

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)



21ST MAY 2024

NCCA/TJ/PL/2024(19)

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

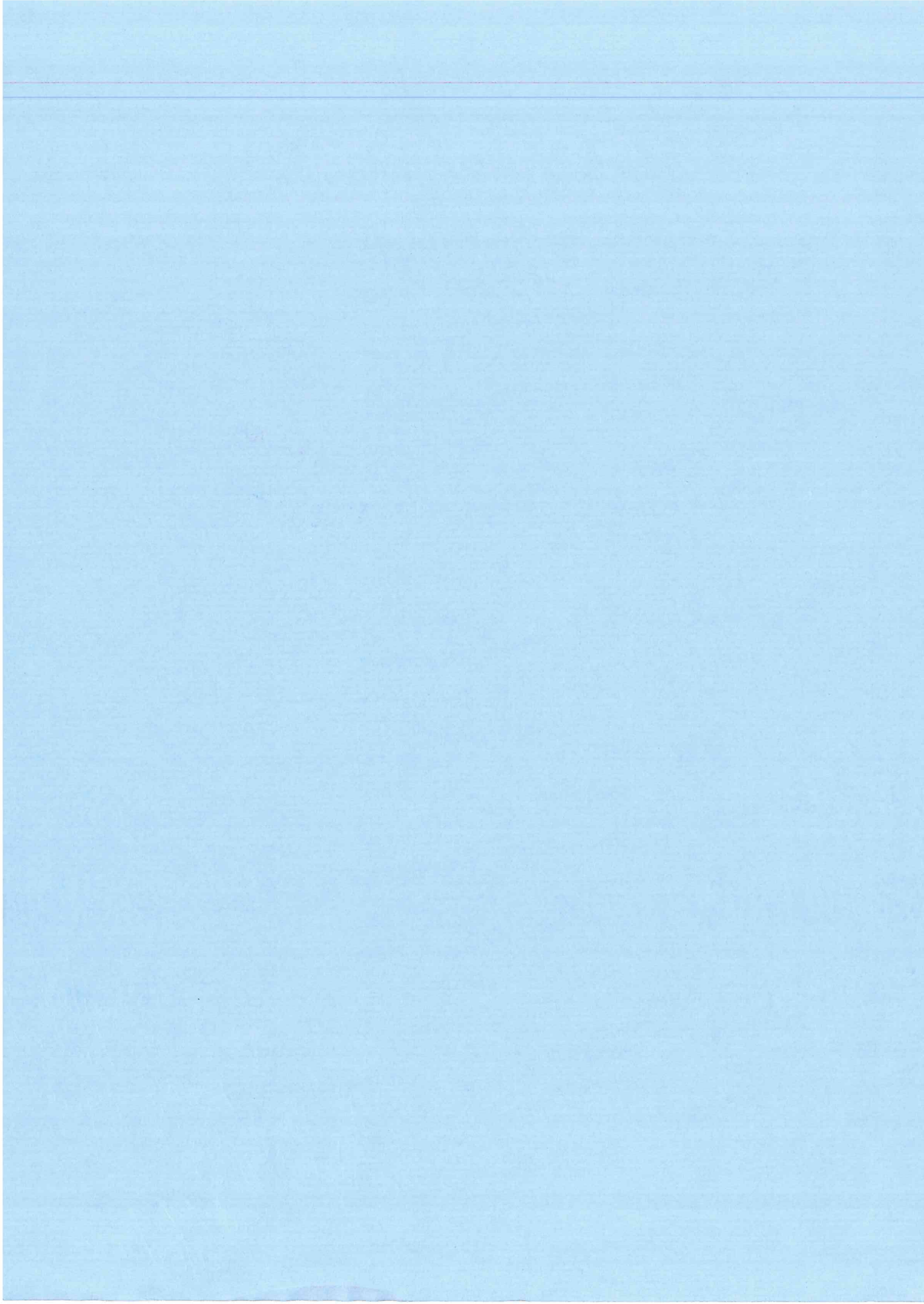
Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017; and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21st May 2024:

— THE REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON VETTING OF CHIEF OFFICER NOMINEE FOR FOOD, AGRICULTURE AND NATURAL RESOURCES.

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

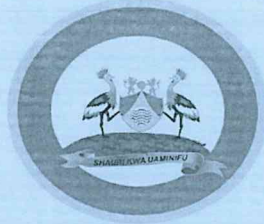
Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

*Paper laid on 21/05/24
by Hon. Emmy Mbatia
MCA (Chairperson
Committee)*
Emmy Mbatia
21/05/2024



NCCA/TJ/NTC/2024(4)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION)

21st May 2024



NOTICE OF MOTION

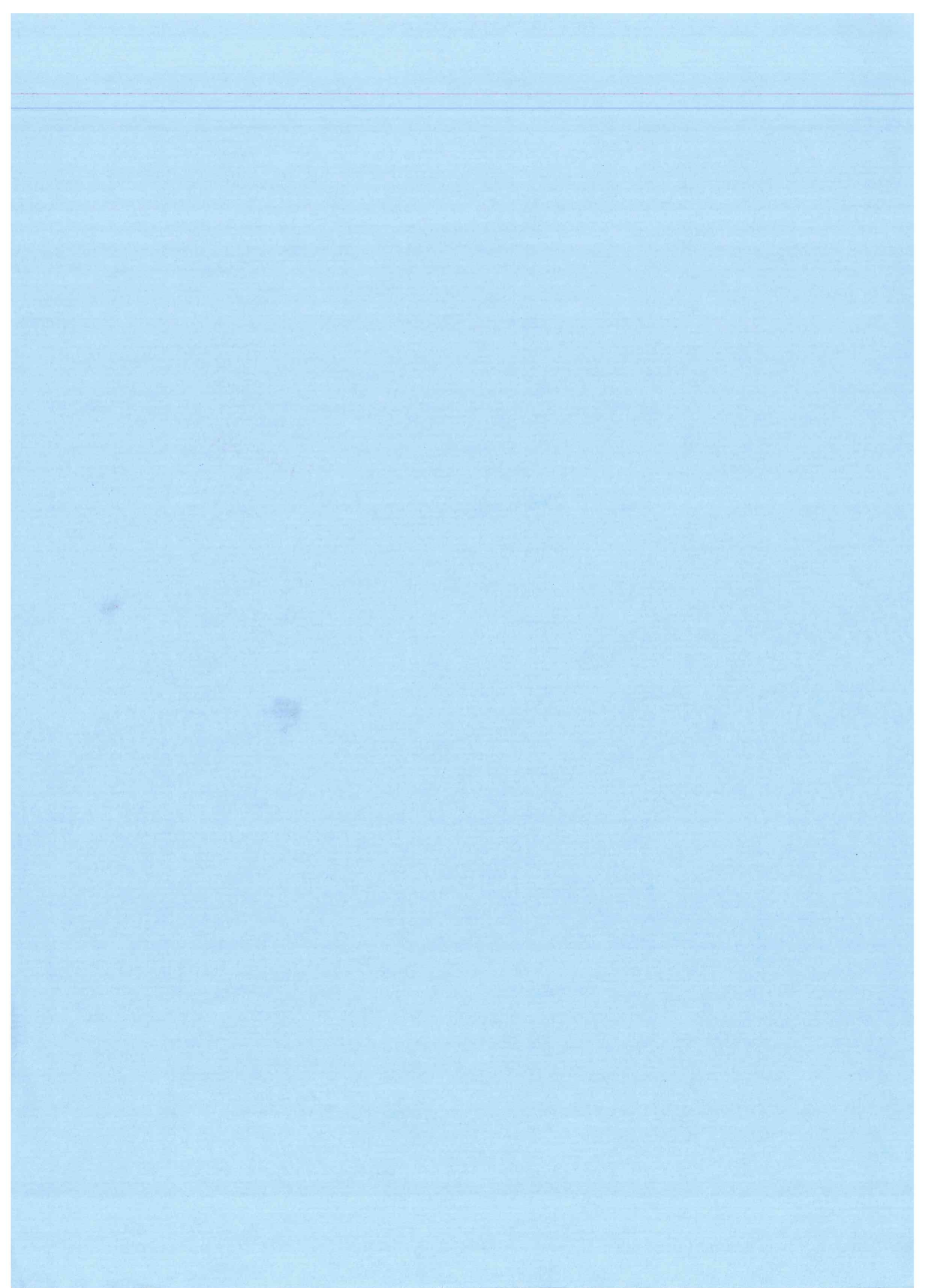
Subject: Adoption of report of a Committee

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

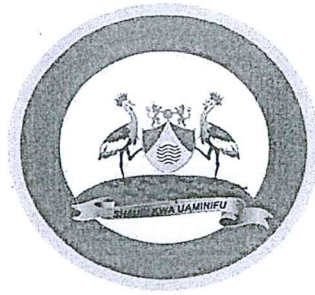
THAT, taking into consideration the findings of the Sectoral Committee on Agriculture, Livestock and Fisheries in its Report on the *Vetting of Nominee for Approval as Chief Officer*, laid on the Table of the Assembly on Tuesday, 21st May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012; Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017; and Standing Order 48 (4) and 209(6)(f), this Assembly **approves** the appointment of Gladwell Cheruiyot as Chief Officer for Food, Agriculture and Natural Resources.

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

Wahne Cheruiyot
21/05/2024
[Signature]
21/05/2024



COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION

REPORT

OF THE SECTORAL
COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES
ON

W. KENNEDY NG'ONDI
S.P.F. MEMBER
21 MAY 2024
NAIROBI CITY COUNTY ASSEMBLY
P.O. BOX 45844 - 00100, NAIROBI

THE VETTING OF CHIEF OFFICER NOMINEE FOR FOOD,
AGRICULTURE AND NATURAL RESOURCES

Clerk's Chambers
City Hall Buildings
NAIROBI

MAY, 2024

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 - 2) Higher Education Loans Board
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 - 1) Ms. Gladwell Jesire Cheruiyot
- (iv) **Annexure (4) – Correspondences**
 - 1) Ethics and Anti-Corruption Commission

1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Agriculture Livestock and Fisheries 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 agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries, animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals.

1.2 Committee Membership

Hon. Speaker,

The Committee on Agriculture Livestock and Fisheries was constituted by the Assembly on 27th October, 2022 comprising of the following Members:-

1. **Hon. Anthony Ngaruiya Jasho, MCA – Chairperson**
2. **Hon. Emmy Khatemeshi, MCA – Vice-Chairperson**
3. Hon. Peter Imwatok, MCA
4. Hon. Anthony Kiragu, MCA

5. Hon. Mark Mugambi, MCA

6. Hon. Chege Mwaura, MCA
7. Hon. Robert Mbatia, MCA
8. Hon. Hashim Kamau, MCA
9. Hon. Malyun Abdi, MCA
10. Hon. Scolastica Muthoni, MCA
11. Hon. Joel Munuve, MCA
12. Hon. Samson Ochieng Jera, MCA
13. Hon. Joyce Lugonzo, MCA
14. Hon. Eutyclus Mukiri, MCA
15. Hon. Robert Alai, MCA
16. Hon. Naomi Kerubo, MCA
17. Hon. Emily Oduor, MCA
18. Hon. John Rex Omolleh, MCA
19. Hon. Martin Mbugua Mwangi, MCA
20. Hon. Chris Mtumishiss, MCA
21. Hon. Martin Wairobi, MCA
22. Hon. Mark Thiga, MCA
23. Hon. Beatrice Wandai, 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. Arthur Johnson Sakaja** vide a letter dated 16th April, 2024 forwarded to the Speaker of the Nairobi City County Assembly, the name of **Ms. Gladwell Jesire Cheruiyot** for vetting and approval by the County Assembly for appointment as Chief Officer responsible for **Food Agriculture and Natural Resources**.

1.4 Committal to Committee on Agriculture Livestock and Fisheries

Hon. Speaker,

Pursuant to Standing Order 43(1), on 17th April, 2024 the Honorable Speaker informed the Assembly that he had received the notification of the Chief Officer nominations. The notification of one (1) nomination for the Food Agriculture and Natural Resources was therefore referred to the Sectoral Committee on Agriculture Livestock and Fisheries for vetting and reporting to the Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 (*hereinafter referred to as "the Act"*).

Subsequently, the Clerk of the County Assembly placed an advertisement in the in the local dailies, specifically the Daily Nation Newspaper on Tuesday 23rd April, 2024, 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.

1.5 Committee Meetings

Hon. Speaker,

The nominee appeared before the Committee on Monday 6th May 2024 and was vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on her suitability for appointment to the position of Chief Officer. In total, the Committee held two Sittings in consideration of this matter.

1.6 Acknowledgement

Hon. Speaker,

May 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 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 appointment to the position of Chief Officer for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

Signed 

Hon. Anthony Ngaruiya, MCA
(Chairperson)
Sectoral Committee on Agriculture Livestock and Fisheries

Dated this  day of  2024

2.0. BACKGROUND

2.1 Mandate of the Sectoral Committee on Health Services

The Sectoral Committee on Agriculture Livestock and Fisheries 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. Arthur Johnson 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 Nominee

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 15th April, 2024, 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. Arthur Johnson Sakaja had nominated one nominee to be considered for approval by the County Assembly for appointment as Chief Officer of the Food, Agriculture and Natural Resources.

On Wednesday, 17th April, 2024, the Honourable Speaker in a Message to the Assembly informed the Assembly that his office had received the names of the nominees, and directed that the names of the said nominees be referred to the relevant Sectoral Committees 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 Daily Nation Newspaper on Tuesday 23rd April, 2024 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees. At the close of business on Tuesday 30th April, 2024, no memoranda contesting the suitability of the nominees 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 Agriculture Livestock and Natural Resources to conduct the vetting and approval hearing of the nominee on Monday, 6th May, 2024.

2.4 Clearance Requirements

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

- a) Kenya Revenue Authority (KRA)
- b) Criminal Investigation Department (CID)
- c) Higher Education Loans Board (HELB)
- d) Credit Reference Bureau (CRB) and
- e) The Ethics and Anti-Corruption Commission (EACC)

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

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

The nominee 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)

3.0 VETTING OF THE CHIEF OFFICER NOMINEE

In conducting the vetting process, the Sectoral Committee on Health Services 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 Monday, 6th May, 2024, at 10.00am, at the Committee Room 11, Assembly Precincts, City Hall Buildings, the Committee conducted face to face interview for the Food, Agriculture and Natural Resources nominee. The minutes of the vetting proceedings are attached to this report.

3.1 APPEARANCE BEFORE THE COMMITTEE BY MS. GLADWELL JESIRE CHERUIYOT- NOMINEE FOR FOOD, AGRICULTURE AND NATURAL RESOURCES

The nominee for Food, Agriculture and Natural Resources, Ms. Gladwell Jesire Cheruiyot appeared before the Committee on Monday, 6th May, 2024 at 10.00am and was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 the Committee 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 Tuesday 30th April, 2024.

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

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

- a) She was born on 4th September 1974;
- b) The nominee also holds a Bachelor of Art in Criminology and Security Studies from Kisii University;
- c) She attained Diploma in Pharmacy from Kenya Medical Training College;
- d) The nominee previously worked as pharmaceutical Technologist at Ministry of Health from 2003 – 2016 and Member of Parliament from 2017-2022.

B. In response to questions put to her by Members of the Committee, Ms. Gladwell Jesire Cheruiyot stated as follows:-

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

The nominee stated as follows –

That she:

- a. Has 13 years of experience in Pharmaceutical technology and given a chance she would improve availability of food in the County through introducing different agricultural practices to increase food in the County ;

II. Why he applied for the position nominated -

The nominee observed that;

- a. That she has capacity to undertake the task given his experience in the public sector; and
- b. She has desire to serve the people of Nairobi.
- c. To build herself with the expertise that she has acquired

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

The nominee stated that –

- a. She will work hand in hand with the Committee to make sure that she learns from Members experiences in order to serve Nairobians.

IV. Regarding navigating the relationship between herself and Members of the County Assembly if appointed-

The nominee stated that she would cultivate a close working relationship with the CEC, staff, Members of the Assembly generally and all stakeholders based on cordiality and an open communications channel, she will be a team player and will be available at all times.

IV. With respect to legislative support he sees as priority in her docket which she would want the Assembly to consider going forward -

The nominee noted that -

- a. She respects the role of the County Assembly to oversight, make laws and approve policy and plans.
- b. If there are matters which require legislation, she would look at the gaps and seek support accordingly from the Assembly.

V. With respect to structuring of oversight process to avoid conflicts between the Assemblies, the Sector –

The nominee informed the Committee that she would strive to promote cordial working relations to ensure delivery on his mandate and the Assembly's expectations and mandates. She pointed out that her major priority is to ensure that the Governor's manifesto is achieved.

VI. With respect to his Net worth -

The nominee informed the Committee that her net worth is 250 million.

VII. 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 in dealing with pressures. Accordingly, she would rely on due procedure in dealing with friends should such arise and if there is interest, she would disclose.

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 values throughout his life and in his 15 years of working no issues have been raised or pointed on indiscipline issues
- b. That she is straight forward and open and ready to embrace any ideas presented to him
- c. That she is aware of cartels that have been mentioned and mentioned that to deal with the cartels he will identify the loopholes that led to creation of the behavior, expose them and look for way forward and will have to collaborate with the Committee.

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

The nominee stated that

- a. She will work as expected and ensure she delivers the services to the residents under her docket by getting clear functions, roles and responsibilities.
- b. Looks forward to see agricultural extension services reach residents and ensure they can access the services at any time
- c. She stated that she was familiar with the 2030 Vision and will put effort to align the pillars of the President and Governor's manifesto to achieve the set goals

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

The Committee having considered the nominee's 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 nominees satisfy 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 have 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 nominee met the requirements of Section 35(3) (d) since they exhibited impressive knowledge of topical issues touching on the respective dockets and have the requisite abilities, qualifications and experience.

6.0. RECOMMENDATIONS

Pursuant to Article 179(2) (b) of the Constitution, Section 35 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 **Ms. Gladwell Jesire Cheruiyot** for appointment by H.E. the Governor as Chief Officer for Food Agriculture and Natural Resources

