



NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - FIRST SESSION

FIFTH REPORT OF THE
COMMITTEE ON LABOUR AND SOCIAL WELFARE

ON

THE VETTING OF THE NOMINEE FOR CHIEF OFFICER, NAIROBI
CITY COUNTY PUBLIC SERVICE MANAGEMENT.

OCTOBER, 2013

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1.0 PREFACE

On behalf of the Members of the Committee on Labour and Social Welfare and pursuant to the provisions of Section 45 (l) (a) of the County Governments Act and Standing Order No. 191, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of the nominee for the position of Chief Officer, Public Service Management.

Committee Membership

The Committee on Labour and Social Welfare was constituted by the House on Tuesday 7th May, 2013, with eight additional members joining the Committee on Wednesday 28th August, 2013. The Committee comprises of the following Members:-

1. Hon. Wilson Ochola, MCA - CHAIRMAN
2. Hon. Alfred Ambani, MCA – VICE CHAIRMAN
3. Hon. Elizabeth Manyala, MCA
4. Hon. Peter Isuha Vukindu, MCA
5. Hon. Dan Mutiso, MCA
6. Hon. John Waweru Kinuthia, MCA
7. Hon. Peter Wanyoike, MCA
8. Hon. Fredrick N. Njogu, MCA
9. Hon. Anthony Kiragu Karanja, MCA
10. Hon. Sam Nyangwara, MCA
11. Hon. Asha Abdi Sosso, MCA
12. Hon. Rose Ogoda, MCA
13. Hon. Alexina Mudi, MCA
14. Hon. Marion Githinji, MCA
15. Hon. Rosemary Macharia, MCA
16. Hon. Christine Abuto, MCA
17. Hon. Mohammed Abdi, MCA

Committee mandate

The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 191 (5) (f) which provides that, *the functions of a sectoral committee shall be to-*

“to 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).

Nomination of Chief Officer, Public Service Management

Pursuant to Section 45 (i)(a) of the County Governments Act, H.E. the Governor, forwarded to the Speaker of the County Assembly, the names of the nominee, Mr. Simon Leboo Ole Morintat, vide a letter dated 25th September, 2013 for vetting by the Committee on Labour and Social Welfare, and consideration for approval by the County Assembly for appointment as Chief Officer, Public Service Management.

On Tuesday 1st October, 2013, the Honourable Speaker in a message to the Assembly, informed the Assembly that he had received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee on Labour and Social Welfare for vetting and reporting to the House.

Committee meetings

The Committee held four sittings one of which Mr. Leboo Ole Morintat appeared before the Committee on Labour and Social Welfare and was vetted in accordance with the provisions of the County Governments Act for appointment as Chief Officer, Public Service Management.

On behalf of the Committee on Labour and Social Welfare, I have the honour and pleasure to present the Committee's Report on the nominee for appointment as Chief Officer, Public Service Management of the Nairobi City County. May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the said nominee.

Thank you.

Signed

Hon. Wilson Ochola, MCA
Chairperson Committee on Labour and Social Welfare

Date

COMMITTEE MEMBERS

Signature

1. Hon. Alfred Ambani, MCA – VICE CHAIRMAN

2. Hon. Elizabeth Manyala, MCA

3. Hon. Peter Isuha Vukindu, MCA

4. Hon. Dan Mutiso, MCA

5. Hon. John Waweru Kinuthia, MCA

6. Hon. Peter Wanyoike, MCA

7. Hon. Fredrick N. Njogu, MCA

8. Hon. Anthony Kiragu Karanja, MCA

9. Hon. Sam Nyangwara, MCA

10. Hon. Asha Abdi Sosso, MCA

11. Hon. Rose Ogoda, MCA

12. Hon. Alexina Mudi, MCA

13. Hon. Marion Githinji, MCA

14. Hon. Rosemary Macharia, MCA

15. Hon. Christine Abuto, MCA

16. Hon. Mohammed Abdi, MCA

2.0 BACKGROUND

2.1 ESTABLISHMENT OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 191 with the mandate to 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).

2.2 APPOINTMENT PROCESS OF THE NOMINEE FOR POSITION OF CHIEF OFFICER, PUBLIC SERVICE MANAGEMENT.

- (i) Pursuant to Section 45 (i)(a) of the County Governments Act, H.E. the Governor, forwarded to the Speaker of the County Assembly, the name of Mr. Simon Leboo Ole Morintat vide a letter dated 25th September, 2013 for vetting by the Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as Chief Officer, Public Service Management.
- (ii) On Tuesday 1st October, 2013, the Honourable Speaker in a message to the Assembly, informed the Assembly that the Speaker of the County Assembly had received the names of the said nominee and directed that the names and Curriculum Vitae of the said nominee be referred to the Committee on Labour and Social Welfare for vetting and reporting to the House soonest.
- (iii) The public was expected to participate in the vetting process through submission of memoranda (affidavits) on the suitability or otherwise of the nominee. On Tuesday 8th October, 2013 the Clerk of the County Assembly placed an advertisement in the print media inviting the public to submit memoranda by 14th October 2013 on the suitability or otherwise of the said nominee. No memoranda were received from the public

3.0 VETTING OF THE NOMINEE FOR POSITION OF CHIEF OFFICER, PUBLIC SERVICE MANAGEMENT.

In conducting the vetting process, the Committee on Labour and Social Welfare examined the nominee against the following criteria, amongst others:

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (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 Tuesday 15th October, 2013, at the Council Chambers, the Committee orally interviewed Mr. Leboo Ole Morintat for appointment as Chief Officer, Public Service Management. The Minutes of the vetting proceedings are attached (*Annex 2*).

3.1 MR. SIMON LEBOO OLE MORINTAT - NOMINEE FOR POSITION OF CHIEF OFFICER, PUBLIC SERVICE MANAGEMENT.

Mr. Morintat appeared before the Committee on Tuesday 15th October, 2013. He stated to the Committee that:
irresponsible

- (i) He is suitable for the position as he is passionate about working with the staff to help optimize their ability to offer high standard of services. During his nine month stay in Nairobi County he has been able to interact with both the staff and their union and the management and has identified some of the major issues and challenges facing the staff and will work towards improving them.

- (ii) He served in several of the now defunct Local Authorities and was the Town Clerk of Kilifi Town Council before his transfer to the Nairobi City Council to perform the duties of Deputy Town Clerk. Being the holder of these positions entitled him to directorships of various Boards and mainly the water boards of the various cities and municipalities, where he gained invaluable experience and exposure through interactions with other bodies.
- (iii) He cited an example of the Kilifi Town Council as one of those which can attest to his leadership and excellent managerial ability. He was able to: Improve citizen participation by installing LASDAP; Improve customer service and thereby customer satisfaction by inculcating staff discipline and positive attitude towards work; Improved revenues by more than 50% by systematically addressing the challenges that led to poor revenue collection.
- (iv) The duties and responsibilities of the post would be to man the general administration of the entire personnel and the human resource function; ensure the County's strategic plan is fulfilled, especially the mission and the vision of the County; to ensure that the County at all times has a skilled, committed and knowledgeable workforce who will work towards meeting the mandate of the County.
- (v) When asked what he did to resolve the standoff between the management and the staff that led to the recent workers strike, he responded that the Collective Bargain Agreement (CBA) in contention was a national document and the delay in its implementation arose from the now defunct Ministry of Local Government which through a circular, asked the then Town Clerks not to implement the agreement. However, when the issue was resolved through a court order, on his own initiative, he called for a meeting with the Transitional Authority Team to brief them on the questions that arose such as the legality of the document; the history of the

CBA and made suggestions on what actions, moving forward, the County could take including negotiating with the union that the increase be paid out in phases.

- (vi) On the mobilization of resources for development of the City despite the coffers being empty, Mr Morintat responded that together with the Town Clerk and Chief Officers, they instituted measures such as seeking to raise revenues through giving waivers and through rigorous advertising to create awareness among the public; following debtors such as government institutions to pay up outstanding debts.
- (vii) The then City Council of Nairobi had not performed very well on disaster management mainly due to lack of resources. However in the County budget that had been approved by the Assembly and resulted in the Appropriations Bill, allocation for purchase of fire engines and other measures to ensure the security of the County offices and the whole of the County have been included.
- (viii) On the County's bloated workforce, Mr Leboo agreed that the Council last employed staff approximately fourteen years ago; however the number of staff in service was above eleven thousand. The County was thus carrying out an audit to ascertain the optimum number of staff; was considering offering staff options for voluntary retirement with full benefits for those above the age of fifty.
- (ix) To end the issue of ghost workers, it is important that a thorough cleansing of the payroll be instituted and ensure that all staff in the establishment are known and their supervisors be accountable for their presence at work as well as for the work the subordinates do, which must be adequate.

- (x) On the issue of the defunct City Council losing revenue through payments to non existing contractors, Mr Morintat responded that indeed the procurement process of the Council had been faulty despite having a verification Committee on whose reports the management relied on to make payments. Several members of staff are in court over the same. Other gaps in the department's performance are in the process of being identified and addressed.
- (xi) In order to ensure that there is no corruption in his docket, the nominee will seek to have programmes and trainings aimed to change the mindset of the staff; inducting staff on the relevant codes of conduct; implement the Public Officer and Ethics Act in its entirety. He was even contemplating having a meeting cum inter-denominational prayer meeting at the City Stadium with all the staff to commit them to new ethos, in the presence of the County Leadership.
- (xii) Going forward he would ensure that there is constant communication with the union to foster a good working relationship such that grievances are resolved early before they result in disputes and conflicts which amongst other things leads to a poor image of the institution and loss of revenue. He would also ensure that the provisions of the Constitution of Kenya 2010 on gender balance threshold together with other provisions affecting persons with disability and minorities are met and are adhered to in all future employments at the County.

4.0 COMMITTEE'S OBSERVATIONS

4.1 NOMINEE FOR POSITION OF CHIEF OFFICER, PUBLIC SERVICE MANAGEMENT - MR. SIMON LEBOO OLE MORINTAT

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise/interview, made the following observations:-

- i. He is a holder of a Masters of Business Administration (Strategic Management) Degree from Kenyatta University; A Bachelors of Arts Degree (Government and Public Administration) from Moi University together with several management courses.
- ii. He has been the immediate former Deputy Town Clerk in charge of Administration in the now defunct City Council of Nairobi.
- iii. He has previously worked as Town Clerk in several Councils namely Kilifi County Council; Litein Town Council and Deputy Town Clerk in Transmara County Council.
- iv. He has attended several special courses and seminars namely – Senior Management Course (KIA); Local Government Management Training (KIA); Performance Management; Corporate Governance Course amongst others.
- v. He is knowledgeable in the subject area and is conversant with the duties of the post.
- vi. Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- vii. 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.

(viii) The Committee found the nominee suitable for appointment as the Chief Officer, Public Service Management.

5.0 COMMITTEE'S RECOMMENDATIONS

Pursuant to section 45 (i)(b) of the County Governments Act and Standing Order No. 42 and 191 (5), the Committee recommends that:-

This Assembly approves the following nominee for appointment by H.E. the Governor as Chief Officer, Public Service Management;

- Mr. Simon Leboo Ole Morintat.