

**COUNTY GOVERNMENT OF NAIROBI CITY**



**NAIROBI CITY COUNTY ASSEMBLY**

**THIRD ASSEMBLY-FIRST SESSION**

**SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

**FIRST REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT TO THE  
OFFICES OF COUNTY CHIEF OFFICERS FOR OFFICE OF THE GOVERNOR;  
SECURITY & COMPLIANCE AND BOROUGHES & SUB-COUNTY ADMINISTRATION**

*Paper laid by the clerk  
on 23rd Dec, 2022  
[Signature]  
23/12/22*

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

**DECEMBER, 2022**

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1. Ms. Priscilla Muthoni Mahinda
2. Mr. Justus Mwendwa Kathenge
3. Mr. Tony Michael Kimani

## **LIST OF ABBREVIATIONS AND ACRONYMS**

CEC	-	County Chief Officer
PFM	-	Public Finance Management
EACC	-	Ethics and Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
DCI	-	Directorate of Criminal Investigations



## **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 **Ms. Priscilla Muthoni Mahinda, Mr. Justus Mwendwa Kangethe and Mr. Tony Michael Kimani** for appointment as **County Chief Officers** for various Sectors.

The nomination of the three (3) persons was conveyed to the Assembly vide a letter **Ref. NCC/GOV/Legal/438/2022** dated **2<sup>nd</sup> December, 2022**. On **Tuesday 13<sup>th</sup> December, 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 Justice and Legal Affairs 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 **Wednesday 14<sup>th</sup> 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, 20<sup>th</sup> 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 22<sup>nd</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 three (3) 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.

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 Priscilla Muthoni Mahinda for appointment as County Chief Officer for Office of the Governor by His Excellency the Governor.**
- 2. rejects the nomination of Justus Mwendwa Kathenge for appointment as County Chief Officer for Boroughs and Sub-County Administration by His Excellency the Governor.**
- 3. approves the nomination of Tony Michael Kamau for appointment as County Chief Officer for Security and Compliance by His Excellency the Governor.**

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 Sectoral Committee on Justice and Legal Affairs, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the three (3) nominees for appointment to the position of County Chief Officers to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.



**Hon. Jared Akama Ondieki, MCA**

**Chairperson, Committee on Justice and Legal Affairs**

## **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 Justice and Legal Affairs is one of the Sectoral Committees established under Standing Order 209 (6). The Committee is mandated under the Third Schedule of the Standing Orders to *"Investigate, inquire into and report on all matters related to Constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights; city inspectorate and enforcement"*.



## **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. Jared Akama Ondieki, MCA** **Chairperson**
2. **Hon. Suleiman Hamisi Maleya, MCA** **Vice Chairperson**
3. Hon. Anthony Kiragu, MCA
4. Hon. Peter Oweru Oluoch, MCA
5. Hon. Maurice Ochieng, MCA
6. Hon. Perpetua Mponjiwa, MCA
7. Hon. Hellen Awuor, MCA
8. Hon. Ami Perez Ambala, MCA
9. Hon. Silas Matara Ongwae, MCA
10. Hon. Agnes Wambui Njeri, MCA
11. Hon. Asli Mohamed, MCA
12. Hon. Emmy Khatemeshi, MCA
13. Hon. Clarence Munga, MCA
14. Hon. Mwaura Samora, MCA
15. Hon. Diana Katile Mwangagi, MCA
16. Hon. Virginia Kang'ethe, MCA
17. Hon. Clement Ng'ang'a, MCA
18. Hon. Deonysias Mwangi, MCA
19. Hon. Joseph Ndung'u, MCA
20. Hon. Francis Kimondo, MCA
21. Hon. Doreen Mugambi, MCA
22. Hon. Stephen Kimani Mugo, MCA
23. Hon. Fathiya Abdilahi Mohamed, MCA

## **2.3. Committee Secretariat**

4. The Secretariat comprises: -

1. Josephine Kamau - Senior Clerk Assistant



2. Mercy Senewa - Clerk Assistant

### 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 2<sup>nd</sup> December, 2022 forwarded to the Speaker of the Nairobi City County Assembly, the names of the following three (3) nominees for vetting by the Sectoral Committee on Justice and Legal Affairs and consideration for approval by the County Assembly for appointment as County Chief Officers responsible for the various Sectors as follows:-

S/NO	NAME OF NOMINEE	DEPARTMENT
1.	Mr. Tony Michael Kimani	Security and Compliance
2.	Mr. Justus Mwendwa Kathenge	Boroughs and Sub-County Administration
3.	Ms. Priscilla Muthoni Mahinda	Office of the Governor

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

6. On **Tuesday 13<sup>th</sup> 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 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 **Wednesday 14<sup>th</sup> 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 20<sup>th</sup> 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 22<sup>nd</sup> December, 2022**.

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

13. On **Thursday 22<sup>nd</sup> 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 **15<sup>th</sup> 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, no response was received EACC.
16. The DCI through a letter **DCI/CRO/SEC/6/7/2/A/VOL.XII/17** dated **20th December, 2022** stated that the Police Clearance Certificates issued to the three (3) nominees were genuinely issued and had negative results from both its nominal index and criminal database.
17. On the issue of tax compliance, no response was received from KRA.

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

#### **3.6.1. Procedure for Nomination.**

18. 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 Chief Officers with the approval of the County Assembly.
19. 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.
20. 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 three (3) persons for appointment as Members of the County Executive Committee.

#### **3.6.2. Constitutional and Statutory Requirements**

21. 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.*



22. Further, Section 35 (2) of the County Governments Act, 2012 provides that the County Assembly shall not approve nominations for appointment to the position 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.*

**3.6.3. 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.**

23. 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 Thursday 22<sup>nd</sup> December, 2022.

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

24. 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 14<sup>th</sup> December, 2022 inviting the public to submit any memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee.

25. In this regard by close of business Wednesday 21<sup>st</sup> December 2022, the Committee had received a memorandum against one nominee which was subsequently withdrawn.

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

26. During its Sittings held on **Thursday 22<sup>nd</sup> December, 2022**, at Committee Room 4, Assembly Precincts, City Hall Buildings from 9:00am, the Committee conducted face to face interviews of the nominees. The minutes of the vetting proceedings are attached to this report.

#### **4.1. MS. PRISCILLA MUTHONI MAHINDA – NOMINEE FOR CHIEF OFFICER, OFFICE OF THE GOVERNOR**

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

27. **Mr. Priscilla Muthoni Mahinda**, the nominee for **Chief Officer, Office of the Governor** appeared before the Committee on **Thursday 22<sup>nd</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

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

28. The nominee is a female Kenyan born on **18<sup>th</sup> February, 1988** in Nakuru town, Nakuru County and does not hold dual citizenship.

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

29. The nominee holds a Bachelor of Arts degree in Communication from the Daystar University (2006-2012).

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

30. The nominee is currently the Private Secretary to HE the Governor Nairobi City County. She previously worked as a Director, Plume Consultants (2013-2022) and Lead Business Partner, The Main Event Company (2010 - 2013).

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

31. The nominee estimated her net worth to be **Kshs. 107 million** with the sources of income being consultancy services and salary as the Secretary to HE the Governor Nairobi City County.

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

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



***On what she understands about the position she applied for***

33. The nominee informed the Committee that the position entails coordination of functions of the office of the Governor and the Chief Officer is the authorized accounting officer.

***Relevant experience to the docket***

34. The nominee stated that she was presently involved in coordination of functions of the office of the Governor which is relevant to the position

***Duties and responsibilities of the County Chief Officer in relation to the Office of the Governor***

35. She stated that the Chief Officer is in charge of administration, security and disaster management.

***On how she plans to ensure there is no political interference on the Executive while upholding the symbiotic yet independent relationship between the executive and the legislative wing***

36. The nominee stated that she would foster the relationship through dialogue and collaboration between the two arms of Government. Further, she would endeavor to ensure the needs of Members were attended to by maintaining an open door policy.

***On the main challenges for the docket within the County Government and how to address them***

37. The nominee informed the Committee that there were beurocracies in the Office of the Controller of Budget that led to a long process of approval of payments; low staff morale which made it hard for staff to buy into the Governor's vision as well as cartels.

***On how she would relate with the County Executive Committee Member and other staff to ensure that the Sector delivers quality services to this County***

38. The nominee stated that she would work with synergy with other officers in order to implement the Governors agenda.

***On concrete steps she would take to help the Governor achieve his vision and plans for Nairobi County within the Sector if appointed***



39. The nominee informed the Committee that she will ensure her office remains transparent as much as possible and consult where necessary.

***On how to address the issue of low absorption of budget that lead to significant roll over of projects***

38. The nominee stated that she would put in place a monitoring and evaluation framework, encourage dialogue with stakeholders and donors and also ensure implementation of planned projects. She also submitted that it is important to ensure completion of ongoing projects before taking up new ones.

***On what she would do to ensure prudent use and accountability of public funds in relation to Article 226 of the Constitution and Section 203 of the PFM Act, 2012***

40. The nominee stated that she would endeavor to ensure that there is competitive bidding in the procurement process as well as develop a monitoring and evaluation framework to prevent diversion of public funds.

***On how she would navigate the relationship between herself and Members of the Assembly***

41. The nominee noted that it was important to maintain avenues for dialogue with Members of the County Assembly while ensuring that Members are not victimized while exercising their functions. She also encouraged training of staff working in the Office of the Governor in order for them to understand the importance of treating everyone with dignity.

***On conflict of interest***

42. The nominee informed the Committee that she had already resigned as a Director of Plume Consultants in order to concentrate on her duties and responsibilities.

***On past experience in her life that demonstrates her commitment to the requirements of Chapter Six of the Constitution, on leadership and integrity***

43. The nominee stated that she was a diligent worker keen on serving the Governor and the interest of residents of Nairobi City County. She also

stated that she does not take incentives in order to give favors while executing her duties.

***On what the residents of Nairobi can expect from her should this Assembly approve her nomination***

44. The nominee pointed out that she would ensure what was promised to the residents is actually delivered.

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

45. The Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, her curriculum vitae and having heard her oral submissions during the approval hearing, made the following observations on her suitability for appointment as County Chief Officer for Office of the Governor: -

- (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 **18<sup>th</sup> February, 1988** in Nakuru town, Nakuru County and does not hold dual citizenship.
- (ii) **THAT**, the nominee is currently the Private Secretary to HE the Governor Nairobi City County. She previously worked as a Director, Plume Consultants (2013-2022) and Lead Business Partner, The Main Event Company (2010 -2013).
- (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 experience, knowledge of topical, administrative, and technical issues touching on the docket she has been nominated to.

#### **4.2. MR. JUSTUS MWENDWA KATHENGE – NOMINEE FOR CHIEF OFFICER, BOROUGH AND SUB-COUNTY ADMINISTRATION**

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

46. **Mr. Justus Mwendwa Kathenge**, the nominee for **Borough and Sub-County Administration** appeared before the Committee on **Thursday 22<sup>nd</sup> December, 2022** and was vetted under oath. The Committee noted the following: -

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

47. The nominee is a male Kenyan born on **24<sup>th</sup> April, 1969** in Nguutani, Migwani and does not hold dual citizenship.

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

48. He holds a post-graduate Diploma in Law from Kenya School of Law (2010-2011) and a Bachelor of Law from University of Nairobi (2005-2009). He also holds Master of Arts in Planning from University of Nairobi (1996-1999) as well as a Bachelor of Science from University of Nairobi (1991-1995).

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

49. The nominee has served as the Acting County Secretary at Nairobi City County from February 2020 to February 2021, County Chief Officer at Nairobi City County (2018 - 2022), Director at Nairobi City County (2014 - 2018) as well as a Principal Planner at the City Council of Nairobi from 2011-2014. The nominee has also served as a Senior Planner the City Council of Nairobi (2004-2011) as well as a Planning Assistant I at the City Council of Nairobi (1999-2004).



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

50. The nominee estimated his net worth to be Kshs. 99 million with the sources of income being salary and family business (farming).

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

51. 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 what he understands about the position that he has applied for***

52. The nominee stated that the role of the County Chief officer is to implement policies that have been developed by the Sector and is the accounting officer.

#### ***On relevant experience he would bring to the Sector***

53. The nominee stated that he has a wealth of experience having worked in the County since 1999 and is an advocate of the High Court of Kenya. He pointed out that his masters degree in planning and vast experience in planning would be very relevant in setting up the new Boroughs system of administration. He added that the the process would also be guided by relevant laws in place and the Constitution of Kenya.

#### ***On how he plans to ensure there is no political interference on the Executive while upholding the symbiotic yet independent relationship between the executive and the legislative wing***

54. The nominee noted that there would be need for a series of dialogue and consultations with the County Assembly to ensure successful implementation of Sector priorities.

#### ***On what he considers as the main challenges for the docket within the County Government***

55. The nominee informed the Committee that the Borough system of administration was new to the County hence its implementation would come with some challenges.

#### ***On how he would address those challenges if confirmed to the position***

56. The nominee noted that dialogue and collaboration with the County Assembly and the Justice and Legal Affairs Committee would be critical in order to deliver the Governor's agenda. He also emphasized the need for the Sector and the Committee to benchmark with the United Kingdom in order to understand the Borough system of administration.

***On how he would relate with the County Executive Committee Member and other staff to ensure that the Sector delivers quality services to the County***

57. The nominee stated that he would work closely with the County Executive Committee Member and other officers.

***On the concrete steps he would take to help the Governor achieve his vision and plans for Nairobi County within the Sector if appointed***

58. The nominee undertook to facilitate collaboration with stakeholders and come up with a clear framework for the Sector that would ensure that the Governor's vision was achieved.

***On what he would do to ensure prudent use and accountability of public funds as per Article 226 of the Constitution and Section 203 of the PFM Act, 2012***

59. The nominee informed the Committee that he intended to ensure that budget documents (CIDP, CADP and CIDP) were adhered to and all Sector expenditure was scrutinized and utilized as approved by the County Assembly.

***On how he would navigate the relationship between himself and other officers of the County Government***

60. The nominee stated that he would endeavor to maintain a harmonious working relationship with other officers and ensure that they operate under law. He singled out his problem solving skills as key in resolving conflicts whenever they arise. He further stated that he would work closely with Sub-County administrators and hold as many meetings with them as necessary for consultation purposes.



***On past experience in his life that demonstrates his commitment to the requirements of Chapter six of the Constitution, on leadership and integrity***

61. The nominee informed the Committee that he is an officer who upholds a high level of integrity having served as an Acting County Secretary and a Chief Officer for a long period in the County. He identified himself as a Christian who is committed to his work and has never been charged with a criminal case while serving in the said offices.

***On what the residents of Nairobi can expect from him should this Assembly approves his nomination***

62. The nominee undertook to ensure that quality services were rendered to the residents of Nairobi City County and the Governors agenda was implemented.

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

63. 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 Chief Officer for Boroughs and Sub-County Administration: -

(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 **24<sup>th</sup> April, 1969** in Nguutani, Migwani and does not hold dual citizenship.

(ii) **THAT**, the nominee has served as the Acting County Secretary at Nairobi City County from February 2020 to February 2021, County Chief Officer at Nairobi City County (2018 - 2022), Director at Nairobi City County (2014 - 2018) as well as a Principal Planner at the City Council of Nairobi from 2011-2014. The nominee has also served as a Senior Planner the City Council

of Nairobi (2004-2011) as well as a Planning Assistant I at the City Council of Nairobi (1999-2004).

(iii) **THAT**, the nominee was removed from office while serving as the Chief Officer for Urban Planning for approval sub-standard buildings.

(iv) **THAT**, the nominee has previously been removed from office while he served as the Chief Officer Urban Planning under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*) and Article 77 (*restriction of activities of State Officers*).

#### **4.3. MR. TONY MICHAEL KIMANI – NOMINEE FOR CHIEF OFFICER, SECURITY AND COMPLIANCE**

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

64. **Mr. Tony Michael Kimani**, the nominee for Security and Compliance appeared before the Committee on **Thursday 22<sup>nd</sup> December 2022**, and was vetted under oath. The Committee noted the following: -

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

65. The nominee is a male Kenyan born on **1<sup>st</sup> April 1974** in Nairobi County and does not hold dual citizenship.

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

66. He holds a Degree in Criminology/Security Bachelor of Art from Egerton University and a Diploma in Forensic and Criminal Investment from Kenya Institute of Criminal Justice, Public prosecution, from Kenya Institute of Administration, Command Leadership from City Inspectorate College, Supervisory Skills from City Inspectorate College, Instructional Cert from City Inspectorate, Stress Management from Kenya Institute of Criminal Justice, Certificate in C.C.T.V from Kenya Institute of Justice, Drill & duties from Administration Police College, Traffic Marshal European Union, County Management Security from Global Forensic Service, Diploma in Journalism from Kenya Institute of Mass Communication.



### ***Employment Record***

67. The nominee currently works at Nairobi City County as an Assistant Director of Training and Development and in 2011 as an inspector at Nairobi City Council in 1996. He started as a constable at Nairobi City Council.

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

68. The nominee estimated his net worth to be **Kshs. 20 million** there about with the sources of income are salaries and appreciated assets.

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

69. He is a public prosecutor and served in the City Court for two years.

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

70. The nominee declared that he did not have any persons or matter that would present any potential conflict of interest should he assume the position of County Chief Officer for Security and Compliance.

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

71. The nominee stated that he does a number of charity work in his local church.

### ***Integrity***

72. 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***

73. 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 mandate of the sector and the experience he poses that suits the sector mandate***

74. The nominee informed the Committee that he had vast knowledge of the sector having had a lengthy experience of 27 years and that he had raised

through the ranks having worked from a Constable to Assistant Director of Training and Development. He also stated that he had taken part in developing the curriculum of the City Inspectorate Act. Further, the nominee did mention that the Standard Operating Procedure did not serve the sector to its full potential because it needed to be updated to accommodate guidance to current challenges in the sector.

***On how he would manage the issue of civilians impersonating the enforcement team***

75. He stated that he would ensure proper handing over of staff of the compliance unit to curb the issue of impersonation.

***On how he would ensure there is no political interference with law enforcement***

76. The nominee informed the Committee that he would ensure the restoration of law and order in the County. He further stated that he intended to train his unit and clearly notify the unit of the repercussions.

***On the issue of renovating the training station/ schools given the limited resources***

77. The nominee submitted that during his tenure he mentioned partnering with the local church that hires the county ground on Sundays and they managed to renovate and gave a facelift to the abolition block at the enforcement training schools. He mentioned that partnering with donors and bringing on board other stakeholders is key in making sure that the schools get training for instance he mentioned that the human right commission came on board to train the enforcement unit on matters of customer care and human rights. He stated that this went a long way in trying to damage control of the good name of the City County Askaris who are believed to be harsh and merciless.

***On the issue of the upsurge of hawkers even from different neighboring counties***

78. The nominee made it clear that hawking is not a crime and therefore it should be given some order to bring about some level in the city, he



suggested that he intends to bring about a new concept of zoning whereby hawkers are zoned and given designated back streets to do business and given identification cards indicating the designated zone and streets to conduct business.

***On the issue of his relation with bosses which is the Governor and the County executive member***

79. The nominee stated that respect is key in any working environment and that he will rely majorly on constant consultation to maintain good working rapport. He reminded the committee that given the given that the Governor's mission was to bring Order, Opportunity, and Hope, he promised that he would not relent until order and dignity decorum is restored in the sector and to the City of Nairobi at large.

***On the challenge that the sector faces are low absorption of the budget which leads to the significant rollover of important projects***

80. The nominee believed it's important to create a work plan that clearly indicates deliverables have strict timelines and constant monitoring and evaluating of the projects, he urged the committee to help in constant oversight to keep the projects in check and to have a desirable outcome.

***On ensuring the use and accountability of Public Funds in relation to article 226 of the constitution and section 203 of the PFM Act, 2012***

81. The nominee stated that he believed in the spirit of encouraging teamwork that has internal control and brings all the players including the CEC of the sector to make an input in realizing proper management of the Public Funds and also to safeguard that the sector archives its priorities.

***On finding a balance between himself and the members of the Nairobi City County Assembly***

82. The nominee assured the committee will do his best and that the committee's interests will be addressed long as those interests will not compromise his integrity and that they are within the law. Promised the committee that he will appear the committee to shed light on pertinent issues in the sector whenever needed.

***On how to handle conflict of interest, especially with family and friends seeking service and favors in his docket***

83. The nominee assured the committee to uphold the rule of law and always strive to maintain his integrity.

***On if the nominee gives back to the communities***

84. The nominee mentioned that he works closely with his local church on pastoral outreach to nurture the youth in his local area.

***On what the residents of Nairobi can expect from the nominee***

85. The nominee promised the committee that he plans to uphold the rule of law and bring back order and decorum in the City.

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

86. 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 **1<sup>st</sup> April 1974** in Nairobi County and does not hold dual citizenship.
- (ii) **THAT**, the nominee currently works at Nairobi City County as an Assistant Director of Training and Development and in 2011 as an inspector at Nairobi City Council in 1996. He started as a constable at Nairobi City Council.
- (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.

#### **5.0. COMMITTEE GENERAL OBSERVATIONS**

87. That pursuant to Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that all the three (3) 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.

88. That two (2) nominees meet 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.

89. That two (2) nominees demonstrated interest, knowledge of topical, administrative, and technical issues touching on the dockets they have been nominated.

90. That two (2) nominees have not previously been removed from office while he served as the Chief Officer Urban Planning under Article 75 of the Constitution for contravention of Articles 75(1) (*conflict of interest*), Article 76 (*financial probity*) and Article 77 (*restriction of activities of State Officers*).

91. That one nominee (Justus Mwendwa Kathenge) was removed from office while serving as the Chief Officer for Urban Planning for approval sub-standard buildings

## **6.0. COMMITTEE RECOMMENDATIONS**

92. **THAT**, having conducted the approval hearing of the nominees pursuant to Article 179(2)(b) of the Constitution, Section 45 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-

- 4. approves the nomination of Priscilla Muthoni Mahinda for appointment as County Chief Officer for Office of the Governor by His Excellency the Governor.**
- 5. rejects the nomination of Justus Mwendwa Kathenge for appointment as County Chief Officer for Boroughs and Sub-County Administration by His Excellency the Governor.**
- 6. approves the nomination of Tony Michael Kamau for appointment as County Chief Officer for Security and Compliance by His Excellency the Governor.**

SIGNED ..... 

**HON. JARED AKAMA ONDIEKI, MCA**  
**CHAIRPERSON, COMMITTEE ON JUSTICE & LEGAL AFFAIRS**