

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)

NCCA
APPROVED
15 MAY 2024
Sign: *[Signature]*
SPEAKER
21ST MAY 2024

NCCA/TJ/PL/2024(21)

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

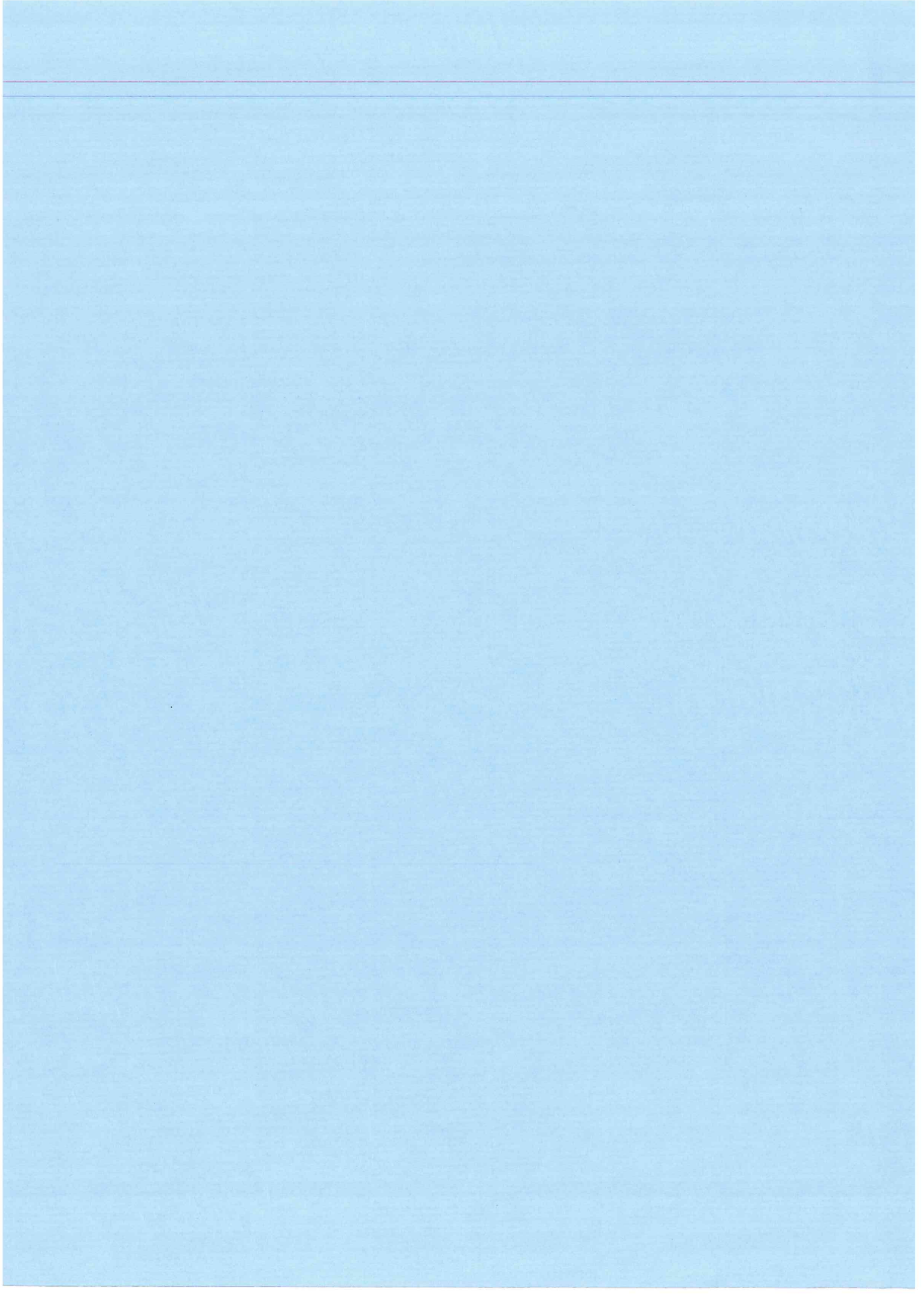
Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017; and Standing Orders 48(4) and 209 (6) (f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21st May 2024:

- **THE REPORT OF THE SECTORAL COMMITTEE ON ENERGY, INFORMATION, COMMUNICATION AND TECHNOLOGY ON VETTING OF CHIEF OFFICER NOMINEE FOR DIGITAL ECONOMY AND START-UPS.**

(Chairperson, Sectoral Committee on Energy and ICT)

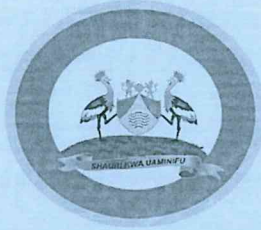
Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

*Paper laid on 21/05/2024
by Hon. Robert Alan
C.V. chairperson Energy, ICT
21/05/2024*



NCCA/TJ/NTC/2024(6)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION)

21st May 2024



NOTICE OF MOTION

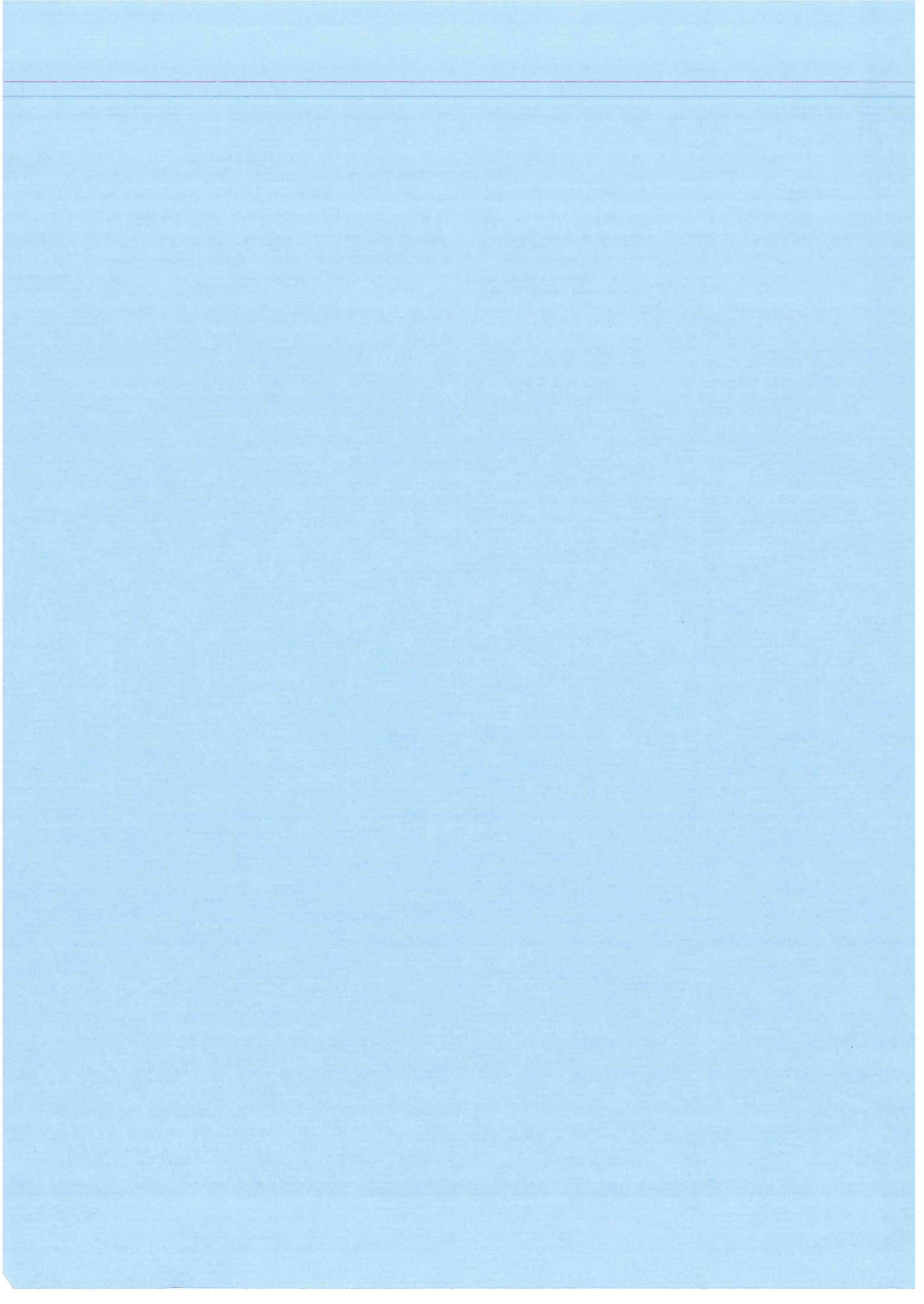
Subject: Adoption of report of a Committee

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

THAT, taking into consideration the findings of the Sectoral Committee on Energy, Information, Communications and Technology 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 David Sande Oyolo Alukhome as Chief Officer for Digital Economy and Start-ups.

(Chairperson, Sectoral Committee on ICT and Energy)

Notice given on
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 ENERGY, INFORMATION, COMMUNICATION AND
TECHNOLOGY
ON

THE VETTING OF A NOMINEE FOR APPOINTMENT OF CHIEF OFFICER FOR
DIGITAL ECONOMY AND START - UPS SUB- SECTOR

Clerk's Chambers
City Hall Buildings
NAIROBI

MAY, 2024

TABLE OF CONTENTS

| | |
|---|----|
| 1.0. PREFACE..... | 3 |
| 1.1 COMMITTEE MANDATE..... | 3 |
| 1.2 COMMITTEE MEMBERSHIP..... | 3 |
| 1.3 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR..... | 4 |
| 1.4 COMMITTAL TO COMMITTEE..... | 4 |
| 1.5 COMMITTEE MEETINGS..... | 5 |
| 1.6 ACKNOWLEDGEMENT..... | 5 |
| 2.0. BACKGROUND..... | 7 |
| 2.1 ESTABLISHMENT..... | 7 |
| 2.2 APPOINTMENT PROCESS | 7 |
| 2.3 NOTIFICATION TO THE PUBLIC | 8 |
| 2.4 CLEARANCEREQUIREMENTS | 8 |
| 3.0VETTING OF CHIEF OFFICERS NOMINEES..... | 9 |
| 3.1 APPEARANCE BEFORE THE COMMITTEE | 9 |
| 4.0COMMITTEE'S OBSERVATIONS&FINDINGS | 13 |
| 5.0RECOMMENDATIONS..... | 15 |

ANNEXES

(i) Annexure (1)–Clearance Certificates

- 1) Kenya Revenue Authority
- 2) Higher Education Loans Board
- 3) Ethics and Anti-Corruption Commission
- 4) Police Clearance Certificate

(ii) Annexure (2)

- 1) Minutes

(iii) Annexure (3) – Curricula Vitae

- 1) Mr. David Sande Oyolo Alukhome

(iv) Annexure (4) – Correspondences

- 1) Filled Questionnaire

1.0. PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Energy, Information, Communication and Technology is established under Standing Order No. 209 (1). Its mandate pursuant to Standing Order 209 (6) is to:-

- 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 programme 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 202 (Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

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. Fredrick Njogu, MCA – Chairperson.
2. Hon. Robert Alai, MCA – Vice Chairperson.
3. Hon. Stazo Omung'ala, MCA – Deputy Majority Whip.
4. Hon. Malyun Abdi, MCA –First Panel Member.
5. Hon. Anthony Kimemia, MCA – Second Panel Member.
6. Hon. Diana Katile, MCA – Fourth Panel Member.
7. Hon. Musango Maithya, MCA
8. Hon. Roseemary Masitsa, MCA

9. Hon. Dabar Ahmed Qadar, MCA
10. Hon. Stephen Ndegwa, MCA
11. Hon. Oscar Lore, MCA
12. Hon. Ami Perez, MCA
13. Hon. Shadrack Machanje, MCA
14. Hon. Hamisi Maleya, MCA
15. Hon. Jane Wanjiru, MCA
16. Hon. Grace Muigai, MCA
17. Hon. Brian Itenya, MCA
18. Hon. Eutyclus Mukiri, MCA
19. Hon. Jeremiah Themendu, MCA
20. Hon. Mark Thiga, MCA
21. Hon. Simon Mugo, MCA
22. Hon Carrington Heho, MCA
23. Hon Joyce Kamau, MCA

Committee secretariat

1. Mr. Joseph Njuguna - Senior Clerk Assistant
2. Ms. Mercy Murero - Second Clerk Assistant

1.3 Message from His Excellency the Governor

Hon. Speaker,

Pursuant to Section 45 of the County Governments Act, 2012, H.E. the Governor, Hon. Johson Arthur Sakaja vide a communication to the Assembly by the Speaker of the Nairobi City County Assembly on Wednesday 17th April, 2024, the name of the nominee for vetting by the Sectoral Committees and consideration for approval by the County Assembly for appointment as Chief Officer responsible for Digital Economy and Start- Ups Sub- Sector as follows:-

| NO | NAME OF NOMINEE | SUB -SECTOR |
|----|--------------------------------|---------------------------------|
| 1. | Mr. David Sande Oyolo Alukhome | Digital Economy and Start - Ups |

1.4 Committal to Committee on Energy, Information, Communication and Technology

Hon. Speaker,

Pursuant to Standing Order 45, the Honorable Speaker informed the Assembly on Wednesday 17th April, 2024 that he had received the notification of the

nomination. The nomination of nominees was therefore referred to the Sectoral Committees on 17th April, 2024 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 local dailies, specifically the Daily Nation Newspaper of Tuesday 23rd April, 2024, inviting the nominees for vetting before the Assembly Sectoral Committee on Energy, Information, Communication and Technology on Monday 6th May, 2024 from 10.00am at the County Assembly Committee room 8. The advertisement as well invited 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 his suitability for appointment to the position of Chief Officer for the Digital Economy and Start - Ups Sub- Sector. In total, the Committee held six 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 services they offered. 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 Energy, Information, Communication and Technology, 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 to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

Signed

Hon. Fredrick Njogu, MCA (Chairperson)

Sectoral Committee on Energy, Information, Communication and Technology

Dated this 15thday of May 2024.

2.0. BACKGROUND

2.1 Establishment of the Sectoral Committee on Energy, Information, Communication and Technology

The Sectoral Committee on Energy, Information, Communication and Technology is one of the Sectoral Committees established under Standing Order No. 209 with the mandate to consider, for approval by the County Assembly, section 45 of the County Governments Act, 2012. The Section requires H.E. the Governor of Nairobi City County, Hon. Johnson Arthur Sakaja to nominate 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 that “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 County Chief Officer Nominee

Section 45 of the County Governments Act, 2012, provide for the Governor’s power to appoint Members of the County Chief Officers, with the approval of the Assembly, from among persons who are not members of the County Assembly.

A message to the Assembly from the Office of the Governor dated 16th 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. Johnson Arthur Sakaja had nominated one nominee to be considered for approval by the County Assembly for appointment as County Chief Officer responsible for the Digital Economy and Start -Ups Sub- Sector.

On Wednesday 17th April, 2024, the Honourable Speaker in a Message to the Assembly informed the Assembly that his office had received the name of the nominee, and directed that the name of the said nominee be referred to the Sectoral Committee on Energy, Information, Communication and Technology

for vetting and reporting to the Assembly pursuant to Standing Order 209 (6) 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 (10) of the Public Appointments (County Assemblies Approval) Act, 2017 respectively provides that-, *“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”* and *“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”*.

Pursuant to the above provisions of the law, the Clerk of the County Assembly placed an advertisement in the local dailies, specifically the Daily Nation Newspaper on Tuesday 23rd May, 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 May, 2024, no memoranda contesting the suitability of the nominee had been received from the public.

In accordance with the provisions of 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 Energy, Information, Communication and Technology to conduct the vetting and approval hearing of the nominee on Monday, 6th May, 2024 from 10:00 am at the County Assembly Committee Room 8.

2.4 Clearance Requirements

To ensure compliance with the provisions of Chapter 6 of the Constitution, the nominee was asked to submit his 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 nominee on: -

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

3.0 VETTING OF COUNTY CHIEF OFFICERS NOMINEES

In conducting the vetting process, the Sectoral Committee on Energy, Information, Communication and Technology 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 Sitting held on Monday, 6th May, 2024 at Assembly's Committee Room 8, City Hall Buildings from 10:00am, the Committee conducted face to face interviews of the nominee. The minutes of the vetting proceedings are attached to this report.

3.1 APPEARANCE BEFORE THE COMMITTEE BY MR. DAVID SANDE OYOLO ALUKHOME - CHIEF OFFICER NOMINEE FOR DIGITAL ECONOMY AND START – UPS SUB - SECTOR

The Chief Officer nominee for the Digital Economy and Start - Ups Sub-Sector, Mr. David Sande Oyolo Alukhome, appeared before the Committee on Monday, 6th May, 2024 at 10.00 am 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 invited submissions from the

Public on his suitability or otherwise for appointment to public office, and none had been received by close of business on 30th April, 2024.

While under oath, he 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 he was born on 1st April 1969 and;

- a) He is currently serving as the County Liaison Manager in the UDA Party.
- b) He is currently undertaking a Master of Science in Health Systems Management, Kenya Methodist University.
- c) He holds a Degree of Bachelor of Arts and Social Sciences (major Social works) from Catholic University of East Africa.
- d) He possesses a Diploma in Bible Theology and Missiology from Nairobi Great Commission School, Karen.
- e) He further possesses a Certificate on Training of Trainers Programme in Leadership from Uganda Management Institute.
- f) Attended other professional courses at various institutions, as well as seminars and workshops and attained Certificates.
- g) The nominee previously worked as;

- UDA Kakamega County Coordinator on Membership recruitment,
- Governance Director at Lamu's Safari Doctor (2020-2022),
- Regional Director (African Office) Stragram Global Consultancy for Governance, Leadership, Public Relations and Communications Expertise (2017),
- Senior Research Officer, Office of the Majority Chief Whip at National Assembly of Kenya (2017-2020), and
- Deputy National Chairman (Internal Programs Committee), Centre for Multi- Party Democracy.

3.1.2 With respect to his discussion with the Committee on his educational qualifications

The nominee informed the Committee as follows;-

- a) He is currently undertaking a Master of Science in Health Systems Management, Kenya Methodist University.
- b) He holds a Degree of Bachelor of Arts and Social Sciences (major Social works) from Catholic University of East Africa.

c) He possesses a Diploma in Bible Theology and Missiology from Nairobi Great Commission School, Karen.

d) He further possesses a Certificate on Training of Trainers Programme in Leadership from Uganda Management Institute.

3.1.3 With respect to his suitability for the Position Nominated -

The nominee stated as follows ;-

That he:

- a. Had very good training and knowledge in Digital Economy and Start – Ups issues having undertaken a degree course in Arts and Social Sciences and currently undertaking a master's of Science in Health Systems Management.
- b. Has done worked with various institutions the experiences have given him on job training that is most relevant to serve in the Digital Economy and Start- Up Sub- Sector.
- c. Overall, experience and technical knowledge demonstrated will suffice in position nominated.

3.1.4 With respect to why he applied for the position nominated and what interested him most about the position-

The nominee informed the committee as follows;-

- a. He had previously applied for the position of Chief Officer during the last recruitments done on December 2022 and never succeeded and still had the passion to serve the public in the position of a Chief Officer and hence he applied for the position of which he finally got nominated.
- b. He has many years of experience in management and that he has management skills from his work experience.
- c. He has developed public relations and customer care skills from the experience from the bank where he interacted with people of various background
- d. He had an urge to serve the County and a passion to serving the public in the Sector.

3.1.5 With respect to concrete steps he will take to help the Governor achieve his vision and plans for Nairobi within the sector if appointed

The nominee informed the committee as follows;-

He would work closely with the other officers in the County Government to make sure that all the Governor's plans subjected to his sector are fully implemented and would also work closely and in consultation with the County Executive Committee Members, the Chief Officers and County Assembly Members to ensure that all the Sub-Sector's legislations are fully implemented and runs smoothly.

3.1.6 With respect to how he will relate with the County Executive Committee Members (CECs) and the other Chief Officers to ensure that the County Government respects its Constitutional mandate and delivers services to Wananchi.

The nominee informed the committee as follows;-

He will be working closely with the other Chief Officers and the County Executive Committee Members as Digital Economy has cross cutting mandates across all the other sectors in terms of data and connectivity and hence would be working as well in consultation with the other Officers.

3.1.7 With respect to how he would solve some of the challenges facing the Sub-sector and whether he had any clear plans and timelines on remedial measures

The nominee stated as follows;-

Lack of awareness by the public is a major hindrance to implementation of policies and that he would carry out civic education to sensitize the public through the available means on the presence of the policies and their objectives as well as formulating new legislations in order to strengthen implementation of the enacted laws.

3.1.8 With respect to Navigating the relationship between himself and Members of the County Assembly if appointed –

The nominee informed the Committee as follows -

a) He will learn on the workings of the County Assembly and have proper sessions with the Members of the County Assembly and Assembly Committees to build a good rapport. That he would consult the Committee from time to time where necessary.

b) He will ensure the Sector works closely with the Assembly in delivery of its mandates by listening to the issues that may crop-up in the Sector.

He assured the Committee of his availability to attend to issues of the Sector when called upon.

c) The Nominee stated if given the opportunity he would provide the necessary document to ensure the County Assembly undertaken its oversight, representation and legislation role. He cited the Bursary Fund which was key for the Members

3.1.9 With respect to whether he has ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution and whether he has ever been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties -

Nominee informed the Committee that;—

He has never been dismissed or removed from office for contravention of any law nor has he been adversely mentioned or associated with any ill activities or will.

3.1.10 With respect to handling pressure from the political environment and how best do to cope, once appointed -

The nominee informed the Committee as follows;-

That his availability will be paramount and at any time if any assistance will be required he will be willing to assist. That he was privy to provisions of chapter six of the Constitution of Kenya and has no conflict of interest; and that he upholds and will uphold the financial integrity, moral authority and code of conduct for the position.

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

The Committee having considered the nominee curriculum vitae and heard his 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, his Curricula Vitae and having heard his oral submissions during the vetting exercise made the following observations:

THAT: -

1. the nominee (Mr. David Sande Oyolo Alukhome) 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 nominees have been cleared by Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
 - b) The nominee has never been charged in a Court of Law.
 - c) The nominee does not exhibit a potential conflict of interest. and
 - d) The nominee meets the requirements of Section 35 (3) (d) since he exhibited knowledge of topical and current issues touching on the respective docket and has the requisite abilities, qualifications and experience.

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

4.2 MR. DAVID SANDE OYOLO ALUKHOME - NOMINEE FOR THE CHIEF OFFICER FOR DIGITAL ECONOMY AND START - UPS SUB- SECTOR

- a) He is currently serving as the County Liaison Manager in the UDA Party.
- b) He is currently undertaking a Master of Science in Health Systems Management, Kenya Methodist University.
- c) He holds a Degree of Bachelor of Arts and Social Sciences (major Social works) from Catholic University of East Africa.
- d) He possesses a Diploma in Bible Theology and Missiology from Nairobi Great Commission School, Karen.
- e) He further possesses a Certificate on Training of Trainers Programme in Leadership from Uganda Management Institute.
- f) Attended other professional courses at various institutions, as well as seminars and workshops and attained Certificates.

g) The nominee previously worked as;

- UDA Kakamega County Coordinator on Membership recruitment,
- Governance Director at Lamu's Safari Doctor (2020-2022),
- Regional Director (African Office) Stragram Global Consultancy for Governance, Leadership, Public Relations and Communications Expertise (2017),
- Senior Research Officer, Office of the Majority Chief Whip at National Assembly of Kenya (2017-2020), and
- Deputy National Chairman (Internal Programs Committee), Centre for Multi- Party Democracy.

h) 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. and

i) 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.

In view of the above, the Committee found the nominee suitable and qualified for appointment as the Chief Officer for Digital Economy and Start – Ups Sub - Sector.

5.0. COMMITTEE'S RECOMMENDATIONS

Pursuant to Section 45 (1) (a) and (b) of the County Governments Act, 2012, Section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 209 (6) of the Nairobi City County Assembly Standing Orders, the Sectoral Committee on Energy, Information, Communication and Technology recommends;

That, this Assembly approves Mr. David Sande Oyolo Alukhome for appointment by His Excellency the Governor as the Chief Officer for Digital Economy and Start – Ups Sub- Sector, Nairobi City County.

