hon. Wilfred Odalo, MCA
  7. Hon. Oscar Lore, MCA
  8. Hon. Emily Oduor, MCA
  9. Hon. Chege Mwaura, MCA
  10. Hon. Susan Makungu, MCA

### **2.3. Committee Secretariat**

4. The Secretariat comprises: -
  1. Edward Gichana – Clerk of the County Assembly
  2. Sammy Kiptoo – Director, Legislative Services



3. Shadrack Makokha	-	Principal Clerk Assistant
4. Monicah Muthami	-	Principal Clerk Assistant (L&P)
5. Erick Otieno	-	Principal Fiscal Analyst
6. Guyo Sankala	-	Ag. Principal Clerk Assistant (Committees)
7. Brian Yambo	-	Ag. Principal Public Relations Officer
8. Austin Inyundele	-	Senior Clerk Assistant
9. Hellen Mutie	-	Senior Clerk Assistant
10. Adam Kibwana	-	Senior Clerk Assistant
11. Titus Muiruri	-	Senior Clerk Assistant
12. Erick Njoga	-	Ag. Senior Clerk Assistant
13. Martin Mugendi	-	Ag. Senior Legal Counsel.
14. Timothy Kiprop	-	Ag. Senior Hansard Editor
15. Daniel Kanyoro	-	Senior Sergeant-at-Arms
16. Magdalene Wanyama	-	Administrative Assistant
17. Edward Atanga	-	Audio Technician
18. Anthony Nyandiere	-	Audio Technician

### 3.0. BACKGROUND

#### 3.1. Notification of Nominations

5. Pursuant to Article 179(2) (b) of the Constitution and Section 35 of the County Governments Act, 2012, **H.E. the Governor, Hon. Sakaja Arthur Johnson** vide a letter dated 26<sup>th</sup> October, 2022 forwarded to the Speaker of the Nairobi City County Assembly, the names of the following ten (10) nominees for vetting by the Select Committee on Appointments and consideration for approval by the County Assembly for appointment as County Executive Committee Members responsible for the various Sectors as follows:-

NO	NAME OF NOMINEE	SECTOR
1.	Mr. Charles Kerich	Finance and Economic Planning
2.	Mr. Michael Gumo	Innovation and Digital Economy
3.	Mr. Brian Mulama	Talent, Skills Development and Care
4.	Mr. Patrick Mbogo	Mobility and Works
5.	Mr. Stephen Gathuita Mwangi	Built Environment and Urban Planning
6.	Mr. Ibrahim Auma Nyangoya	Boroughs Administration and Personnel
7.	Ms Rosemary Kariuki	Business and Hustler Opportunities
8.	Ms. Maureen Njeri	Green Nairobi (Environment ,Water, Food and Agriculture
9.	Dr. Anastasia Mutethya Nyalita	Health, Wellness and Nutrition
10.	Ms. Suzanne Lengewa Silantoi	Inclusivity, Public Participation and Customer Service

#### 3.2. Notification to the House and referral to the Committee on Appointments.

6. On **Thursday 27<sup>th</sup> October, 2022** and pursuant to Standing Order 45(1), the Honorable Speaker read the message from His Excellency the Governor communicating the names of the nominees to the Assembly for the position of County Executive Committee Members.

7. Pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 the names of the nominees were referred to the Committee on Appointments for vetting and reporting to the Assembly within twenty-one (21) days.

### 3.3. Notification to the Public

8. Article 196(b) of the Constitution of Kenya provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.
9. Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017 requires the Committee 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.
10. Further Section 7(10) of the Act 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”*.
11. Consequently, pursuant to Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Standard Newspaper and the Star Newspaper on **Thursday 3<sup>rd</sup> November, 2022**, 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. The advertisement indicated that the submissions were to be received by **Friday, 4<sup>th</sup> November, 2022**.
12. Further, in the said advertisement and pursuant to Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk notified the general public that the approval hearings of the nominees would be held on **14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> November, 2022**.



### **3.4. Notification to the Nominees.**

13. On **Thursday 3<sup>rd</sup> November, 2022**, the Clerk invited the nominees in writing and through the print media, for the approval hearings in accordance with Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017.

### **3.5. Employment and Labour Relations Court (ELRC) Petition No. E184 of 2022.**

14. On **9<sup>th</sup> November, 2022**, the Employment and Labour Relations Court in **ELRC Petition No. E184 of 2022; the Association of Muslim Lawyers and Nubian Rights Forum *versus* the Governor, County Government of Nairobi and the Speaker, County Assembly of Nairobi**, granted *Ex-parte* Conservatory Orders, suspending the approval process pending the hearing and determination of the application.
15. The Committee immediately suspended the vetting process pending the outcome of the judicial process. This was informed by the Committee's appreciation of the provisions of Article 3(1) of the Constitution which obligates the Committee and the House to respect, uphold and defend the Constitution and by extension the rule of law which includes obeying Court Orders.
16. However, the Committee resolved that Assembly Litigation Counsels be instructed to move with speed and set-aside the *Exparte* Orders based on various legal grounds and particularly lack of jurisdiction by Courts to interfere with active parliamentary and legislative processes, especially where the legislature has exclusive original jurisdiction, and the respect of the doctrine of separation of powers.
17. In its ruling delivered on **Wednesday, 30<sup>th</sup> November, 2022**, the Court agreed that that the County Assembly has exclusive original jurisdiction to first carry out the approval process before the court can intervene. The Court also observed that the doctrine of separation of powers as provided

for in the Constitution ought to be respected and upheld at all times. The court therefore paved the way for the resumption of the vetting and approval process noting that the application was pre-mature.

### **3.6. Resumption of the vetting process/approval hearings.**

18. Following the above decision of the Court, the Committee at its sitting held on **Friday, 2<sup>nd</sup> December, 2022**, resolved to resume the approval hearings on **Tuesday, 6<sup>th</sup> December, 2022** and conclude and table its report. Accordingly, on 3<sup>rd</sup> December, 2022 the Clerk through the print media informed the general public and the nominees for the resumption of the vetting process and that the approval hearings would be held on Tuesday, 6<sup>th</sup> December, 2022.

### **3.7. Clearance and Compliance Requirements**

19. On 3<sup>rd</sup> November, 2022, the Clerk wrote to the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA) requesting for reports with respect to the nominees on the following matters: -

- (a) Ethics and integrity;
- (b) Tax compliance; and
- (c) Criminal records.

20. On the matters of ethics and integrity, the EACC vide a letter **Ref. EACC.7/10/5 VOL.XXI (76)** dated **14<sup>th</sup> November, 2022**, stated it had not undertaken any investigations or recommended prosecution pursuant to its mandate against the following nominees: -

- (i) Mr. Charles Kerich
- (ii) Mr. Michael Gumo
- (iii) Mr. Brian Mulama
- (iv) Mr. Patrick Mbogo
- (v) Mr. Ibrahim Auma Nyangoya
- (vi) Ms. Rosemary Kariuki

- (vii) Ms. Maureen Njeri  
(viii) Dr. Anastasia Mutethya Nyalita  
(ix) Ms. Suzanne Lengewa Silantoi

21. The Commission further stated that it had received adverse reports against **Mr. Stephen Gathuita Mwangi** and had commenced investigations which are yet to be concluded.
22. The DCI through a letter **DCI/CRO/SEC/6/7/2/A/VOL.X/203** dated **9<sup>th</sup> November, 2022** stated that the Police Clearance Certificates issued to the nine (9) nominees were genuinely issued and had negative results from both its nominal index and criminal database.
23. On the issue of tax compliance, KRA confirmed that the nominees were tax compliance and had issuance compliance certificates to all the nominees.

### **3.8. Issues for consideration during the Approval Hearings**

#### **3.8.1. Procedure for Nomination.**

24. Article 179(2)(b) of the Constitution and Section 35 of the County Government Act, 2012 confers upon H.E the Governor the power to appoint County Executive Committee Members with the approval of the County Assembly.
25. Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017 further requires the appointing authority, upon nominating a person for appointment, to notify the County Assembly.
26. In this regard, pursuant to the provisions of Article 179(2)(b) of the Constitution, Section 35 of the County Government Act, 2012 and Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, H.E the Governor of Nairobi City, Johnson Arthur Sakaja notified the County Assembly of the nomination of ten (10) persons for appointment as Members of the County Executive Committee.

#### **3.8.2. Constitutional and Statutory Requirements**

27. The Constitution gives guidelines on how to appoint persons to public office which include observing the following: -



(a) *Two-Thirds Gender Rule*

(b) *Representation of Regional and Ethnic Balance*

(c) *Leadership and Integrity.*

28. Further, Section 35 (2) of the County Governments Act, 2012 provides that the county assembly shall not approve nominations for appointment to the executive committee that do not take into account of the following: -

(a) *not more than two thirds of either gender;*

(b) *representation of the minorities, marginalized groups and communities; and*

(c) *community and cultural diversity within the county.*

**3.8.3. Suitability of the Nominees for the proposed appointment having regard to whether the nominees' abilities, experience and qualities meet the needs of the Sector to which the nomination is made.**

29. The suitability of the nominees was assessed following scrutiny of the nominee's academic credentials, professional training and experience, knowledge of the docket the nomination is made, personal integrity, background qualities as well as their performance during the approval hearings conducted on Tuesday 6<sup>th</sup> December, 2022.

**3.8.4. Memorandum from Members of Public in respect of the Nominees**

30. 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 placed an advertisement in the print media on 3<sup>rd</sup> November, 2022 inviting the public to submit any memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee.



31. In this regard by close of business Thursday, 10<sup>th</sup> November, 2022, the Committee had received the following memoranda: -

**3.8.5. Affidavit by Sosian Five Courts Residents Association**

32. Sosian Five Courts Residents Association averred that **Mr. Stephen Gathuita Mwangi** did not meet the requirements of Chapter Six of the Constitution which should guide the vetting process. It further averred that;

- (a) He deliberately failed to process development applications of Sosian Five Courts Residents Association despite having enough proof that the residents were the undisputed legal owners of their properties;
- (b) He unlawfully authorized and supervised malicious demolitions of property within Sosian Estate using motor vehicles and equipment from the Nairobi Metropolitan Services (NMS) and the County;
- (c) He fomented fostered acts of lawlessness and willful destruction of property and assault of innocent residents and security officers;
- (d) He failed to uphold and contravened national values and principles in Article 10 of the Constitution; and
- (e) He abused his office in order to confer unlawful benefits to Kiambu Dandora Farmers Ltd.

33. **Observation:** The affidavit was a written statement on oath and therefore complied with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

**3.8.6. Affidavit by Migenga & Company Advocates on behalf of Members of Zone 9 Plots Owners Association.**

34. Migenga & Company Advocates on the instructions of **Members of Zone 9 Plots Owners Association** averred that **Mr. Stephen Gathuita Mwangi** did not meet the requirements of Chapter Six of the Constitution which guided

the vetting process. The deponent stated that the nominee was not a person of integrity on account of;

- (a) He variously carried out illegal demolitions and destruction of its client's properties specifically on the nights of 10<sup>th</sup> and 28<sup>th</sup> July, 2021 and 4<sup>th</sup> August, 2021 occasioning great loss;
- (b) He has personal interest in the suit properties contrary to his status as a public officer;
- (c) He declined to approve applications for change of user where Zone 9 Plots Owners Association had met all the requirements and no objections had been lodged by third parties; and
- (d) That the office of the CECM for Built Environment and Urban Planning is a fundamental position that ought to be occupied by an individual of unimpeachable morals;

35. **Observation:** The affidavit was a written statement on oath and therefore complied with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

### **3.8.7. Letter by the Waste and Environment Management Association of Kenya (WEMAK**

36. WEMAK vide a letter to the Committee opposed the nomination of **Maureen Njeri** arguing that while the officer was serving as the Director, Environment with NMS she frustrated the implementation of contracts and payments for the association's members who are contracted garbage collectors and solicited bribes amounting Kshs 100,000 from the Members.
37. **Observation:** Contrary to section 7(10) of the Act, the letter was not a written statement on oath and therefore not admissible.

#### **4.0. APPROVAL HEARINGS OF THE NOMINEES.**

38. During its Sittings held on **Tuesday, 6<sup>th</sup> December, 2022**, at Charter Hall, Assembly Precincts, City Hall Buildings from 8:00am, the Committee conducted face to face interviews of the nominees. The minutes of the vetting proceedings are attached to this report.

##### **4.1. MR. STEPHEN GATHUITA MWANGI – NOMINEE FOR BUILT ENVIRONMENT AND URBAN PLANNING.**

###### **4.1.1. Submissions by the Nominee.**

39. **Mr. Stephen Gathuita Mwangi**, the nominee for **Built Environment and Urban Planning** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

###### ***Date and Place of Birth***

40. The nominee is a male Kenyan born on **3<sup>rd</sup> February, 1957** in Naivasha, Nakuru County and does not hold dual citizenship.

###### ***Academic and Professional Qualifications***

41. The nominee holds a Bachelor of Science (BSc) degree in Surveying and Photogrammetry from the University of Nairobi (1979-1981).

###### ***Employment Record***

42. The nominee is currently the Acting Chief Officer, Lands and Urban Planning Sector, Nairobi City County. He previously worked with the Nairobi Metropolitan Services (NMS) as the Director Lands, Urban Planning and Housing (2021), NMS Deputy Director Lands (July 2020 – April 2021), Nairobi City County Government Chief Officer Lands and Housing (2013 - 2020), defunct City Council as Deputy Director Lands and Engineering Survey (2008 - 2013), Assistant Director Land Survey (2004-2008), Principal Land Surveyor (1989-2004) and as the Senior Surveyor from (1985-1989) respectively. He similarly worked with the Ministry of Works,



Housing and Physical Planning as a Surveyor (1982-1985) and with the Ministry of Water from 1981-1982.

***Income and net worth***

43. The nominee estimated his net worth to be **Kshs. 600 million** with the sources of income being rental houses, survey firm and salary as the Chief Officer Lands and Urban Planning.

***Professional Associations and Memberships***

44. He is a member of the Impala and Parklands Clubs.

***Potential Conflict of Interest***

45. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Built Environment and Urban Planning.

***Probono/Charity Work***

46. The nominee is involved in mentoring young professionals especially young surveyors.

***Integrity***

47. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

***Responses to general and sector specific questions to the nominee***

48. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

***On whether his appointment was political or based on merit***

49. The nominee informed the Committee that his nomination was based on merit going by his extensive experience in the Sector and academic qualifications.

***On whether his advanced age will impede his work.***

50. The nominee informed that while the retirement age in the public service for permanent and pensionable officers was 60 years, his subsequent appointments were contractual due to his extensive experience. Consequently, his age will not impede his work and will leverage on his experience to transform the Sector. Further, he is social, friendly and a mentor to many young officers.

***On land grabbing***

51. The nominee admitted that on some occasions, public land was irregularly allocated to individuals due to political interference. He was not involved in the irregular allocation since some of the transfers happened at the Ministry of Lands. There was need therefore to regularize this misallocation of land a matter he had already initiated and would priorities if approved. He will also ensure that under his tenure, public land would be protected.

***On issuance of title deeds***

52. The nominee noted that it was unfortunate that the mass title deeds issuance to Nairobians where each applicant paid Kshs 30,000 was not fully successful. He noted that if approved he will revive the matter so that Nairobians especially in Eastlands can acquire land ownership documents.

***On his tenure at NMS and whether he worked for an illegal entity i.e. NMS***

53. The nominee submitted that while NMS was initially declared illegal, the matter was appealed and the Court overturned the initial ruling thus affirming the legality of NMS. He was legally and procedurally seconded to NMS.

***On the Mavoko land Cemetery***

54. The nominee informed that the land belonged to the County Government having been bought by the defunct City Council. The land was still vacant as of and the County Government is yet to decide on how to utilize it. He was not aware whether the land has been subdivided and allocated to individuals.



*On the submitted petitions by members of the public.*

55. On the affidavits by Sosian Five Courts Residents Association and Members of Zone 9 Plots Owners Association, the nominee stated that the issues raised were in court and any decision he might have taken was within the law and he undertook within his lawful execution of work and a public officer.

**4.1.2. Committee Observations on the suitability of the nominee**

56. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for Built Environment and Urban Planning: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on **3<sup>rd</sup> February, 1957** in **Naivasha, Nakuru County** and does not hold dual citizenship.
- (ii) **THAT**, the nominee is currently the Acting Chief Officer, Lands and Urban Planning Sector, Nairobi City County. He has previously served with the Nairobi Metropolitan Services (NMS) as the Director Lands, Urban Planning and Housing (2021) and as the Deputy Director Lands (July 2020 – April 2021). He also served with the Nairobi City County Government and the defunct City Council as Chief Officer Lands and Housing (2013 - 2020), Deputy Director Lands and Engineering Survey (2008 - 2013), Assistant Director Land Survey (2004-2008), Principal Land Surveyor (1989-2004) and Senior Surveyor (1985-1989). He similarly worked with the Ministry of Works, Housing and Physical Planning as a Surveyor (1982-1985) and as an Engineer with the Ministry of Water from 1981-1982.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance



from the following statutory bodies; the EACC, KRA, and DCI. However, its noted that there are adverse reports currently being investigated by the EACC.

(iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.

(v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.

(vi) **THAT**, the nominee demonstrated experience, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.2. MR. MICHAEL GUMO – NOMINEE FOR INNOVATION AND DIGITAL ECONOMY**

##### **4.2.1. Submissions by the Nominee**

57. **Mr. Michael Gumo**, the nominee for **Innovation and Digital Economy** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

58. The nominee is a male Kenyan born on 23<sup>rd</sup> May, 2022 in Nairobi and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

59. He holds a Bachelor of Science degree in Accounting from Towson University, Maryland USA.

##### ***Employment Record***

60. The nominee served as the General Manager at Kilifi Coral Stone Ltd (2012 - 2022), Operations Officer at Eco bank Kenya Ltd (2011-2012) and as a Building Manager with Towson Campus Recreational Services from 2006-2008.

### ***Income and net worth***

61. The nominee estimated his net worth to be Kshs. 50 million with the sources of income being farming, and owns five (5) motor vehicles and one (1) apartment.

### ***Professional Associations and Memberships***

62. He is a member of Hope Foundation. He was a member of ODM party, a party he intended to vie for the Westlands Parliamentary seat in August, 2022 but withdrew from the contest.

### ***Potential Conflict of Interest***

63. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Innovation and Digital Economy.

### ***Probono/Charity Work***

64. The nominee supports feeding programs, clean water projects and supplying vaccines.

### ***Integrity***

65. Save for one (1) minor traffic offence, the nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

66. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

### ***On whether he understood the sector mandate and whether the naming of the sector is in-line with the fourth schedule to the Constitution.***

67. The nominee confirmed that he was fully aware of the Sector's mandate and that the Sector is key in the digitation of services by the County Government thus easing service delivery. While he did not fully grasp the

provisions in the fourth schedule to the Constitution, ICT was enabler of all devolved functions.

***On whether his academic and professional background match the docket he has been nominated to serve.***

68. The nominee stated that while he has an accounting background, he fully understood ICT issues being a user of ICT and that he is at par with the ever changing ICT world.

***On his engagement with the national government***

69. The nominee noted that ICT policy making has been left with the national government and therefore he will create collaborations with the national government especially the Cabinet Secretary to build synergy and leverage on what the national government offers. In particular, he will collaborate in the areas of laying the fiber optic across the city especially in areas that currently left out.

***On how to enhance revenue collection through ICT.***

70. The nominee submitted that the County Government heavily rely on e-payment yet it has not realized its revenue targets. To this end, if approved, he will facilitate the adoption of a full proof internal automated revenue collection system that relies on various network providers to address the challenges of downturn periods on some networks which leads to loss of revenue.

***On what unique ICT innovations the nominee would bring on board.***

71. The nominee informed the Committee that he intends to apply ICT in areas such as revenue collection, Transport management, CCTV cameras, mapping of County properties, public participation exercises, create service applications, offering free internet at markets/public places and enforcement of County laws for instance laws against illegal dumping amongst others.



#### 4.2.2. Committee observations on the suitability of the nominee

72. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for Built Environment and Urban Planning: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on 23<sup>rd</sup> May, 1987 in Nairobi City County and does not hold dual citizenship.
- (ii) **THAT**, the nominee previously served as the General Manager at Kilifi Coral Stone Ltd (2012 - 2022), Operations Officer at Ecobank Kenya Ltd (2011-2012) and as a Building Manager with Towson Campus Recreational Services from 2006-2008.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.
- (vi) **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.3. MR. BRIAN MULAMA – NOMINEE FOR TALENT, SKILLS DEVELOPMENT AND CARE.**

##### **4.3.1. Submissions by the Nominee**

73. Mr. Brian Mulama, the nominee for Talent, Skills Development and Care appeared before the Committee on Tuesday 6<sup>th</sup> December, 2022 and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

74. The nominee is a male Kenyan born on 23<sup>rd</sup> April, 1985 in Butere/Mumias, Kakamega County and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

75. He holds a Degree in Business Administration from Kenya Methodist University and advanced business certificate from Kenya Institute of Management (KIM).

##### ***Employment Record***

76. The nominee is currently the Operations Director at Subra Brands Limited. He previously served as the Nairobi Branch Chairperson with Amani National Congress (2017-2022) and the Director, Lompasago Sacco Ltd (2014-2022). He also served as the Operations Manager at Modern Lithographic (2010-2016) and as Operations Officer

##### ***Income and net worth***

77. The nominee estimated his net worth to be Kshs. 46 million with the sources of income being businesses, supplies, sugarcane and maize farming and Sacco savings.

##### ***Professional Associations and Memberships***

78. He was a member and a youth leader of the Amani National Congress (ANC) political party a position he intends to relinquish following his nomination.

##### ***Potential Conflict of Interest***

79. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Skills Development and Care.

### ***Probono/Charity Work***

80. The nominee donates food items and provides free medical camps to vulnerable individuals in Eastlands.

### ***Integrity***

81. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

82. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

#### ***On whether he understands the mandate of the sector and what experience does he poses that suits the sector mandate.***

83. The nominee informed that he has passion for working with the youth and nurturing their talents. He has been involved in several youth activities and therefore he understands the challenges they face and he will therefore use his experience to solve the problems. In addition, since the sector will be dealing with pre-primary education, he will support the rehabilitation of ECD Centres and primary schools since they are owned by the County Government to ensure that children learn in a good environment. He will also ensure that all stadiums are rehabilitated to encourage development of sporting talents.

#### ***On how he will manage the Bursary fund***

84. He will lobby for the increment of the bursary allocation from the current Kshs 3.5 million to Kshs 6 million per Ward. He will ensure timely processing of the funds to ensure children are not chased out of school.



***On how he will relate with the national government***

85. The nominee informed the Committee that he will ensure that there is a sound and mutual relationship between the County and National government to boost the education system in the City.

***On the unique initiatives he will bring on board.***

86. The nominee submitted that he will support H. E. the Governor in fulfilling his manifesto on ECD meal program and empowering the TVET Centres. He will also initiate policies that support children with special needs and street families.

**4.3.2. Committee Observations on the suitability of the nominee**

87. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for Talent, Skills Development and Care: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on 23<sup>rd</sup> April, 1985 in Butere/Mumias, Kakamega County and does not hold dual citizenship.
- (ii) **THAT**, the nominee is currently the Operations Director at Subra Brands Limited. He previously served as the Nairobi Branch Chairperson with Amani National Congress (2017-2022) and the Director, Lompasago Sacco Ltd (2014-2022). He also served as the Operations Manager at Modern Lithographic (2010-2016) and as Operations Officer.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.

(v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.

(vi) **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.4. MR. PATRICK MBOGO – NOMINEE FOR MOBILITY AND WORKS**

##### **4.4.1. Submissions by the Nominee.**

88. **Mr. Patrick Mbogo**, the nominee for **Mobility and Works** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

89. The nominee is a male Kenyan born on **14<sup>th</sup> February, 1967** in Kirinyaga County and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

90. The nominee holds a Master of Business Administration from the University of Nairobi (2006-2008), a Diploma in Business Management from the Kenya Institute of Management (1996-1996) and a Bachelor of Science (BSc) from the University of Nairobi (1988-1991).

##### ***Employment Record***

91. The nominee previously worked with the Nairobi Metropolitan Services (NMS) as the Ag. Deputy Director General (2022), Director Administration (2021-2022) and Deputy Director Administration (2020-2021). He similarly worked as the Deputy Board Secretary with the Nairobi City County Public Service Board from 2019-2020. worked with the Nairobi City County Government as a Sub-County Administrator (2017-2019), Desk Coordinator LASDAP (2011-2013), Ag. Chief Internal Auditor (2010-2011), Senior



Revenue Officer (2003-2009) and Assistant Chief Internal Auditor from November 1999- 2002.

***Income and net worth***

92. The nominee estimated his net worth to be Kshs. 40 million with the sources of income being salary and allowances and rental earnings.

***Professional Associations and Memberships***

93. He is a member of the Institute of Certified Secretaries (ICS) and the Institute of Certified Public Accountants of Kenya (ICPAK).

***Potential Conflict of Interest***

94. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Skills Development and Care.

***Probono/Charity Work***

95. The nominee visits and supports various children homes through access welfare and also supports church development activities.

***Integrity***

96. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

***Responses to general and sector specific questions to the nominee.***

97. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

***On suitability for the position nominated***

98. The nominee informed the Committee that the position entails designing relevant policies in regard to setting standards for effective implementation of projects and programs for the sector on mobility and that he would improve on increasing number of personnel. To this end, having managed various infrastructure programs including Lasdap, he will bring on board



the necessary managerial skills to ensure delivery. However, he will engage engineers in the Sector to help him deliver on his mandate.

***Regarding the challenges during his tenure at NMS which resulted in huge pending Bills.***

99. The nominee submitted that during the tenure of NMS, the budget was not properly utilized due to exchequer delays in the release of monies. He added that he would lay a coordinated integrated system to ensure that all players were involved and that all projects once completed the contractors would be paid.

***On his numerous appointments in one year***

100. The nominee submitted that his services were direly needed in other departments and this was also to fill in positions vacated by officers due to Sector reorganizations.

***On how to address the challenges on pending bills in the Sector***

101. The nominee submitted that he will ensure that pending bills are a first charge on the budget as per the law.

***On how to decongest the City***

102. The nominee informed that he will employ various policy interventions which include; enforcing traffic rules, collaborate with Matatu Saccos on operationalization of Matatu termini outside the CBD, and ensuring that all roads are in good motorable state and under traffic lights control.

***On the cost of construction of Green Park Terminus and rehabilitation of Uhuru Park.***

103. The projects were initiatives of malt sectoral and intensive efforts and thus there is need to conduct proper valuation of the said projects to know the exact amount of resources used and whether there was any misappropriation.

***On what Nairobians should expect from him.***

104. The nominee informed that he will work towards roads upgrading, improved street lights, efficient public transport system and improved working relations with all key players in the Sector for greater output.

#### 4.4.2. Committee Observations on the suitability of the nominee

105. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for Mobility and Works: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on **14<sup>th</sup> February, 1967** in Kirinyaga County and does not hold dual citizenship.
- (ii) **THAT**, the nominee previously worked with the Nairobi Metropolitan Services (NMS) as the Ag. Deputy Director General (2022), Director Administration (2021-2022) and Deputy Director Administration (2020-2021). He similarly worked as the Deputy Board Secretary with the Nairobi City County Public Service Board from 2019-2020. worked with the Nairobi City County Government as a Sub-County Administrator (2017-2019), Desk Coordinator LASDAP (2011-2013), Ag. Chief Internal Auditor (2010-2011), Senior Revenue Officer (2003-2009) and Assistant Chief Internal Auditor from November 1999- 2002.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77



(restriction of activities of State Officers), and Article 78 (2) (dual citizenship) of the Constitution.

(vi) **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.5. MR. CHARLES KERICH – NOMINEE FOR FINANCE AND ECONOMIC AFFAIRS**

##### **4.5.1. Submissions by the Nominee**

106. **Mr. Charles Kerich**, the nominee for **Finance and Economic Affairs** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

107. The nominee is a male Kenyan born on 23<sup>rd</sup> November, 1974 in Bomet County and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

108. The nominee holds a Masters in International Studies from the University of Nairobi and a Bachelor of Arts Degree in Communication from Daystar University.

##### ***Employment Record***

109. The nominee previously worked with Nairobi City County Government as the Finance and Economic advisor and County Executive Committee Member, Planning and Housing between 2017– 2022. He also worked with the Radio Africa Group as the Star Editor and Deputy Editor from 2014-2017 and 2011-2014 respectively. During the August, 2022, general elections, he attempted to contest for a seat of Member of National Assembly but lost.

##### ***Income and net worth***

110. The nominee estimated his net worth to be Kshs. 118 million with the sources of income being salary and allowances and consultancy/trainings.

##### ***Professional Associations and Memberships***

111. The nominee did not disclose membership to any association.



### ***Potential Conflict of Interest***

112. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Finance and Economic Affairs.

### ***Probono/Charity Work***

113. The nominee supports less fortunate children in the payment of school fees and footing upkeep expenses.

### ***Integrity***

114. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

115. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

#### ***On whether he has undivided attention now that he had decided to represent the people of Bomet in Parliament***

116. The nominee submitted that all along he has been a voter in Nairobi and its only in the last elections that he switched to Bomet in order to fulfil his ambitions. However, following the preliminary loss in the party primaries, he shifted back to Nairobi and that his focus now was to serve Nairobians.

#### ***On whether he understands the roles for the position he has been nominated as provided for under the PFM Act, 2012.***

117. The nominee submitted that he fully understands the roles having served in the similar position during the previous administration albeit for only five (5) months. He stated the roles entails ensuring that the County Government prudently utilizes public finances by adhering to established legal framework and that the County Treasury is able to raise enough revenue.

***On what new ideas he intends to bring on board having previously failed in the previous administration.***

118. The nominee observed that he had a very short stint at the County Treasury as the CEC Member and that the previous administration was unstable hence no tangible reforms could be implemented. However, for the short period he served, he managed to stabilize payments and revenue raising measures. Due to his exemplary performance he was able to serve in more than three portfolios having begun as the CEC Member for ICT. Further, there is need to restructure the County Treasury in order to achieve optimal results especially on the criteria for executing payments.

***On what ails revenue collection and what was wrong with Jambopay revenue collection system.***

119. That while the County Government has embraced automated revenue collection, which ought to be safe from pilferage, the systems adopted are prone to leakages occasioned by system failures, skewed service agreements and theft. This explains why even after the County Government transitioned from Jambopay, the new systems have never reached optimal levels in terms of revenue collection. If approved, the nominee promised to ensure that the County Government adopts a secure and efficient automated system of revenue collection. He also enumerated measures he will undertake in order to increase revenue. In particular, he informed that he would enhance enforcement in revenue collection and map out new revenue streams.

***On pending Bills and un-remitted statutory deductions.***

120. The nominee informed that pending Bills arose from diversion of funds due to lack of a clear payment system as witnessed during the first County government administration. If approved, the nominee promised to streamline the payment process by empowering the sectors to deal with their payments. In particular, there should be fairness in allocation of resources to all Sectors.



*On how he will engage the County Assembly.*

121. The nominee informed that he is ready to be oversighted by the County Assembly and will appear before Committees when invited just as he faithfully honored committee invitations during the Second Assembly.

**4.5.2. Committee Observations on the suitability of the nominee.**

122. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for Mobility and Works: -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on **23<sup>rd</sup> November, 1974** in Bomet County and does not hold dual citizenship.
- (ii) **THAT**, the nominee previously worked with Nairobi City County Government as the Finance and Economic advisor and County Executive Committee Member, Planning and Housing between 2017- 2022. He also worked with the Radio Africa Group as the Star Editor and Deputy Editor from 2014-2017 and 2011-2014 respectively
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77



(restriction of activities of State Officers), and Article 78 (2) (dual citizenship) of the Constitution.

(vi) THAT, the nominee demonstrated interest, experience, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.6. MR. IBRAHIM AUMA NYANGOYA – NOMINEE FOR BOROUGHES ADMINISTRATION AND PERSONNEL**

##### **4.6.1. Submissions by the Nominee**

123. Mr. Ibrahim Auma Nyangoya, the nominee for **Boroughs Administration and Personnel** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

124. The nominee is a male Kenyan born on **5<sup>th</sup> July, 1982** in Rachuonyo, Homabay County and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

125. The nominee holds a Bachelor of Science (BSc) degree from Moi University.

##### ***Employment Record***

126. The nominee is currently an Advisor Specialist at State House. He previously worked as part of the Raila Odinga secretariat (Personal Secretary/Administrator) from 2013-2020, Office Manager at the Office of the Prime Minister (2008-2013) and as an Office Assistant at Raila Odinga Centre between 2006-2008.

##### ***Income and net worth***

127. The nominee estimated his net worth to be Kshs. 98 million with the sources of income being salary and allowances, dividends, gifts and livestock.

##### ***Professional Associations and Memberships***

128. The nominee did not disclose membership to any association.

### ***Potential Conflict of Interest***

129. The nominee declared that he currently does not have any persons or matter that would present any potential conflict of interest should he assume the position of CEC Member for Boroughs Administration and Personnel.

### ***Probono/Charity Work***

130. The nominee did not disclose any of his Probono/charity work.

### ***Integrity***

131. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

132. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

***On whether there were inconsistencies in his academic record particularly whether his degree was genuine.***

133. The nominee denied that there were inconsistencies in his academic records and that he had submitted the certificates to the Committee. Specifically, he had graduated from Moi University having fulfilled the requirements for the award of the Bachelor of Science in Information Science degree in 2016.

***On relevance of his academic qualification and experience to the position he had been nominated and relevance of Boroughs***

134. The nominee informed that having worked for the father of devolution, he effectively understood challenges affecting effective service delivery at Counties. With a degree in Information Science, he will be able to mine information on employees and boroughs and provide solutions to the challenges affecting devolution. Boroughs are meant to further decentralize



service delivery and achieve better service delivery to the people. It is a compliment to the current sub-county system.

*On how he will ensure optimal performance by staff of the County Government.*

135. The nominee acknowledged that a majority of county employees were aging and that a most of them were unskilled. If approved, he would advocate for voluntary early retirement to pave way for the employment of skilled and productive employees.

*On why he has chosen to relinquish his position at State House and opted for a low paying job.*

136. The nominee informed the Committee that the position he has been nominated offered greater opportunity to serve humanity which is his calling and therefore more fulfilling.

#### **4.6.2. Committee Observations on the suitability of the nominee**

137. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for **Boroughs Administration and Personnel** -

(i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born on **5<sup>th</sup> July, 1982** in Rachuonyo, Homabay County and does not hold dual citizenship.

(ii) **THAT**, the nominee is currently an Advisor at State House. He previously worked as part of the Raila Odinga secretariat (Personal Secretary/Administrator) from 2013-2020, at the Office of the Prime Minister as the Office Manager (2008-2013) and as an Office Assistant with at the Raila Odinga Centre between 2006-2008.



(iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.

(iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.

(v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.

(vi) **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

#### **4.7. MS. ROSEMARY KARIUKI – NOMINEE FOR BUSINESS AND HUSTLER OPPORTUNITIES.**

##### **4.7.1. Submissions by the Nominee**

138. **Mr. Rosemary Kariuki**, the nominee for **Business and Hustler Opportunities** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

##### ***Date and Place of Birth***

139. The nominee is a female Kenyan born on **6<sup>th</sup> February, 1963** in Nyandarua County and does not hold dual citizenship.

##### ***Academic and Professional Qualifications***

140. The nominee holds a Bachelor of Arts degree from the University of the District of Columbia.

141. However, the nominee stated that she had misplaced her original O' level academic certificates and had reported the matter to the police and commenced a process of replacing them.

### ***Employment Record***

142. The nominee is currently the Director of Membership at Orange Democratic Movement (ODM) a position she has relinquished following the nomination. She previously worked as the Vice-President, African Liberal Network (ALN) East African Region between 2014- December 2018 and with the Political Parties Liaison Committee from 2014- 2022.

### ***Income and net worth***

143. The nominee estimated her net worth to be Kshs. **400 million.**

### ***Professional Associations and Memberships***

144. The nominee did not disclose membership to any association.

### ***Potential Conflict of Interest***

145. The nominee declared that she currently does not have any persons or matter that would present any potential conflict of interest should she assume the position of CEC Member for **Business and Hustler Opportunities.**

### ***Probono/Charity Work***

146. The nominee supports the children ministry.

### ***Integrity***

147. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

148. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

#### ***On whether she understood the mandate of the sector.***

149. The nominee informed the Committee that the sector deals with enhancing trade and improving the environment for doing business in the



City. As such, herself being a business lady within the City she understood challenges facing the sector and the available opportunities. She informed that the licensing regime was cumbersome and therefore if approved, she would work towards reforming the licensing process so that it can be customer friendly.

***On what are hustler opportunities and whether herself was a hustler***

150. The nominee submitted that hustler opportunities are the available income generating activities available to a majority of City residents especially the youth and who are not formally employed. These opportunities are in all value chains and need to be exploited and therefore if approved, she will embark on identifying and supporting these opportunities. The fact that she was looking for a job and engaged in business it meant that she qualifies to be a hustler.

***On whether her advanced age compared to other nominees would affect her work***

151. The nominee noted that age would not deter her resolve to serve. In addition, she works well with young people some of whom are age mates to her daughter. Having been born from a political family, she has worked with all shades of persons.

**4.7.2. Committee Observations on the suitability of the nominee**

152. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for **Business and Hustler Opportunities** -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan Citizen born on **6<sup>th</sup> February, 1963** in Nyandarua County and does not hold dual citizenship.



- (ii) **THAT**, the nominee is currently an entrepreneur within the City and the Director of Membership at Orange Democratic Movement (ODM) a position she has relinquished following the nomination. She previously worked as the Vice-President, African Liberal Network (ALN) East African Region between 2014– December 2018 and with the Political Parties Liaison Committee from 2014- 2022.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.
- (vi) **THAT**, the nominee demonstrated interest, experience, knowledge of topical, administrative, and technical issues touching on the docket he has been nominated to.

**4.8. MS. MAUREEN AGNES NJERI – NOMINEE FOR GREEN NAIROBI (ENVIRONMENT, WATER, FOOD AND AGRICULTURE).**

**4.8.1. Submissions by the Nominee**

153. Ms. Maureen Agnes Njeri, the nominee for **Green Nairobi (Environment, water, Food and agriculture)** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

***Date and Place of Birth***

154. The nominee is a female Kenyan born on **21<sup>st</sup> December, 1980** in Nairobi City County and does not hold dual citizenship.

### ***Academic and Professional Qualifications***

155. The nominee holds a Master of Science degree from University of Nottingham (2007-2008) and a Bachelor of Arts (Geography and Business Studies) degree from Maseno University a (2000-2005).

### ***Employment Record***

156. The nominee previously worked with the Nairobi Metropolitan Services (NMS) from 2020 - 2022 as the Director Environment, the Head/Senior Environment Officer at the National Environment Management Authority (NEMA) (2010-2020), the Environment, Urban and Climate Change Research Officer at Eco-Build Africa Kenya from April -June 2010, Environmental Advisor from 2008-2009 for the Atkins Global and as an intern with the Ministry of Lands (2005-2007).

### ***Income and net worth***

157. The nominee estimated her net worth to be Kshs. 70 million with the sources of income being salary, shares, dividends and allowances.

### ***Professional Associations and Memberships***

158. The nominee did not disclose membership to any association.

### ***Potential Conflict of Interest***

159. The nominee declared that she currently does not have any persons or matter that would present any potential conflict of interest should she assume the position of CEC Member for **Green Nairobi (Environment, water, Food and agriculture)**.

### ***Probono/Charity Work***

160. The nominees support church activities and has donated clothes and food stuff to the needy.

### ***Integrity***

161. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. She has also never been



dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

***Responses to general and sector specific questions to the nominee***

162. The Committee posed several questions to the nominee on his knowledge of the Sector he had been nominated to and his conduct in public and private life. The nominee responded as follows: -

***On Knowledge on solid waste management in the City and what needs to be done to address the waste menace and why NMS where she served could not deliver.***

163. The nominee stated that when the NMS came on board, their mandate was to sort solid waste management in the city. A lot of efforts and measures were put to manage the problem. NYS was contracted to help in garbage collection, which improved from 1000 tones daily to 1800 daily.

164. The nominee further stated that as the Director of Environment at NMS, they identified 17 sites located in 17 sub counties as waste collection points. However, this plan was not accomplished because of land issues that came up. Other challenges they faced included; hired contractors' contracts were withheld at the County Government for long, funding of garbage collection was inadequate leading to accruing of pending bills.

165. The nominee promised that if approved, she would ensure that garbage collection contracts are fast-tracked and promised to work with County Assembly Members to identify waste collection sites within the Wards.

***On deployment of senior officers in the sector during her tenure at NMS yet she was not a County Chief Officer.***

166. The nominee stated that when the NMS was established, all the staff from the County who were working in the sector were transferred formally to the National Government under the Public Service Commission to the Environment, Water and Sanitation docket in the NMS. A circular was issued by the Director General dated 1<sup>st</sup> September 2021 giving guidance and advice on how they undertake their functions. She further stated they were given express authority to reorganize the staff within their dockets for



efficient service delivery and promote accountability thus she did not overstep her mandate. Importantly, reorganization was done to ease the workload on some staff that had heavy workload.

***On her failure to honour ten (10) invites by the Assembly Committees to shed light on issues on oversight and whether it was a policy for officers in the NMS not to attend Assembly Committee sittings and whether she is ready to be oversighted if approved.***

167. The nominee admitted to honour summons due to lack of clarity and guidance from the Director General on where they were supposed to appear and respond to issues i.e. Parliament or County Assembly. However, she informed the Committee that several communications were received from the County Assembly addressed to the Director General, who could mark them down for them to respond. All the questions raised by the County Assembly during her tenure were all responded to in writing officially. If approved, she was ready to be oversighted by the County Assembly and would appear if invited by Committees.

***On whether she is arrogant, over domineering, proud and belittling officer***

168. The nominee denied that she possesses any of the above attributes.

***On her role in execution of payments at NMS and whether she frustrated payments as alleged by waste collectors.***

169. The nominee stated that they were designated as AIE holders when they came to the NMS, but the rights were never transferred to them. The designation was eventually cancelled by the Director General through a circular. The rights to incur expenditure and authorize payments rested within the centralized support system, which was through the Deputy Director General. Her role was to receive all requisitions which had been made by the sector heads for all activities and functions that required to be procured.

***On the pending bills for waste management the NMS transferred to the County Government.***

170. The nominee stated that pending bills were between Kshs 3 billion to Kshs.4 billion accrued within a span of the two years the NMS was in existence.

***On her role on issuing PSV licenses and whether she frustrated the process.***

171. The nominee stated that the role in issuing PSV licenses was to receive permits processed by the Deputy Director in Charge of Environmental Management, Compliance and Enforcement. Once verified and validated, it was then brought to her office for final signing. She never frustrated the process and no complaint had ever been received.

***On where red soil was brought from for use in Uhuru Park and the amount of money used.***

172. The nominee stated that the read soil used in the park was brought from the City Park. On the amount, the nominee stated that she was not sure of the exact figure.

***On the number of parks rehabilitated and the status***

173. The nominee listed two parks, Uhuru Park and Central Park. On the status, she stated that Uhuru park was complete while Central Park was still being worked on.

***On why the waste to energy has not worked in Kenya.***

174. The nominee stated that KenGen undertook a feasibility study to determine viability of the plant within the city. The study was presented to the Director General recommending suitable site where it could be established. The NMS was supposed to provide the land and Ruai was identified but the process was not finalized due to political climate which came in 2022. She noted that the process needed to be followed up and begin a fresh.

***On the whether it is more cost effective and efficient to contract garbage collection or for the county or for the County Government to carry-out itself.***

175. The nominee stated that the hired contractors take three quarters of the entire budget for the sector in terms of payments. She, therefore, noted that it is more cost effective for the county to build its capacity and have its own



machinery and manage its operations without any interference from other entities.

#### **4.8.2. Committee Observations on the suitability of the nominee**

176. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for **Green Nairobi (Environment, water, Food and agriculture)** -

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born **21<sup>st</sup> December, 1980** in Nairobi City County and does not hold dual citizenship.
- (ii) **THAT**, the nominee previously worked with the Nairobi Metropolitan Services (NMS) (2020 – 2022) as the Director for Environment, the Head/Senior Environment Officer at NEMA (2010-2020), the Environment, Urban and Climate Change Research Officer at Eco-Build Africa Kenya from (April –June 2010), Environmental Advisor from 2008-2009 for the Atkins Global and as an intern with the Ministry of Lands (2005-2007).
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.



(vi) **THAT**, the nominee demonstrated expertise, interest, experience, knowledge of topical, administrative, and technical issues touching on the docket she has been nominated to.

**4.9. DR. ANASTASIA MUTETHYA NYALITA – NOMINEE FOR HEALTH, WELLNESS AND NUTRITION.**

**4.9.1. Submissions by the Nominee**

177. **Dr. Anastasia Mutethya Nyalita**, the nominee for **Health, Wellness and Nutrition** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

***Date and Place of Birth***

178. The nominee is a female Kenyan born on 7<sup>th</sup> November, 1969 in Makueni County and does not hold dual citizenship.

***Academic and Professional Qualifications***

179. The nominee holds a Masters of Business Administration and a Bachelor of Pharmacy degree from the University of Nairobi.

***Employment Record***

180. The nominee is currently the Chief Executive Officer of Kenya Healthcare Federation. She previously worked as the Regional Manager, Business Manager, and Quality and Regulatory Affairs Manager at Bayer East Africa Ltd from 2015-2019, 2014-2014 and 2007-2014 respectively. She also worked with Proctor& Gamble (EA) as an Associate Editor and Assistant Brand Manager from 1996-2001 and 1994-1996 respectively.

***Income and net worth***

181. The nominee estimated his net worth to be **Kshs. 136 million** with the sources of income being salary and business.

***Professional Associations and Memberships***

182. The nominee did not disclose her membership to any association.

### ***Potential Conflict of Interest***

183. The nominee declared that she currently does not have any persons or matter that would present any potential conflict of interest should she assume the position of CEC Member for **Health, Wellness and Nutrition**.

### ***Probono/Charity Work***

184. The nominee informed that she supports needy children from her rural home in Makueni by paying school fees and other upkeep needs.

### ***Integrity***

185. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

### ***Responses to general and sector specific questions to the nominee***

186. The Committee posed several questions to the nominee on her knowledge of the Sector she had been nominated to and her conduct in public and private life. The nominee responded as follows: -

***On her past experience and how it relates to the docket she has been nominated to.***

187. The nominee informed that has been in the health industry since 1993 and she has worked across different sectors both in private and public entities. Most importantly she has experience in leadership and management of healthcare which is essential for the job she has been nominated to serve if approved.

***On how she will deal with the issue of financing the healthcare for the urban poor.***

188. The nominee informed that there are a lot of financing opportunities through NHIF by getting more people enrolled with NHIF and optimizing the claims from NHIF. She will strive at optimizing on *linda mama* and ensure that County health facilities are working so that a lot more of the residents can seek care within public facilities.



***On her priorities if approved.***

189. The nominee submitted that she will deal with the issue of understaffing and eliminate the challenge of overstretching the existing staff. She will also handle the issue of supply chain and try and see how soon the County Government can receive medical supplies. She would also prioritize critical care in collaboration with the Hon. Members in their respective wards, to uplift the status of critical care especially stocking the blood banks and decentralize the ambulance services.

***On private laboratories and chemist adjacent to public facilities.***

190. The nominee informed that she would work with the regulators to audit the establishments and impound those who steal government supplies and sell to the public at expense of patients visiting in public hospitals.

***On the attitude of public health practitioners towards patients***

191. The nominee informed the Committee that client experience is very important; there is a big gap in terms of soft skills. She will endeavor to train them on the soft skills and customer care service.

***On what actions she will take to revert mama Margret Kenyatta hospital to a county hospital.***

192. The nominee stated that decision to revert the hospital to the national government was political and therefore political decisions will be taken, and which she will champion, and revert the hospital to the County Government.

***As to how she will deal with the issue of upfront payment before treatment by patients visiting for emergency care.***

193. The nominee informed that she will propose a special fund, so that both private and public hospitals can be able to take care of emergency medical requests in order to save lives.

***As to why she could not stay in one organization for more than three years.***

194. She informed the Committee that she has actually stayed in some organization for more than three years, others up to 12 years. For the ones she stayed less, probably it was because the company was restructuring and she had to exit.



*On why she appears to be focused more on business health and not health care.*

195. She informed that while it is true health is a service provided by the Government it should be run like a business to enhance efficiency as contained in H.E. the Governor's manifesto.

*On why she thinks she is the best choice for the docket.*

196. The nominee informed that with her experience and her passion for health care, it is her desire to make the Nairobi City County an example of how health service delivery should be delivered in Kenya.

#### **4.9.2. Committee Observations on the suitability of the nominee**

197. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for **Health, Wellness and Nutrition: -**

- (i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since she is a Kenyan Citizen born **7<sup>th</sup> November, 1969** in Makueni and does not hold dual citizenship.
- (ii) **THAT**, the nominee is currently the Chief Executive Officer of Kenya Healthcare Federation. She previously worked as the Regional Manager, Business Manager, and Quality and Regulatory Affairs Manager at Bayer East Africa Ltd from 2015-2019, 2014-2014 and 2007-2014 respectively. She also worked with Proctor & Gamble (EA) as an Associate Editor and Assistant Brand Manager from 1996 -2001 and 1994 - 1996 respectively.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.

(iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.

(v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.

(vi) **THAT**, the nominee demonstrated interest, experience, knowledge of topical, administrative, and technical issues touching on the docket she has been nominated to.

**4.10. MS. SUZANNE SILANTOI LENGWA – NOMINEE FOR INCLUSIVITY, PUBLIC PARTICIPATION AND CUSTOMER SERVICE**

**4.10.1. Submissions by the Nominee**

198. Ms. Suzanne Silantoi, the nominee for **Inclusivity, Public Participation and Customer Service** appeared before the Committee on **Tuesday 6<sup>th</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

***Date and Place of Birth***

199. The nominee is a male Kenyan born on **22<sup>nd</sup> October, 1993** in Narok County and does not hold dual citizenship.

***Academic and Professional Qualifications***

200. The nominee holds a Master of Arts degree in Public Administration and Public Policy from University of York and a Bachelor of Music degree from Kenyatta University.

***Employment Record***

201. The nominee currently serves as an Associate Consultant at Africa Practice. She previously served as Adolescent and Youth Coordinator at Centre for Behavior Change and Communication (2016 -2021); and as a

Research Assistant Officer, University of York between February 2020 and August 2020.

***Income and net worth***

202. The nominee estimated her net worth to be **Kshs 36 million** with source of income being salary from formal employment.

***Professional Associations and Memberships***

203. The nominee did not disclose her membership to any association.

***Potential Conflict of Interest***

204. The nominee declared that she currently does not have any persons or matter that would present any potential conflict of interest should she assume the position of CEC Member for **Inclusivity, Public Participation and Customer Service**.

***Probono/Charity Work***

205. The nominee did not disclose any Probono/charity work but she orally stated to be involved in various community support activities.

***Integrity***

206. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament, County Assembly or any Commission of inquiry in the last three (3) years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

***Responses to general and sector specific questions to the nominee***

207. The Committee posed several questions to the nominee on her knowledge of the Sector she had been nominated to and her conduct in public and private life. The nominee responded as follows: -

***On what is the mandate of the docket she has been nominated to hold.***

208. The nominee noted that the docket will be in charge of ensuring that the public is involved in the governance of County affairs as dictated by the Constitution. It will also ensure that the public can access information on services offered by the County Government thus facilitating transparency in



service delivery. The sector will work closely with the sub-county administration to ensure that the public at the local level have access to information about the County Government and can participate fully in the affairs of the County for holistic growth.

*On whether the sectors will be amorphous and even make it difficult for the County Assembly to oversight her.*

209. The nominee informed that once approved, she will prepare a policy brief and a work plan and share with the Assembly which shall detail how the sector shall be executing its mandate to ensure the fulfilment of the constitutional principal of public participation. At that point, the County Assembly will be able to determine which Committee will oversight the docket.

*On what experience does she bring to the sector.*

210. That she has been involved in project management where she was partly in charge of communication for the organizations she has worked for. This gives her a head start in running the sector. She also has passion for public service and attending to public needs. She will use her youthful status to incorporate the youth in the affairs of the County Government.

#### **4.10.2. Committee Observations on the suitability of the nominee**

211. The Committee having considered the nominees filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as County Executive Committee Member for **Inclusivity, Public Participation and Customer Service: -**

(i) **THAT**, in accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born **22<sup>nd</sup> October, 1993** in Narok County and does not hold dual citizenship.

- (ii) **THAT**, the nominee currently serves as an Associate Consultant at Africa Practice. She previously served as Adolescent and Youth Coordinator at Centre for Behavior Change and Communication (2016 -2021); and as a Research Assistant Officer, University of York between February 2020 and August 2020.
- (iii) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the EACC, KRA, and DCI.
- (iv) **THAT**, the nominee has not been charged or convicted by a Court of Law in the past three (3) years.
- (v) **THAT**, the nominee has never been removed from office under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*), Article 77 (*restriction of activities of State Officers*), and Article 78 (2) (*dual citizenship*) of the Constitution.
- (vi) **THAT**, the nominee demonstrated interest, knowledge of topical, administrative, and technical issues touching on the docket she has been nominated to.

## 5.0. COMMITTEE GENERAL OBSERVATIONS

212. That pursuant to Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that all the ten (10) nominees met the integrity threshold, demonstrated knowledge of topical, administrative, and technical issues touching on the Sectors to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

213. That the nomination of all the ten (10) nominees fulfilled the provisions of Section 35 of the County Governments Act, 2012 such that it met the following conditions set out in the said section: -

*(i) Observed the gender rule (4 women and 6 men).*

*(ii) Minorities, marginalized groups and communities are represented (the list has all the major tribes in the city plus a Samburu, youth and aged persons)*

*(iii) The list portrays community and cultural diversity within the county (the list represents most of the communities and cultures in the city)*

214. That H.E. the Governor while naming various Sectors to which the nominees have been nominated, did not strictly adhere to the naming of Sectors as they relate to the devolved functions as provided for under Part (II) of the Fourth Schedule to the Constitution which is a complete departure from the previous administrations and could likely lead to confusion among County residents who shall be seeking services from the Sectors. Further, with this lack of clarity it will prove difficult for the County Assembly which operates on Committee system to perform effective oversight on some of the named Sectors for instance the Sector currently named as Inclusivity, Public Participation and Customer Service.



## **6.0. COMMITTEE RECOMMENDATIONS**

215. **THAT**, having conducted the approval hearing of the nominees pursuant to Article 179(2)(b) of the Constitution, Section 35 of the County Government Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 202(4) the Committee recommends that the House-

- 1. approves the nomination of Stephen Gathuita Mwangi for appointment as County Executive Committee Member for Built Environment and Urban Planning by His Excellency the Governor.**
- 2. approves the nomination of Michael Gumo for appointment as County Executive Committee Member for Innovation and Digital Economy by His Excellency the Governor.**
- 3. approves the nomination of Brian Mulama for appointment as County Executive Committee Member for Talent, Skills Development and Care by His Excellency the Governor.**
- 4. approves the nomination of Patrick Mbogo for appointment as County Executive Committee Member for Mobility and Works by His Excellency the Governor.**
- 5. approves the nomination of Charles Kerich for appointment as County Executive Committee Member for Finance and Economic Affairs by His Excellency the Governor.**
- 6. approves the nomination of Ibrahim Auma Nyangoya for appointment as County Executive Committee Member for Boroughs Administration and Personnel by His Excellency the Governor.**
- 7. approves the nomination of Rosemary Kariuki for appointment as County Executive Committee Member for**

Business and Hustler Opportunities by His Excellency the Governor.

8. approves the nomination of Anastasia Mutethya Nyalita for appointment as County Executive Committee Member for Health, Wellness and Nutrition by His Excellency the Governor.

9. approves the nomination of Maureen Njeri for appointment as County Executive Committee Member Green Nairobi (Environment, water, Food and agriculture).

10. approves the nomination of Suzanne Silantoi for appointment as County Executive Committee Member for Inclusivity, Public Participation and Customer Service by His Excellency the Governor.

216. **THAT**, in view of the Committee's observation on the naming of Sectors, H.E. the Governor re-considers renaming of the following Sectors to closely reflect the devolved functions as listed under Part (II) of the Fourth Schedule to the Constitution: -

Current Name as submitted by H.E. the Governor	Proposed renaming by the Committee
Innovation and Digital Economy	Information Communication and Technology (ICT)
Talent, Skills Development and Care	Education, Youth, Sports, Social Services and Gender.
Mobility and Works	Transport and Public Works
Boroughs Administration and Personnel	Devolution and Public Service Management
Built Environment and Urban Planning	Urban Planning and Lands
Business and Hustler Opportunities	Trade and Cooperatives
Green Nairobi (Environment, water, Food and agriculture)	Environment, Water, Food and Agriculture.
Health, Wellness and Nutrition	Health Services

Inclusivity, Public Participation  
and Customer Service

Public Communications and  
Relations

SIGNED 

HON. KENNEDY O. NG'ONDI, MCA  
SPEAKER, NAIROBI CITY COUNTY ASSEMBLY



