

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(FIRST SESSION)

NCCA/TJ/PL/2022(39)

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 1ST REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE VETTING OF NOMINEES TO THE POSITION OF CHIEF OFFICERS FOR PUBLIC SERVICE; AND GENDER AND INCLUSIVITY SECTORS.

(The Chairperson, Sectoral Committee on Labour and Social Welfare)

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



*Papers laid by the chairperson
on 23rd Dec, 2022*

23/12/22

NCCA/TJ/NTC/2022(12)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(FIRST SESSION)

23rd December 2022

NOTICE OF MOTION

Subject: Adoption of report

Hon. Speaker, I beg to give notice of the following motion:-

— **THAT**, this Assembly Adopts **THE 1ST REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE VETTING OF NOMINEES TO THE POSITION OF CHIEF OFFICERS FOR PUBLIC SERVICE; AND GENDER AND INCLUSIVITY SECTORS** laid on the Table of the Assembly today, Friday, 23rd December 2022.

(Chairperson, Sectoral Committee on Labour and Social Welfare)



COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY- FIRST SESSION

REPORT OF THE SECTORAL
COMMITTEE ON LABOUR AND SOCIAL WELFARE
ON

1ST REPORT OF THE VETTING OF NOMINEES TO THE POSITION OF CHIEF OFFICERS
FOR PUBLIC SERVICE AND GENDER & INCLUSIVITY SECTORS

Clerk's Chambers
City Hall Buildings
NAIROBI

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

DECEMBER, 2022
23/12/22

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1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Labour and Social Welfare is one of the Committees of the Nairobi City County Assembly established under Standing Order 209 (1) whose mandate, pursuant to the Standing Order 209 (6) is to, among others;-

- a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) *study the programmes and policy objectives of departments and the effectiveness of the implementation;*
- c) *study and review all county legislation referred to it;*
- d) *study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) *investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) *vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments): and*
- g) *Make reports and recommendations to the County Assembly*

The Committee is also mandated to deal with all matters related to labour, trade union relations, manpower or human resource planning; County Public Service; Gender, social welfare and youth.

1.2 Committee Membership

Hon. Speaker,

The Committee on Energy, Information, Communication and Technology was constituted by the Assembly on Thursday 27th October, 2022 comprising of the following Members:-

1. Hon. Allan Maina, MCA Chairperson
2. Hon. Wanjiru Kariuki, MCA Vice Chairperson
3. Hon. Joyce Kamau, MCA
4. Hon. Catherine Apiyo, MCA
5. Hon. Jane Muasya, MCA
6. Hon. Nancy Mwaura, MCA
7. Hon. Oscar Lore, MCA
8. Hon. Thuo Fiunifu, MCA
9. Hon. Anthony Kimemia, MCA
10. Hon. Kennedy Odhiambo, MCA
11. Hon. Absalom Odhiambo, MCA
12. Hon. Joyce Lugonzo, MCA
13. Hon. Abass Khalif, MCA
14. Hon. Benter Obiero, MCA
15. Hon. Paul Mathu, MCA
16. Hon. Jane Musangi, MCA
17. Hon. Evans Nyangicha, MCA
18. Hon. Peter Maina, MCA
19. Hon. Paul Wachira, MCA
20. Hon. Simon Maina, MCA

21. Hon. Cicilia Njathi, MCA

22. Hon. Agnes Njeri, MCA

23. Hon. Farhiya Aden, MCA

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to Article 179(2) (b) of the Constitution and Section 45 (a) and (b) of the County Governments Act, 2012, H.E. the Governor, Hon. Johnson Arthur Sakaja vide a letter dated 2nd December, 2022 forwarded to the Speaker of the Nairobi City County Assembly, the name of Ms. Janet Omollo Opiata and Ms. Maryan Dubow Dahir for vetting and approval by the County Assembly for appointment as Chief Officer responsible for the Public Service and Gender and Inclusivity departments respectively as follows:-

NO	NAME OF NOMINEE	SECTOR
1.	Ms. Janet Omollo Opiata	Public Service
2.	Ms. Maryan Dubow Dahir	Gender & Inclusivity

1.4 Committal to Committee on Labour and Social Welfare

Hon. Speaker,

In accordance with the provisions of Article 196 of the Constitution and section 7(5) of the Public Appointments (County Assemblies Approval) Act, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Committee on Labour and Social Welfare to conduct the vetting and approval hearing of the nominees on Thursday, 22nd December, 2022

1.5 Committee Meetings

Hon. Speaker,

The nominees appeared before the Committee on Thursday 22nd December 2022 and were vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly

Standing Orders on their suitability for appointment to the position of Chief Officer.
In total, the Committee held four Sittings in consideration of this matter.

1.6 Acknowledgement

Hon. Speaker,

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

Finally, on behalf of the Sectoral Committee on Labour and Social Welfare, it is my pleasure and duty to present to the Assembly, the Committee's Report on the vetting of the nominees for appointment to the position of Chief Officers for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

Signed



for

Hon. Allan Maina Gathuku, MCA

(Chairperson)

Sectoral Committee on Labour and Social Welfare

Dated this 23 day of December 2022

2.0. PREFACE

2.1 Mandate of the Sectoral Committee on Labour and Social Welfare

The Sectoral Committee on Labour and Social Welfare is one of the Committees established under Standing Order No. 209 and is mandated amongst others to vet and report on appointments under Section 45 of the County Governments Act, 2012, (*County Chief Officers*). The said Section requires H.E. the Governor of Nairobi City County, Hon. Johnson Arthur Sakaja to nominate persons recommended by the County Public Service Board and with the approval of the County Assembly, appoint County Chief Officers.

Additionally, Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (No. 5 of 2017) provides thus:-

“Where the nomination of a candidate is rejected by a County Assembly, the appointing authority may submit to the relevant County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.”

2.2 Appointment process of the Chief Officer Nominees

Section 45 of the County Governments Act, 2012, provides for the Governor’s power to appoint County Chief Officers, with the approval of the Assembly.

A letter from the Office of the Governor dated 2nd December, 2022, addressed to the Speaker of the County Assembly indicated that pursuant to the provisions of Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Johnson Arthur Sakaja had nominated two nominees to be considered for approval by the County Assembly for appointment as Chief Officers of Public Service and Gender & Inclusivity departments.

On Tuesday, 13th December, 2022, the Honourable Speaker in a Message to the Assembly informed the Assembly that his office had received the name of the nominees, and directed that the names and curriculum vitae of the said nominees be referred to the Sectoral Committee on Labour and Social Welfare for vetting and reporting to the Assembly

pursuant to Standing Order 209 (6) (f) and Section 10 (1) of the Public Appointments (County Assemblies Approval) Act, 2017(No. 5 of 2017).

2.3 Notification to the Public

Section 7 (5) and 10 of the Public Appointments (County Assemblies Approval) Act, 2017 respectively provides that-, *“the committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing”* and *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Standard Newspaper and 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 nominee. At the close of business on Friday 16th December, 2022, no memoranda contesting the suitability of the nominee had been received from the public.

In accordance with the provisions of Article 196 of the Constitution and section 7(5) of the Public Appointments (County Assemblies Approval) Act, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Committee on Labour and Social Welfare to conduct the vetting and approval hearing of the nominees on Thursday, 22nd December, 2022.

2.4 Clearance Requirements

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominees were asked to submit his clearance status with the following institutions for the vetting exercise –

- a) A Copy of the National Identity Card

3. 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 two (2) nominees were genuinely issued and had negative results from both its nominal index and criminal database.

3.0 VETTING OF NOMINEES TO CHIEF OFFICERS

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

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

During its Sittings held on Thursday, 22nd December, 2022, at 10.00am, at the Committee Room 11, Assembly Precincts, City Hall Buildings, the Committee conducted face to face interview for the Public Service Sector nominee. The minutes of the vetting proceedings are attached to this report.

3.1 APPEARANCE BEFORE THE COMMITTEE BY MS. JANET OMOLLO OPIATI - CHIEF OFFICER NOMINEE FOR THE PUBLIC SERVICE SECTOR

The Chief Officer nominee for the Public Service Sector, Ms. Janet Omollo Opiati, appeared before the Committee on Thursday, 22nd December, 2022 at 10.30am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee had invited submissions

- b) A copy of the Personal Identification Number (PIN No.) Certificate
- c) Copies of Academic Certificates and testimonial
- d) Copies of current compliance/clearance certificates from the following bodies; Higher Education Loans Board (HELB), Credit Reference Bureau (CRB) , The Ethics and Anti-Corruption Commission (EACC) Directorate of Criminal Investigations (DCI) and Kenya Revenue Authority (KRA)
- e) Copies of valid clearances from respective professional bodies (Where applicable)
- f) Accreditation from Commission for University Education for foreign degrees (Where applicable)

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

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

The nominees had clearance certificates from Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Tax compliance, Criminal Investigation Department and from Credit Reference Bureau. (See annexure1)

2.5 Clearance and Compliance Requirements

1. On 20th 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.
2. On the matters of ethics and integrity, the EACC and KRA did not respond

- a. Has 12 years of experience in Ministry of Labour and Human Resource Development and 8 years as Head of Human Resource in South Nyanza Sugar Company Limited (Sony Sugar) which prepared her for the opportunity to serve in management level
- b. By the time she was applying for the position of Chief Officer for Public Service, Kisumu County had not advertised for the positions

II. Why she applied for the position nominated and understanding of the position

The nominee observed that she has the capacity to undertake the task given bearing in mind that she has experience from the Public Service and has undergone several trainings locally and internationally regarding human resources and labour issues.

III. Regarding the functions of the County Public Service and the role of a Chief Officer in the sector

The nominee stated that the functions of the Chief Officer in the Public Service Sector is to deal with human resources issues in consultation with the County Executive Committee Member on all issues relating to human resources and those cross cutting other departments such as training, compensation, drafting and implementation of Sector's policies, running day to day work of the sector and works as the authorizing officer.

IV. With respect to Challenges she expects to meet in the docket, and how she will address them

The nominee stated that –

- a. She is a team player willing to give it all, time keeper and understands the public service issues
- b. She will improve the Performance Based Management to ensure every employee knows what is expected of them in their respective departments;
- c. Public Service as the mother of every organization, she will try to avail resources to ensure everybody performs in every sector.

from the Public on his suitability or otherwise for appointment to Public office, and none had been received by close of business on Friday 16th December, 2022.

While under oath, she proceeded to inform the Committee as follows:-

3.1.1 With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that;

- a) She was born on 10th September 1967;
- b) She is currently the External Director, County Assembly Service Board;
- c) She worked as Head of Human Resource in South Nyanza Sugar Company Limited (Sony Sugar) from October 2008 to October 2016;
- d) She worked as District Employment Officer at Ministry of Labour and Human Resource Development, Nakuru from June 2000 to October 2008;
- e) She worked as a Deputy District Employment Officer (DDEO) at Ministry of Labour and Human Resource Development, Nakuru from June 1993 to July 1994;
- f) She worked as an Administrative Assistant at Rift Valley Registrars, Nakuru, from January 1992 to May 1993;
- g) She taught at St. Sylvester Secondary School in Rarieda District from January 1987 to November 1987
- h) The nominee holds a Bachelor of Arts in Social Work;
- i) She holds a Diploma in Human Resource Management from Kenya Institute of Management;
- j) She has attained K.A.C.E at Ogande Girls High School from 1985 – 1986
- k) She attained K.C.E at Nyakongo Girls High School from 1981 to 1984

3.1.2 In her response, Ms. Janet Omollo Opiati stated as follows:-

I. With respect to her suitability for the Position Nominated and why not in Kisumu County-

The nominee stated as follows –

That she:

The nominee mentioned that Revenue, Finance and Public Service sectors must work within timelines to ensure staff are facilitated with their salaries on time and that since it is an illegality not to remit statutory deductions every month therefore, performance contract will be reviewed through concrete conversations to ensure payments for employees are prioritized.

XI. With respect to dealing with staff welfare in terms of medical insurance and retirees -

The nominee observed that she would act professionally and within the confines of the law as speculated by the SRC regulations according to the job groups. Though she stated that the Procurement department while in the tendering process should ensure that the insurance company picked does not have variance on the medical services and should ensure it is a reliable medical services.

On the retirees, she pointed that a stock of the retirees should be taken and prioritize the payment starting with the staff that left first so that they are all paid and the vote be allocated in the budget and if the budget is not implemented, clear resolutions would be made on how the payments will be done.

Subsequently, she noted that it is ideal for the staff to be trained on investments when they get employed to prepare them for retirement.

XII. With respect to how she will relate with the Assembly Members in regards to oversight of the Public Service Sector.

The nominee stated that she will have an open communication with the legislators and will be ready to sort out the issues that will be raised accordingly.

Therefore, the Committee found the nominee suitable for appointment as Chief Officer of Public Service having met both the Constitutional and the statutory requirements.

- V. Regarding navigating how she will harmonize the different terms and conditions in the Human Resources department and those under the SRC to ensure they are all productive -

The nominee stated that Salaries for Public Service are guided by SRC and it is a continuous involvement that will continue when she is appointed and will ensure the sector complies as per the law.

- VI. How will you solve some of the challenges facing drafting and implementation of Public Service policies in the Sector and if she had any clear plans and timelines

She informed Members that the staff will be sensitized on issues that affect them and will be encouraged to participate in the change management and come up with the policies within the sector within a set timeline from the time the policies are drafted.

- VII. In regard to how she will handle the huge wage bill and aged workforce-
She noted that the wage bill is regulated where there is some percentage that is supposed to be observed but it is a challenge because the employment rate is high. She stated that she will review the succession plan to check on the exit of staff retiring and check on the database as they exit.

- VIII. Demonstrated adherence to ethics and integrity – presently under Chapter Six of the Constitution –

The nominee stated as follows -

- a. She has always been guided by integrity which is the utmost value pointed out in the Chapter six of the Constitution.
- b. She is a team player and that to exhibit integrity she will ensure there is public participation for people and also for sensitization purposes.

- IX. With respect to her Net worth –

The nominee observed that her net worth is 22 million.

- X. Regarding one of the critical challenges facing county on delay in remitting statutory deductions and payment of salaries-

3.2 APPEARANCE BEFORE THE COMMITTEE BY MS. MARYAM DUBOW DAHIR - CHIEF OFFICER NOMINEE FOR THE GENDER & INCLUCIVITY SUB - SECTOR

The Chief Officer nominee for the Sub – Sector, Mrs. Maryam Dubow Dahir, appeared before the Committee on Thursday, 22nd December, 2022 at 12.00 Noon and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee had invited submissions from the Public on her suitability or otherwise for appointment to Public office, and none had been received by close of business on Friday 16th December, 2022.

While under oath, she proceeded to inform the Committee as follows:-

With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that;

- a) She was born on 20th November 1986;
- b) She worked as County Chief Officer for Irrigation Development – Mandera County Government from September 2018 to December 2020;
- c) She worked as County Chief Officer for Health Services – Mandera County from January 2013 to 2017;
- d) She worked for NAPAD as a Livelihood Manager, Kenya/Somalia from May 2013 to December 2013;
- e) She worked as a Programme Coordinator at ALDEF, Kenya from October 2011 to June 2013;
- f) She worked as a Project Officer at Handicap International from May 2011 to September 2011;
- g) She worked as a Project Officer, Empowerment - NONDO from June 2010 to April 2011;
- h) She holds a Master’s in Public Policy Management from Strathmore University Business School;

- i) She holds a Masters of Environment Studies and Community Development from Kenyatta University;
- j) The nominee also holds a Bachelor of Environment Studies and Community Development from Kenyatta University;

In her response, Ms. Maryam Dubow Dahir stated as follows:-

- I. With respect to his suitability for the Position Nominated -
The nominee stated as follows –

That she:

- a. Has 10 years of experience in County Government as County Chief Officers for various Sectors and further worked in private Sector i.e. ALDEF, NEPAD and Handicap International where she was engaged with programs that catered for gender and inclusivity; and
- b. Has been involved in formulation of policies, developed sector budgets and department operations in the Mandera County and therefore will offer the expertise in the Gender and Inclusivity sector.

- II. With respect to what she understands about the position that she applied for -

The nominee noted that she understands the same as provided for in the County Governments Act and that she is responsible for day to day running of the Sector and implementation of Sector policies.

- III. Why she applied for the position nominated -

The nominee observed that she has the capacity to undertake the task given that she had 14 years' working experience in County Government and public sector.

- IV. What relevant experience she will bring to the Gender & Inclusivity Sector –

The nominee observed that she has 10 years' experience while she worked with the Mandera County Government as a Chief Officer in various sectors and worked with various NGO's that dealt with gender issues.

- V. With respect to the functions of the Gender & Inclusivity Sector –

The nominee stated that the functions amongst others include empowering the people with disabilities, the minorities, marginalized and genders that include men, women, boys and girls.

VI. With respect to Challenges she expects to meet in the docket, and how she will address them

The nominee stated that –

- d. That Sector is not fully devolved; and
- e. She will lobby for more allocation towards the Sector for effective service delivery.

VII. Regarding whether she is privy to any policies and legislation relating to the Gender docket –

The nominee noted that she is aware there is the Nairobi City County Sexual and Gender based Violence Management and Control Bill, 2021. Moreover, she was privy to the National Act which provides for the promotion of public awareness on causes, impact and consequences and means of prevention of sexual and gender based violence and protection of those subjected to in the Nairobi City County and for connected purpose.

VIII. Regarding to what she personally feels as important priorities in terms of the work ahead if appointed –

The nominee observed that the priorities includes but not limited to Resources allocation; ensure gender mainstreaming; have a gender desk and come up with programs for boy Child.

IX. Regarding to how she will help the Governor to achieve his vision and plans for Nairobi -

The nominee stated that she will focus on inclusivity and work closely with the Governor towards his vision of including everyone and have programme that include the minorities and stigmatized and ensure they all enjoy the County services.

X. With respect to her Net worth -

The nominee observed that her net worth is 39 million.

XI. With respect to dealing with Pressure from family and friends–

The nominee observed that she would act professionally and within the confines of the law while dealing with pressures from family and friends. Accordingly, she will rely on due procedure in dealing with friends and family should such arise and if there is an interest, she will disclose.

XII. Demonstrated adherence to ethics and integrity – presently under Chapter Six of the Constitution -

The nominee stated as follows -

- h) She has always been guided by integrity values throughout his life and in her 14 years of working no issues have been raised or pointed on indiscipline issues; and
- i) That she is straightforward, open, and ready to embrace any ideas presented to her.

XIII. With respect to Community Services she has participated in.

The nominee stated that she had participated in some charities and community development work in Mandera County and she has been Member of Board of various schools in Mandera County and has offered mentorship programs to over 1,500 girls in the community, mentored kids in schools, vulnerable children and orphans in the same County.

XIV. With respect to what residents of Nairobi expect from her should this Assembly approve her nomination

The nominee stated that

- a. As a Community Development and environmental expert she will use her operations experience in the gender and Inclusivity sector;
- b. Looks forward to see free Gender violence society especially with women;
- c. She stated that Gender inclusivity would be her priority regarding the stigmatization in the Society with respect to those with HIV; and
- d. She will ensure that the 3% gender requirements in the procurement process will be adhered to

XV. In regards the most money that she has ever managed at any one time and if she is up to the task of managing big funds such as a County departmental budget

The nominee stated that as a Chief Officer in Mandera County she handled budgets of the health services and Irrigation Development sectors and the highest budget was 2Billion which has prepared her to handle any amount of money.

Therefore, the Committee found the nominee suitable for appointment as Chief Officer of Gender and Inclusivity having met both the Constitutional and the statutory requirements.

4.0 OBSERVATIONS AND FINDINGS

The Committee having considered the nominees curriculum vitae and heard their oral submissions during the vetting exercise made the following observations and findings.

4.1 General Observations

The Committee having considered the nominees' filled Questionnaires pursuant to the Public Appointments (County Assemblies Approval) Act, 2017, their Curricula Vitae and having heard their oral submissions during the vetting exercise made the following observations:

THAT:-

1. The nominee satisfies the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that:-
 - a) The nominee has been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
 - b) The nominee has not been charged in a Court of Law.
 - c) The nominee does not exhibit a potential conflict of interest.

2. The nominees met the requirements of Section 35(3) (d) since he exhibited impressive knowledge of topical issues touching on the respective dockets and has the requisite abilities, qualifications and experience.

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

4.2 MS. JANET OMOLLO OPIATI - CHIEF OFFICER NOMINEE FOR THE PUBLIC SERVICE DEPARTMENT

- a) Was born on 10th September 1967;
- b) She is currently the External Director, County Assembly Service Board;
- c) She worked as Head of Human Resource in South Nyanza Sugar Company Limited (Sony Sugar) from October 2008 to October 2016;
- d) She worked as District Employment Officer at Ministry of Labour and Human Resource Development, Nakuru from June 2000 to October 2008;
- e) She worked as a Deputy District Employment Officer (DDEO) at Ministry of Labour and Human Resource Development, Nakuru from June 1993 to July 1994;
- f) She worked as an Administrative Assistant at Rift Valley Registrars, Nakuru, from January 1992 to May 1993;
- g) He taught at St. Sylvester Secondary School in Rarieda District from January 1987 to November 1987;
- h) The nominee holds a Bachelor of Arts in Social Work;
- i) She holds a Diploma in Human Resource Management from Kenya Institute of Management;
- j) She has attained K.A.C.E at Ogade Girls High School from 1985 – 1986;
- k) ~~S~~He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from state agencies as required;
- l) ~~S~~He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission

of Inquiry.

4.2 MS. MARYAM DUBOW DAHIR - CHIEF OFFICER NOMINEE FOR THE GENDER AND INCLUSIVITY SECTOR

- j) She was born on 20th November 1986;
- k) She worked as County Chief Officer for Irrigation Development – Mandera County Government from September 2018 to December 2020;
- l) She worked as County Chief Officer for Health Services – Mandera County from January 2013 to 2017;
- m) She worked for NAPAD as a Livelihood Manager, Mandera County from May 2013 to December 2013;
- n) She worked as a Programme Coordinator at ALDEF, Kenya from October 2011 to June 2013;
- o) She worked as a Project Officer at Handicap International from May 2011 to September 2011;
- p) She worked as a Project Officer, Empowerment - NONDO from June 2010 to April 2011;
- k) She holds a Master's in Public Policy Management from Strathmore University Business School;
- l) She holds a Masters of Environment Studies and Community Development from Kenyatta University;
- m) The nominee also holds a Bachelor of Environment Studies and Community Development from Kenyatta University;
- n) She has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation and other relevant clearances from state agencies as required;
- o) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry

5.0. RECOMMENDATIONS

Pursuant to Article 179(2) (b) of the Constitution, Section 45 of the County Governments Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 209 (f) of the Nairobi City County Assembly Standing Orders, the Committee recommends:-

THAT, this Assembly approves the following nominees for appointment by H.E. the Governor as Chief Officers in their respective Sectors as follows:-

- 1) Ms. Janet Omollo Opiati - Chief Officer, Public Service
- 2) Ms. Maryam Dubow Dahir - Chief Officer, Gender and Inclusivity

MINUTES OF THE 7TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE COMMITTEE (Vetting
of nominees) HELD ON THURSDAY, 22ND DECEMBER, 2022 AT COMMITTEE ROOM
11, ASSEMBLY FROM 10.30 AM

PRESENT

1. Hon. Allan Maina, MCA Chairperson
2. Hon. Wanjiru Kariuki, MCA Vice Chairperson
3. Hon. Joyce Kamau, MCA
4. Hon. Catherine Okoth, MCA
5. Hon. Jane Muasya, MCA
6. Hon. Nancy Mwaura, MCA
7. Hon. Oscar Lore, MCA
8. Hon. Thuo Fiunifu, MCA
9. Hon. Anthony Kimemia, MCA
10. Hon. Absalom Odhiambo, MCA
11. Hon. Joyce Lugonzo, MCA
12. Hon. Abass Khalif, MCA
13. Hon. Benter Obiero, MCA
14. Hon. Paul Mathu, MCA
15. Hon. Jane Musangi, MCA
16. Hon. Evans Nyangicha, MCA
17. Hon. Peter Maina, MCA
18. Hon. Paul Wachira, MCA
19. Hon. Simon Maina, MCA
20. Hon. Cicilia Njathi, MCA
21. Hon. Agnes Njeri, MCA
22. Hon. Farhiya Aden, MCA

ABSENT

1. Hon. Kennedy Odhiambo, MCA

SECRETARIAT

1. Ms. Mercy Riunga - Senior Clerk assistant
2. Mr. Abdi Mohammed – First Clerk Assistant

IN ATTENDANCE

1. Ms. Janet Omollo Opiati - Nominee for Public Service Sector
2. Ms. Maryam Dubow Dahir – Nominee for Gender and Inclusivity Sector

MIN. NO. 1/LSW/2022: PRELIMINARIES

The Chairperson called the meeting to order at 10.30 am and opened the meeting with a word of prayer. He informed Committee members present that the meeting had been convened so that the Committee can proceed and finalize vetting of the nominee for Public Service Sector and Gender and Inclusivity Sector respectively. He then invited the nominees, Ms. Janet Omollo Opiati, nominee for Public Service Sector and Ms. Maryam Dubow Dahir, nominee for Gender and Inclusivity Sector while under oath for vetting. Thereafter, introduction was done and agenda adopted as follows.

1. Preliminaries (*Prayers & adoption of the agenda*)
2. Vetting of the Chief Officers for Public Service and Gender & Inclusivity pursuant to Section 45 (1) (a) and (b) of the County Government Act, 2012 and the Public Appointments Act, 2017
3. Any other business
4. Adjournment

MIN. NO.2/LSW/2022:- VETTING OF NOMINEE FOR CHIEF OFFICER
NOMINEE FOR THE PUBLIC SERVICE SECTOR

1. Ms. Janet Omollo Opiati – Nominee for Public Service Sector

The nominee took the Committee through her curriculum vitae in the order outlined in the questionnaire provided for in the Public Appointments (County Assemblies Approval) Act, 2017 explaining as follows:

With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that;

- a) She was born on 10th September 1967;
- b) She is currently the External Director, County Assembly Service Board;
- c) She worked as Head of Human Resource in South Nyanza Sugar Company Limited (Sony Sugar) from October 2008 to October 2016;
- d) She worked as District Employment Officer at Ministry of Labour and Human Resource Development, Nakuru from June 2000 to October 2008;
- e) She worked as a Deputy District Employment Officer (DDEO) at Ministry of Labour and Human Resource Development, Nakuru from June 1993 to July 1994;
- f) She worked as an Administrative Assistant at Rift Valley Registrars, Nakuru, from

- g) She taught at St. Sylvester Secondary School in Rarieda District from January 1987 to November 1987
- h) The nominee holds a Bachelor of Arts in Social Work;
- i) She holds a Diploma in Human Resource Management from Kenya Institute of Management;
- j) She has attained K.A.C.E at Ogande Girls High School from 1985 – 1986
- k) She attained K.C.E at Nyakongo Girls High School from 1981 to 1984

In her response, Ms. Janet Omollo Opiati stated as follows:-

I. With respect to her suitability for the Position Nominated and why not in Kisumu County-

The nominee stated as follows –

That she:

- a. Has 12 years of experience in Ministry of Labour and Human Resource Development and 8 years as Head of Human Resource in South Nyanza Sugar Company Limited (Sony Sugar) which prepared her for the opportunity to serve in management level
- b. By the time she was applying for the position of Chief Officer for Public Service, Kisumu County had not advertised for the positions

II. Why she applied for the position nominated and understanding of the position -

The nominee observed that she has the capacity to undertake the task given bearing in mind that she has experience from the Public Service and has undergone several trainings locally and internationally regarding human resources and labour issues.

III. Regarding the functions of the County Public Service and the role of a Chief Officer in the sector

The nominee stated that the functions of the Chief Officer in the Public Service Sector is to deal with human resources issues in consultation with the County Executive Committee Member on all issues relating to human resources and those cross cutting other departments such as training, compensation, drafting and implementation of Sector's policies, running day to day work of the sector and works as the authorizing officer.

IV. With respect to Challenges she expects to meet in the docket, and how she will address them

The nominee stated that –

- a. She is a team player willing to give it all, time keeper and understands the public service issues
- b. She will improve the Performance Based Management to ensure every employee knows what is expected of them in their respective departments;
- c. Public Service as the mother of every organization, she will try to avail resources to ensure everybody performs in every sector.

V. Regarding navigating how she will harmonize the different terms and conditions in the Human Resources department and those under the SRC to ensure they are all productive -

The nominee stated that Salaries for Public Service are guided by SRC and it is a continuous involvement that will continue when she is appointed and will ensure the sector complies as per the law.

VI. How will you solve some of the challenges facing drafting and implementation of Public Service policies in the Sector and if she had any clear plans and timelines

She informed Members that the staff will be sensitized on issues that affect them and will be encouraged to participate in the change management and come up with the policies within the sector within a set timeline from the time the policies are drafted.

VII. In regard to how she will handle the huge wage bill and aged workforce-

She noted that the wage bill is regulated where there is some percentage that is supposed to be observed but it is a challenge because the employment rate is high. She stated that she will review the succession plan to check on the exit of staff retiring and check on the database as they exit.

VIII. Demonstrated adherence to ethics and integrity – presently under Chapter Six of the Constitution –

The nominee stated as follows -

pointed out in the Chapter six of the Constitution.

- b. She is a team player and that to exhibit integrity she will ensure there is public participation for people and also for sensitization purposes.

IX. With respect to her Net worth –

The nominee observed that her net worth is 22 million.

X. Regarding one of the critical challenges facing county on delay in remitting statutory deductions and payment of salaries-

The nominee mentioned that Revenue, Finance and Public Service sectors must work within timelines to ensure staff are facilitated with their salaries on time and that since it is an illegality not to remit statutory deductions every month therefore, performance contract will be reviewed through concrete conversations to ensure payments for employees are prioritized.

XI. With respect to dealing with staff welfare in terms of medical insurance and retirees -

The nominee observed that she would act professionally and within the confines of the law as speculated by the SRC regulations according to the job groups. Though she stated that the Procurement department while in the tendering process should ensure that the insurance company picked does not have variance on the medical services and should ensure it is a reliable medical services.

On the retirees, she pointed that a stock of the retirees should be taken and prioritize the payment starting with the staff that left first so that they are all paid and the vote be allocated in the budget and if the budget is not implemented, clear resolutions would be made on how the payments will be done.

Subsequently, she noted that it is ideal for the staff to be trained on investments when they get employed to prepare them for retirement.

XII. With respect to how she will relate with the Assembly Members in regards to oversight of the Public Service Sector.

The nominee stated that she will have an open communication with the legislators and will be ready to sort out the issues that will be raised accordingly.

Officer of Public Service having met both the Constitutional and the statutory requirements.

MIN. NO.3/LSW/2022:- VETTING OF NOMINEE FOR CHIEF OFFICER NOMINEE FOR THE GENDER AND INCLUSIVITY SECTOR

Ms. Maryam Dubow Dahir – Nominee for Gender and Inclusivity Sector

The nominee took the Committee through her curriculum vitae in the order outlined in the questionnaire provided for in the Public Appointments (County Assemblies Approval) Act, 2017 explaining as follows:

With respect to self-introduction, knowledge, experience and qualification, the nominee informed the committee that;

- a) She was born on 20th November 1986;
- b) She worked as County Chief Officer for Irrigation Development – Mandera County Government from September 2018 to December 2020;
- c) She worked as County Chief Officer for Health Services – Mandera County from January 2013 to 2017;
- d) She worked for NAPAD as a Livelihood Manager, Kenya/Somalia from May 2013 to December 2013;
- e) She worked as a Programme Coordinator at ALDEF, Kenya from October 2011 to June 2013;
- f) She worked as a Project Officer at Handicap International from May 2011 to September 2011;
- g) She worked as a Project Officer, Empowerment - NONDO from June 2010 to April 2011;
- a) She holds a Master's in Public Policy Management from Strathmore University Business School;
- b) She holds a Masters of Environment Studies and Community Development from Kenyatta University;
- c) The nominee also holds a Bachelor of Environment Studies and Community Development from Kenyatta University;

In her response, Ms. Maryam Dubow Dahir stated as follows:-

- I. With respect to his suitability for the Position Nominated -

That she:

- a. Has 10 years of experience in County Government as County Chief Officers for various Sectors and further worked in private Sector i.e. ALDEF, NEPAD and Handicap International where she was engaged with programs that catered for gender and inclusivity; and
- b. Has been involved in formulation of policies, developed sector budgets and department operations in the Mandera County and therefore will offer the expertise in the Gender and Inclusivity sector.

II. With respect to what she understands about the position that she applied for -

The nominee noted that she understands the same as provided for in the County Governments Act and that she is responsible for day to day running of the Sector and implementation of Sector policies.

III. Why she applied for the position nominated -

The nominee observed that she has the capacity to undertake the task given that she had 14 years' working experience in County Government and public sector.

IV. What relevant experience she will bring to the Gender & Inclusivity Sector -

The nominee observed that she has 10 years' experience while she worked with the Mandera County Government as a Chief Officer in various sectors and worked with various NGO's that dealt with gender issues.

V. With respect to the functions of the Gender & Inclusivity Sector -

The nominee stated that the functions amongst others include empowering the people with disabilities, the minorities, marginalized and genders that include men, women, boys and girls.

VI. With respect to Challenges she expects to meet in the docket, and how she will address them

The nominee stated that -

- d. That Sector is not fully devolved; and
- e. She will lobby for more allocation towards the Sector for effective service delivery.

VII. Regarding whether she is privy to any policies and legislation relating to the Gender docket –

The nominee noted that she is aware there is the Nairobi City County Sexual and Gender based Violence Management and Control Bill, 2021. Moreover, she was privy to the National Act which provides for the promotion of public awareness on causes, impact and consequences and means of prevention of sexual and gender based violence and protection of those subjected to in the Nairobi City County and for connected purpose.

VIII. Regarding to what she personally feels as important priorities in terms of the work ahead if appointed –

The nominee observed that the priorities includes but not limited to Resources allocation; ensure gender mainstreaming; have a gender desk and come up with programs for boy Child.

IX. Regarding to how she will help the Governor to achieve his vision and plans for Nairobi -

The nominee stated that she will focus on inclusivity and work closely with the Governor towards his vision of including everyone and have programme that include the minorities and stigmatized and ensure they all enjoy the County services.

X. With respect to her Net worth -

The nominee observed that her net worth is 39 million.

XI. With respect to dealing with Pressure from family and friends–

The nominee observed that she would act professionally and within the confines of the law while dealing with pressures from family and friends. Accordingly, she will rely on due procedure in dealing with friends and family should such arise and if there is an interest, she will disclose.

XII. Demonstrated adherence to ethics and integrity – presently under Chapter Six of the Constitution -

The nominee stated as follows -

her 14 years of working no issues have been raised or pointed on indiscipline issues; and

- i) That she is straightforward, open, and ready to embrace any ideas presented to her.

XIII. With respect to Community Services she has participated in.

The nominee stated that she had participated in some charities and community development work in Mandera County and she has been Member of Board of various schools in Mandera County and has offered mentorship programs to over 1,500 girls in the community, mentored kids in schools, vulnerable children and orphans in the same County.

XIV. With respect to what residents of Nairobi expect from her should this Assembly approve her nomination

The nominee stated that

- a. As a Community Development and environmental expert she will use her operations experience in the gender and Inclusivity sector;
- b. Looks forward to see free Gender violence society especially with women;
- c. She stated that Gender inclusivity would be her priority regarding the stigmatization in the Society with respect to those with HIV; and
- d. She will ensure that the 3% gender requirements in the procurement process will be adhered to

XV. In regards the most money that she has ever managed at any one time and if she is up to the task of managing big funds such as a County departmental budget

The nominee stated that as a Chief Officer in Mandera County she handled budgets of the health services and Irrigation Development sectors and the highest budget was 2Billion which has prepared her to handle any amount of money.

Therefore, the Committee found the nominee suitable for appointment as Chief Officer of Gender and Inclusivity having met both the Constitutional and the statutory requirements.

In Conclusion the nominees thanked the Members for the


MIN. NO ~~019~~⁰¹⁴/LSW/2022: - MATTERS ARISING

There were no matters arising

MIN. NO ~~019~~⁰¹⁵/LSW/2022: - A.O.B & ADJOURNMENT

The Chairperson thanked Members for their incisive contributions during the vetting exercise especially on the questions raised. He also invited the nominees in the respective sessions to give their remarks of which they thanked the Committee for the warm welcome and professionalism in the vetting process and were hopeful that they will be considered and approved for the positions vetted. Thereafter, the Chairman together with the Members wished the nominee good luck and promised to give them support in their oversight and legislation work if approved in their respective sectors.

There being no other business for the day, the meeting was adjourned at fifteen minutes to one O'clock.

SIGNATURE..... 

For. (Chairperson)

DATE 23rd Dec, 2022