

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)



NCCA/TJ/PL/2024(23)

21ST MAY 2024

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

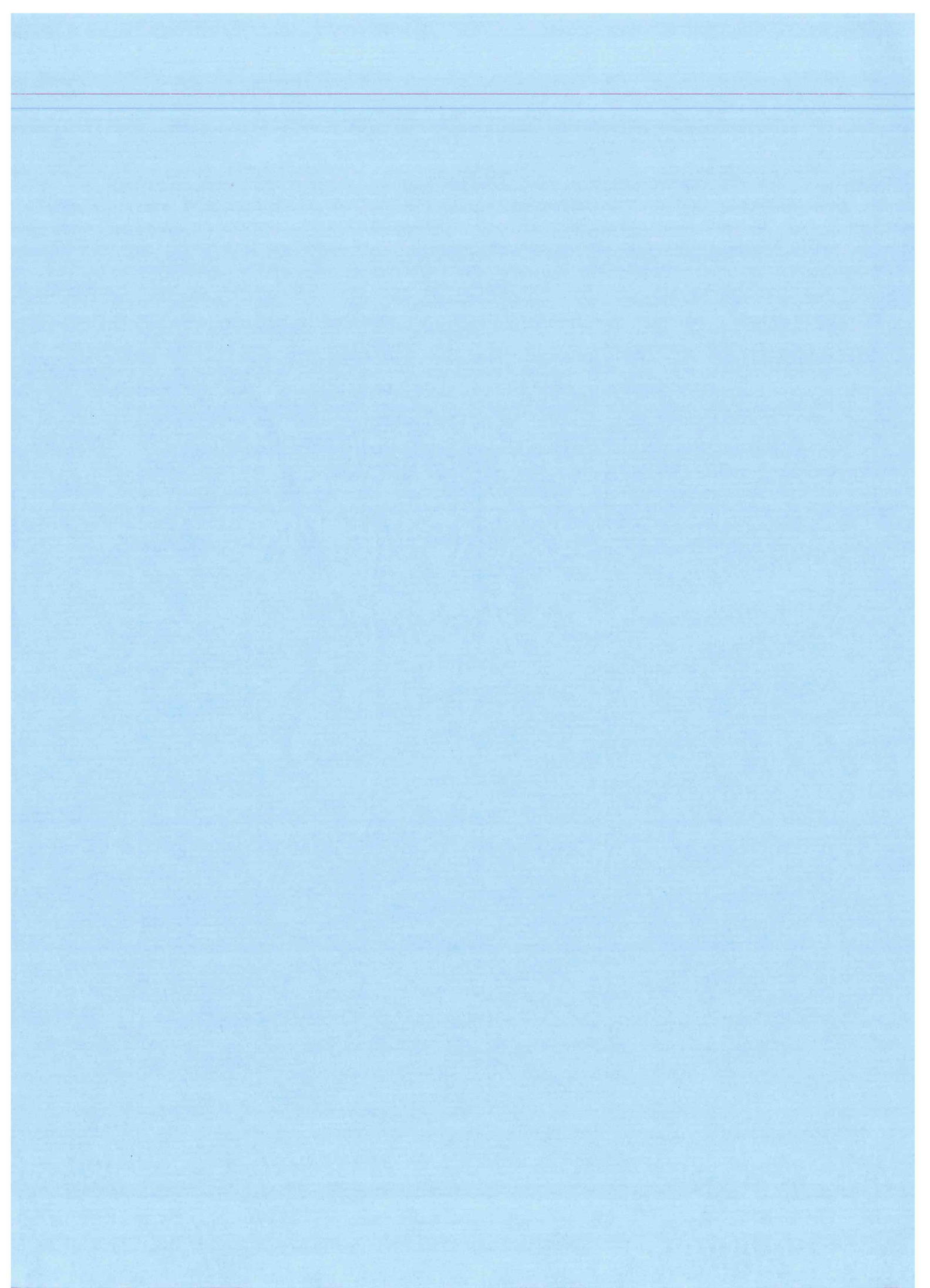
Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017; and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21st May 2024:

— **THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES ON VETTING OF CHIEF OFFICER NOMINEE FOR MARKETS AND TRADE.**

(Chairperson, Sectoral Committee on Trade, Tourism and Co-operatives)

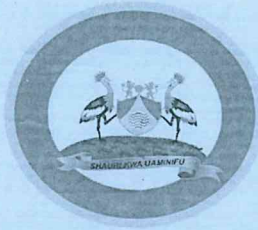
Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

*Paper laid on 21/05/24
by Hon. Paul Raluy
(Chairperson Trade, Tourism
& Cooperatives)
21/05/2024*



NCCA/TJ/NTC/2024(8)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION) ★

21st May 2024



NOTICE OF MOTION

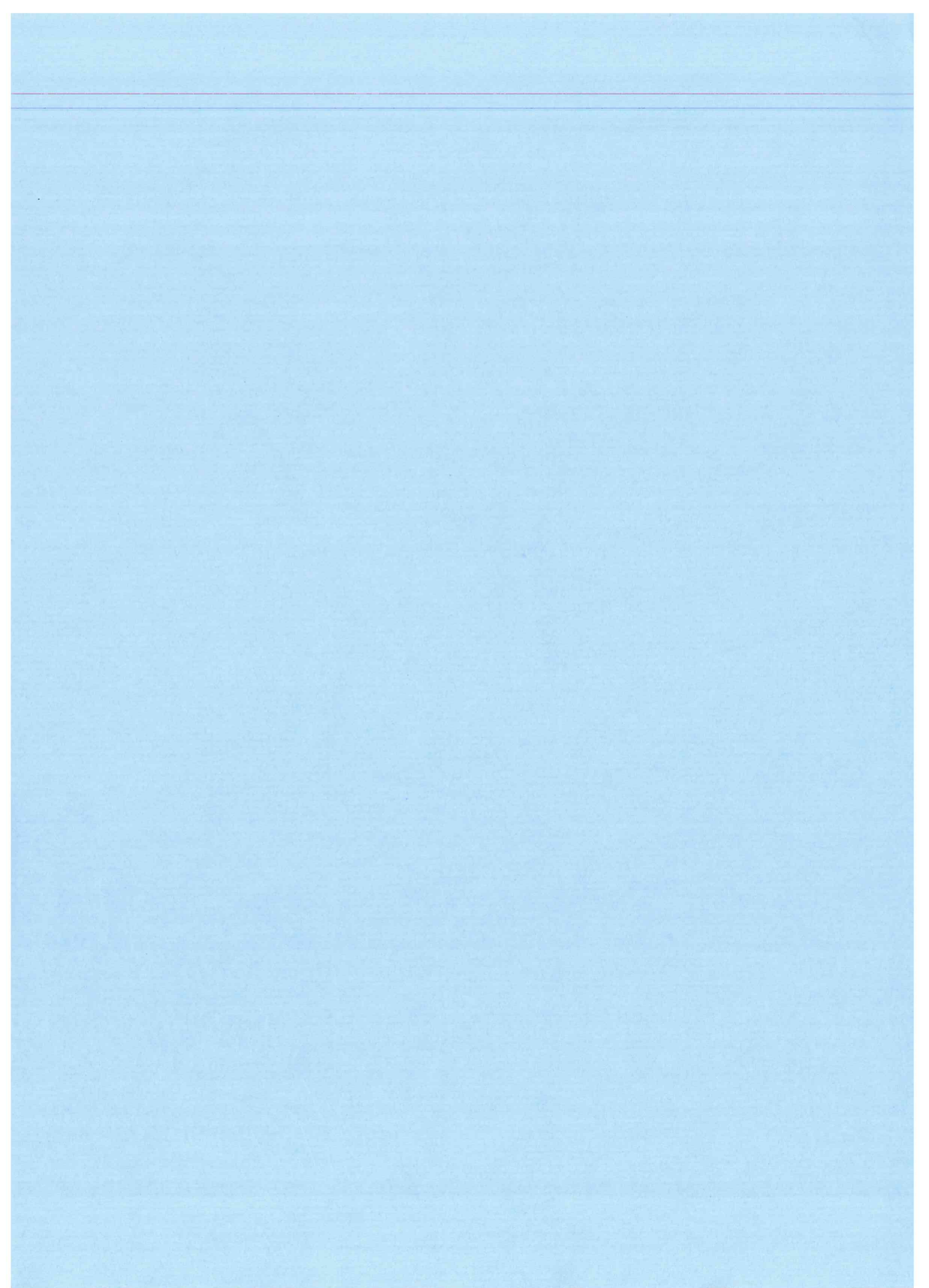
Subject: Adoption of report of a Committee

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

THAT, taking into consideration the findings of the Sectoral Committee on Trade, Tourism and Cooperatives 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 Jane Wangui as Chief Officer for Markets and Trade.

(Chairperson, Sectoral Committee on Trade, Tourism and Cooperatives)

Notice given
21/05/2024
Handwritten signature in blue ink.
21/05/2024



THE NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – THIRD SESSION

THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND
CO-OPERATIVES

ON

THE VETTING OF THE NOMINEE FOR THE CHIEF OFFICER FOR MARKET AND
TRADE SUB-SECTOR.

Clerk's Chambers,
CITY HALL,
NAIROBI.

May 2024

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ANNEXES

a) Annexure (1)–Clearance Certificates

- 1) Kenya Revenue Authority
- 2) Higher Education Loans Board
- 3) Criminal Investigation Department (CID)
- 4) Ethics and Anti-Corruption Commission

b) Annexure (2)

- 1) Minutes

c) Annexure (1) – Curriculum Vitae

1.0 PREFACE

1.1 Committee Mandate

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives is established under Standing Order No. 209 (1) and its mandate amongst others, as outlined under Standing Order 209 (6) includes “*vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments).*”

1.2 Committee Membership

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives was reconstituted by the Assembly on 27th October, 2022 comprising of the following Members:-

1. Hon. Paul Ndung'u, MCA - Chairperson
2. Hon. Jeckoniah Onyango, MCA - Vice Chairperson
3. Hon. Abel Osumba Atito, MCA
4. Hon. David Magoba, MCA
5. Hon. Emmy Khatemeshi, MCA
6. Hon. Patrick Karani, MCA
7. Hon. Shadrack Machanje, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Peter Owera, MCA
10. Hon. Joel Munuve, MCA
11. Hon. Silas Matara Ongwae, MCA
12. Hon. John Rex Omolleh, MCA
13. Hon. Victor Omondi Ochola, MCA
14. Hon. Mwaniki Kwenya, MCA
15. Hon. Gerald Irungu, MCA
16. Hon. Moses Kitema, MCA
17. Hon. Mark Ruiyi Thiga, MCA
18. Hon. Sospeter Mumbi, MCA
19. Hon. Ciciliah Wairimu Njathi, MCA
20. Hon James Korja, MCA
21. Hon Lydia Okoth, MCA
22. Deonysias Waithira
23. Hon Hashim Kamau, MCA

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. Johnson Sakaja forwarded a letter dated Monday 15th April, 2024 to the County Assembly nominating the Ms. Jane Muringi Wangui as Chief Officer for the Sub-Sector of Markets and Trade for vetting and approval by the County Assembly.

1.4 Committal to the Committee

Hon. Speaker,

Pursuant to Standing Order 43(1), the Honourable Speaker informed the Assembly on Wednesday 17th April, 2024 that the Assembly had received a notification of the nomination of Chief Officer for the Sub-Sector of Markets and Trade. The notification of nominations was therefore referred to the Sectoral Committee on Trade, Tourism and Cooperatives 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.

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 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 Public Appointments (County Assemblies Approval) Act, 2017.

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, the County Governments Act, 2012 and the County Assembly Standing Orders on their suitability for appointment to the position of County Chief Officer. In total, the Committee held three (3) Sittings in consideration of this matter.

1.8 Acknowledgement

Hon. Speaker,

I take this opportunity to thank the 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 for the 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.

Finally, on behalf of the Sectoral Committee on Trade, Tourism and Cooperatives pursuant to Standing Order 191 (6), it is my pleasure and duty to present to the County Assembly, the Committee's Report on the vetting of the nominee for appointment to the position of County Chief Officer for Markets and Trade to the Assembly for adoption pursuant to the Standing Orders of the County Assembly and other enabling provisions of the Law.

Thank you.

for Signed
Hon. Paul Ndung'u, MCA, (Chairperson)
21/5/2024
Sectoral Committee on Trade, Tourism and Cooperatives

2.0 BACKGROUND

2.1 Establishment of the Sectoral Committee on Trade, Tourism and Cooperatives

The Sectoral Committee on Trade, Tourism and Cooperatives is one of the Sectoral Committees established under Standing Order No. 209 (1) with the mandate 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 Sakaja to nominate as recommended by the County Public Service Board and with the approval of the County Assembly, appoint County Chief Officers.

In addition, Section 10(1) of the Public Appointments (County Assemblies Approval) Act, 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 Officers

Section 45 (1) (a) and (b) of the County Governments Act, 2012 provide for the Governor’s power to appoint County Chief Officers, with the approval of the County Assembly, from among persons who are not members of the County Assembly.

A letter from the Office of the Governor dated Wednesday 17th 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 Sakaja had nominated one (1) nominee to be considered for approval by the County Assembly for appointment as County Chief Officer responsible for the Sector of Markets and Trade.

On Wednesday 17th April, 2024, the Honourable Speaker in a Message to the Assembly informed the Assembly on the receipt of the name of one nominee, and directed that the name and curriculum vitae of the said nominee be referred to the relevant Sectoral Committee 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.

2.3 Notification to the Public

Section 7(4) and (5) of the Public Appointments (County Assemblies Approval) Act, 2017 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 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 Thursday 30th April, 2024, no memoranda contesting the suitability of the nominee had been received from the public.

In accordance with the Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017, the general public was also notified in the local dailies by the Clerk of the County Assembly of the intention of the Sectoral Committee on Trade, Tourism and Cooperatives to conduct the vetting and approval hearing of the nominee on Monday 6th May, 2024 at 11.30 a.m. in the Committee Room 9.

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); and
- d) 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; and
- c) Presence or absence of criminal records.

3.0 VETTING OF THE COUNTY CHIEF OFFICER NOMINEE

In conducting the vetting process, the Sectoral Committee on Trade, Tourism and Cooperatives examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act, 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 the Assembly Chamber, Assembly Precincts, City Hall Buildings from 10:00 a.m, the Committee conducted a 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 MS. JANE MURINGI WANGUI – NOMINEE, MARKETS AND TRADE

Ms. Jane Muringi Wangui appeared before the Committee on Monday 6th May, 2024 at 10.00 am and after introductions, she was informed by the Chairperson that in line with the provisions of the Public Appointments (County Assemblies Approval) Act 2017, the Committee had invited Memoranda from the Public on her suitability or otherwise for appointment to public office, but none was received. She was further requested to forward her original credentials for verification by the Committee.

In response to questions put to him by Members of the Committee, Ms. Jane Muringi Wangui stated as follows:-

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

± Regarding self-introduction, knowledge, experience and qualification,

The nominee informed the Committee that she was born on 22nd May, 1978 and is an action oriented professional with superior interpersonal skills and her biggest assets include leadership capability, strategic thinking, analytical skills and a result oriented approach.

± When asked on her Education Background and membership of any association, She stated that she had pursued a Masters (MSC) in Leadership and Administration from Lead Impact University, 2020- 2022;

That in April, 2022, she was awarded a honorary Doctorate in Leadership at the Lead Impact University.

That she graduated with a BSC, degree in Development Studies at Uganda Christian Community from 1998 to 2001 and had a Certificate in KCSE at Kiangunyi Girls Secondary School from 1992-1995.

± When asked on where she has been employed

- She responded that since 2019 to February 2022, she worked as a Deputy Director Coordinator, Youth Mobilization & Advisor to the Cabinet Secretary at the Ministry of Public Service and Gender Affairs;
- That from 2015 to date, she worked as the Chairperson of Madam Jane Foundation;
- That from 2006 to 2014, she was Chairperson at Chapa Sauti Organization;
- That from 2014 to 2015, she worked as the Director General, NYS (Executive Assistant & Community Mobilization Officer); and
- That since 2010 to 2013, she was the Youth Affairs Advisor to the Prime Minister at the Office of the Prime Minister.

± On why she applied for the position

- ✓ She responded that she had worked in the Trade sector for five (5) years in various institutions and that she has the capacity to serve Nairobi residents;
- ✓ The nominee informed the Committee that she has passion to help people to do business in the County and enable the County Government to realize its revenue targets. She informed the Committee that her experience in the trade and market sector may help her to manage the office she was nominated to. She further informed that she can brand the County in business through her vast knowledge and experience makes her suitably qualified for the position nominated.
- ✓ She expressed her concerns that public institutions were not yet at a level where they can give value for money to citizens. The Committee noted that from her experience in Public office and now Counties, there is opportunity for making things better;
- ✓ She also promised to establish mechanisms for prudent management of financial resources now that she would be the Accounting officer of the Said sub-sector;
- ✓ That she will strive to make the County accountable for its plans and actions

by focusing programs and budgets on things that generate value for money for Nairobi residents.

- ± Regarding the knowledge about the Sector and challenges bedeviling the Sector
 - The nominee was able to list various directorates in the Sector which include Markets and Trade, Trade license, Trades Development and Weights & Measures. The challenges the nominee highlighted were hawkers menace in the Central Business District, small scale trade licenses collections and revenue collection; and
 - The nominee informed the Committee that to address some of the challenges, hawkers in the County to be licensed and registered, trade licenses to be issued on annual basis and revenue collection to be digitized. She added that she will engage all stakeholders from across the divide to find ways to solve challenges in the Sector.

- ± When asked on how she will ensure that she prevails reports requested by the assembly pursuant to the Standing Orders,
 - She responded that she would closely work hand in hand with the Committee and submit quarterly reports to the County Assembly for oversight purposes.

- ± When asked on whether she understood the role of the County Assembly

She responded by citing the three functions of the members of the County Assembly as;

- Legislation –her sector will come up with bills, regulations and policies that ensures improvement of all County Markets;
- Representation- She would work with Members of County Assembly to ensure that all the forty one (41) markets were operational and that they were well equipped with electricity, water, adequate weights and measures e.tc through in cooperating the same in the CIDP, ADP etc; and
- Budget representation- she would ensure that budget allocations to the sub-sector by the Committee is adequately utilized according to how it is planned for and there would be total implementation of projects such as construction and renovation of markets etc.

- ± When asked if she had other strengths besides education background,

She responded that she had worked in the Public sector for more than 10years, was experienced and had capacity to deliver on the role of Chief Officer for Markets and Trade.

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

She responded that;

- She 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. She assured the Committee of her availability to attend to issues of the Sector when called upon.
- That partnership and collaboration with the Assembly through the relevant Sectoral committee will be key i.e the Sectoral Committee on Trade, Tourism and Cooperatives;
- She proposed to establish close networks with the leadership of the County Assembly, while respecting the separation of powers.
- She will undertake structured meetings and timely response and reporting lines to ensure smoother communication between the Assembly and her Sector.
- She will generally cultivate a close working relationship with the Assembly generally and all stakeholders, based on cordiality and open communications channel despite conflicts that may arise from time to time; and
- She recognizes the vital role the County Assembly plays – i.e. relationship between herself as Chief Officer and County Assembly will be understood from the mandate drawn from the County Governments Act and conducting herself in a professional manner, by using her expertise to develop a close working relationship with the Assembly

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

The nominee noted that –

- She will respect the role of the County Assembly to oversight, make laws and approve policy and plans;
- She looks forward to other County Governments coming to benchmark on how the Assembly has exercised its legislative role in terms of output at the end of the five years and how the executive has undertaken implementation;
- She will undertake a gap analysis of operations – and whether each operation requires a law;
- Where an existing Statute, for instance the PFM Act, 2012, outlines clear requirements to be followed in undertaking certain functions, she will enforce those requirements and ensure compliance;
- It would be premature to comment on the whole range of the Department's legislative needs at this point having not done a gap analysis on what needs doing and when;

- If there are matters which require legislation, she will look at the gaps and seek support accordingly from the Assembly; and
 - The Assembly to insist on compliance and oversight to ensure the County Executive complies with all enabling laws and frameworks on public finance management.
- ✚ Regarding pressure from family and friends seeking services and favors from the docket
- The nominee reiterated that she will uphold professionalism against pressure from friends and family and act within the given code of conduct.
- ✚ Regarding the loophole in revenue collection from the sector
- The nominee stated that she would strive to have revenue collection in the markets and trade centres digitized. These would help to minimize loopholes within the system which makes it difficult for the County to reach its revenue targets and maximize on revenue collection.
- ✚ With respect to the working relationship with the County Executive Committee member responsible for the sector and other officers,
- She responded that she was committed to having a good working relationship with the CEC member and build bridges with other officers of the sector.
- ✚ On the first days in office as Chief Officer,
- She would prioritize the issue of Operationalization of Kangundo Road Market as infrastructure was input yet it is not operational hence revenue has been lost;
 - Digitization of businesses as the County is currently under Unified Business Permit (UBP) Compliant hence she would input measures to ensure the system doesn't break down;
 - Capacity building of licensing officers;
 - Sensitizing of Members of the public regarding revenue collection and therefore improving the relationship between the traders and the licensing officers;
 - Ensure collection of garbage wastes daily in all markets and trade centers to prevent pollution causing environmental hazard;
 - Will work closely with County public health officers to sensitize traders on anti-dumping actions hence reducing pollution from markets and trade centers;

✚ When asked on her expectations by the Committee

She requested the Committee to approve her as she possesses all it takes to be in that position.

4.0 COMMITTEE'S FINDINGS AND OBSERVATIONS

The Committee having considered the nominee's curriculum vitae and heard her oral submissions during the vetting exercise made the following findings and 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:-

The nominee has been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA) and Higher Education Loans Board (HELB).

2. The nominee has not been charged in a Court of Law.

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

In view of the above, the Committee found the nominee **Ms. Jane Muringi Wangui** suitable and qualified for appointment as the County Chief Officer for the **Markets and Trade** sub sector.

5.0 COMMITTEE RECOMMENDATIONS

THAT, having conducted the approval hearing of the nominee pursuant to Article Section 45 of the County Government Act, 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Order 209 (6) (f) the Committee recommends that the House-

- a) Approves the nomination of Ms. Jane Muringi Wangui for appointment as the County Chief Officer for Markets and Trade by His Excellency the Governor.

for
Signed
21/5/24
Hon. Paul Ndung'u, MCA, (Chairperson)

SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES SERVICES

