

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(FIRST SESSION)

NCCA/TJ/PL/2022(34)

23rd December, 2022

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Friday 23rd December 2022.

— THE 2ND REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES THE VETTING OF NOMINEES FOR CHIEF OFFICERS FOR FOOD, AGRICULTURE AND NATURAL RESOURCES SUB-SECTORS.

(The Chairperson, Sectoral Committee on Agriculture, Livestock and Fisheries)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



*Papers laid by the chairperson
on 23rd Dec 2022
23/12/22*

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY-FIRST SESSION

SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND
FISHERIES

FIRST REPORT ON THE VETTING OF NOMINEE FOR APPOINTMENT
TO THE OFFICE OF CHIEF OFFICER FOR FOOD, AGRICULTURE AND
NATURAL RESOURCES

*Paper laid by the
Chairperson on 23rd Dec 2022*

23/12/22

Clerk's Chambers
City Hall Buildings
NAIROBI

DECEMBER, 2022

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ANNEXURE

Minutes

1.0. FORWARD

Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Sakaja Arthur Johnson submitted to the Speaker the name of Mr. Collins Omondi Kamol for vetting by the Sectoral Committee on Agriculture, Livestock and Fisheries for approval by the County Assembly for appointment as Chief Officer responsible for the Food, Agriculture and Natural Services..

The nomination of the said person was conveyed to the Assembly vide a letter Ref. NCC/GOV/Legal/438/2022 dated 2nd December, 2022. On Tuesday 13th December, 2022. Pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 45 and 48 of the Nairobi City County Assembly Standing Orders the Speaker of the County Assembly on Tuesday, 13th December, 2022 conveyed the message to the County Assembly and committed the name of the nominee to the Sectoral Committee on Agriculture, Livestock and Fisheries for vetting and reporting.

Accordingly, Pursuant to the provisions of Article 196(b) of the Constitution of Kenya which require public participation in the legislative and other business of the Assembly and its Committees; and 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 Daily Nation Newspaper on Wednesday 14th December, 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 Tuesday 20th December, 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 Thursday 22nd December 2022.

The nominee **did not appear** before the Committee on the said date. The Committee noted that the nominee picked a vetting form/questionnaire and neither returned it nor submitted clearance documents from the listed institutions as required.

May I take this opportunity to thank Members of the Committee for their sacrifice, patience and commitment to Public Service under the tight schedules which enabled it to complete the task within the stipulated period. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the County Assembly for the support extended to it in the execution of its mandate. The Committee is grateful to the staff of the County Assembly attached to the Committee for their services rendered to the Committee.

Finally, on behalf of the Sectoral Committee on Agriculture, Livestock and Fisheries, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the nominee for the position of County Chief Officer for Food, Agriculture and Natural Resources to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.



Hon. Anthony Ngaruiya, MCA

Chairperson, Sectoral Committee on Agriculture, Livestock and Fisheries

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 Sectoral Committee on Agriculture, Livestock and Fisheries is therefore established under Standing Order No. 209. Standing Order 209(6)(f) provides that *Sectoral committees shall vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 202 (Committee on Appointments);*

2.2. Committee Membership

3. The Committee was constituted by the Assembly on 26th October, 2022 comprising of the following Members: -

1. Hon. Anthony Ngaruiya Jasho, MCA - Chairperson
2. Hon. Emmy Khatemeshi, MCA – Vice-Chairperson
3. Hon. Malyun Abdi, MCA
4. Hon. Robert Mbatia, MCA
5. Hon. Scolastica Muthoni, MCA
6. Hon. Peter Imwatok, MCA
7. Hon. Joel Munuve, MCA
8. Hon. Samson Ochieng Jera, MCA
9. Hon. Joyce Lugonzo, MCA
10. Hon. Eutyclus Mukiri, MCA

11. Hon. Robert Alai, MCA
12. Hon. Naomi Kerubo, MCA
13. Hon. Emily Oduor, MCA
14. Hon. John Rex Omolleh, MCA
15. Hon. Martin Mbugua Mwangi, MCA
16. Hon. Chris Mtumishiss, MCA
17. Hon. Martin Wairobi, MCA
18. Hon. Mark Mugambi, MCA
19. Hon. Anthony Kiragu, MCA
20. Hon. Mark Thiga, MCA
21. Hon. Beatrice Wandani, MCA
22. Hon. Hashim Kamau, MCA
23. Hon. Chege Mwaura, MCA

2.3. Committee Secretariat

4. The Secretariat comprises: -

1. Wilfred Manyi - Senior Clerk Assistant
2. Hellen Mutie - Senior Clerk Assistant

3.0. BACKGROUND

3.1. Notification of Nominations

5. Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Sakaja Arthur Johnson vide a letter dated 2nd December, 2022 forwarded to the Speaker of the Nairobi City County Assembly the names of nominees for approval for appointment as County Chief Officers responsible for various Sectors/Sub-Sectors. In the nominees list, Mr. Collins Omondi Kamol was the nominee for Chief Officer for the Food, Agriculture and Natural Resources Sub-sector.

3.2. Notification to the Assembly and referral to the Sectoral Committees.

6. On Tuesday 13th December, 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 Chief Officers.
7. Pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 45 and 48 of the Nairobi City County Assembly Standing Orders the names of the nominees were referred to the relevant Sectoral Committees for vetting and reporting to the Assembly.

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 (5) 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 Daily Nation Newspaper on Wednesday 14th December, 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 Tuesday 20th December, 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 Thursday 22nd December, 2022.

3.4. Notification to the Nominees

13. On Wednesday 14th December, 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. Clearance and Compliance Requirements

14. On 14th December, 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.

15. On the matters of ethics and integrity, the EACC and KRA did not respond to the Clerk's letter requesting for reports with respect to the nominees.

3.6. Issues for consideration during the Approval Hearings

3.6.1. Procedure for Nomination

16. Section 45 of the County Government Act, 2012 confers upon H.E the Governor the power to appoint County Chief Officers with the approval of the County Assembly.
17. 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.
18. In this regard, pursuant to the provisions of Section 45 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 33 nominees for approval for appointment as County Chief Officers responsible for various Sectors/Sub-Sectors.

3.6.2. Constitutional and Statutory Requirements

19. 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.*

20. Further, Section 45 (1)(a) of the County Governments Act, 2012 provides that the Governor shall *nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board.*

3.6.3. Memorandum from Members of Public in respect of the Nominees

21. Pursuant to the provisions of Article 196(b) of the Constitution of Kenya which require public participation in the legislative and other business of the Assembly and its Committees; and the Public Appointments (County Assemblies Approval) Act, 2017, the Committees invited residents of Nairobi City County and the general public to submit any representations/written statements (Affidavits) that they may have on the nominees by way of written memoranda.
22. In this regard by close of business Tuesday 20th December, 2022, the Committee had received no memoranda.

4.0. APPROVAL HEARING OF THE NOMINEE

23. The nominee did not appear before the Committee on Thursday 22nd December, 2022. The Committee noted that the nominee picked a vetting form/questionnaire and neither returned it nor submitted clearance documents from the listed institutions as required.

5.0. COMMITTEE RECOMMENDATION

24. THAT, H.E the Governor does nominate a suitable candidate for the said position and forward the name to the County Assembly for approval.

SIGNED 

For :

HON. ANTHONY NGARUIYA JASHO, MCA
CHAIRPERSON, SECTORAL COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES

