

NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY - SECOND SESSION

**EIGHTH REPORT OF THE
COMMITTEE ON AGRICULTURE, ENVIROMENT AND NATURAL
RESOURCES**
ON

**THE VETTING OF THE NOMINEE FOR CHIEF OFFICER,
ENVIRONMENT**

FEBRUARY, 2014

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1.0 PREFACE

On behalf of the Members of the Committee on Agriculture, Environment and Natural Resources 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, Environment.

Committee Membership

The Committee on Agriculture, Environment and Natural Resources was constituted by the House on Tuesday 7th May, 2013. The Committee comprises of the following Members:-

- | | | |
|--|---|------------------|
| 1. Hon. Benson L Amutavi, MCA | - | Chairperson |
| 2. Hon. Alhad Ahmed Adam, MCA | - | Vice Chairperson |
| 3. Hon. Michael Wainaina Wanjiku, MCA | | |
| 4. Hon. Hellen Katangie, MCA | | |
| 5. Hon. Alexander Mutisya Mulatya, MCA | | |
| 6. Hon. Peter Wahinya Njau, MCA | | |
| 7. Hon. Catherine Okoth, MCA | | |
| 8. Hon. Samuel Kagiri Mwangi, MCA | | |
| 9. Hon. Daniel Oria Odhiambo, MCA | | |
| 10. Hon. Zulfa Hakim, MCA | | |
| 11. Hon. Peter Anyule Imwatok, MCA | | |
| 12. Hon. Margaret Sewe, MCA | | |
| 13. Hon. Mike O Guoro, MCA | | |
| 14. Hon. Dorcas Njoroge, MCA | | |
| 15. Hon. Janet Wala Ayako, MCA | | |
| 16. Hon. Samwel Ndung'u Njoroge, MCA | | |
| 17. Hon. Rosemary Macharia, MCA | | |

Committee mandate

The Committee on Agriculture, Environment and Natural Resources 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, Environment

Pursuant to Section 45 (i) (a) of the County Governments Act, H.E. the Governor, vide a letter dated 13th December, 2013 forwarded to the Speaker of the County Assembly, the names of the nominee, Dr. Leah Oyake Ombis PhD, vide a letter dated 13th December, 2013 for vetting by the Sectoral Committee on Agriculture, Environment and Natural Resources and consideration for approval by the County Assembly for appointment as Chief Officer, Environment.

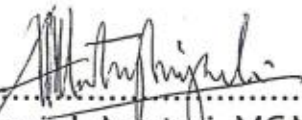
On Tuesday 28th January, 2014, the Honourable Speaker in a message to the Assembly informed the Assembly that he had received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee on Agriculture, Environment and Natural Resources for vetting and reporting to the House.

Committee meetings

The Committee held 3 sittings one of which the nominee appeared before the Committee and was vetted in accordance with the provisions of the County Governments Act for appointment as Chief Officer, Environment.

On behalf of the Committee on Agriculture, Environment and Natural Resources, I have the honour and pleasure to present the Committee's Report on the nominee for appointment as Chief Officer, Environment 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 

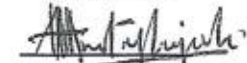
Hon. Benson L Amutavi, MCA

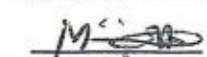
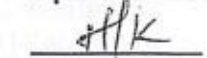
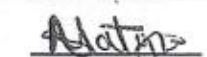
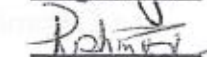
Chairperson Committee on Agriculture, Environment and Natural Resources

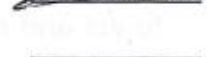
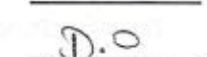
COMMITTEE MEMBERS

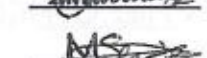
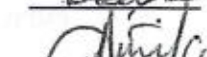
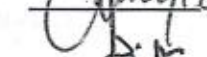
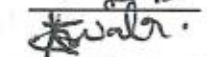
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17. Hon. Rosemary Macharia, MCA

Signature





CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI

2.0 BACKGROUND

2.1 ESTABLISHMENT OF THE COMMITTEE ON AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES

The Committee on Agriculture, Environment and Natural Resources 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, ENVIRONMENT.

- (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 Dr. Leah Oyake Ombis vide a letter dated 13th December, 2013 for vetting by the Committee on Agriculture, Environment and Natural Resources and consideration for approval by the County Assembly for appointment as Chief Officer, Environment.
- (ii) On Tuesday 28th January, 2014, the Honorable Speaker in a message to the Assembly informed the Assembly that he 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 Agriculture Environment and Natural Resources for vetting and report to the House within a week.
- (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 Monday 3rd February, 2014 the Clerk of the County Assembly placed an advert in the print media inviting the public to submit memoranda by Monday 10th February 2014 on the suitability or otherwise of the said nominee. One memorandum was received although it neither carried the name nor the signature of its author as required by the Assembly Standing Orders.

3.0 VETTING OF THE NOMINEE FOR POSITION OF CHIEF OFFICER, ENVIRONMENT.

In conducting the vetting process, the Committee on Agriculture, Environment and Natural Resources 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 11th February, 2014, at Charter Hall, the Committee orally interviewed Dr. Leah Oyake Ombis for appointment as Chief Officer, Environment. The Minutes of the vetting proceedings are attached (*Annex 2*).

3.1 DR. LEAH OYAKE OMBIS - NOMINEE FOR POSITION OF CHIEF OFFICER, ENVIROMENT.

Dr. Leah Oyake Ombis appeared before the Committee on Tuesday 11th February, 2014. She stated to the Committee that;

- (i) She is qualified and suitable for the position due to her extensive training and over 15 years' experience in environmental management. Having served the defunct Nairobi City Council (NCC) since 1993 in different capacities within the department of Environment and currently as the Director of Environment of the Nairobi City County Government, she has successfully initiated and implemented various environmental management/conservation programmes such as the integrated solid waste management strategy for the city of Nairobi

and assisted in drafting of solid waste management by-laws. To this end, she was all aware of the duties and responsibilities of the post and was ready to deliver.

(ii) She has an elaborate plan to reverse the deplorable state of environment of the County through programs she has already initiated currently as the Director of environment, Nairobi City County and intends to oversee if approved as the Chief Officer. The programmes include;

- a) To improve efficiency in garbage collection, the County is planned to be divided into 12 operational zones with each zone being under a franchise responsible for collecting garbage. The Central Business District (CBD) will be isolated with its own franchise due to its strategic importance to the County. Monitoring tools will also be developed to ensure compliance by the contracted collectors (Franchise). Sub-County Administrators will be tasked with the duty of ensuring compliance by the garbage collectors.
- b) The County Government shall soon be procuring garbage collecting trucks and side loaders to be availed to each sub-county as an immediate remedy to garbage collection.
- c) The department is in a process of developing a Solid Waste management Bill which shall among other provisions provide for the establishment of a separate account for contracted garbage collectors and also how to dispose different types of waste.
- d) That her department will facilitate the networking of youth groups involved in waste collection for easier engagement especially once the operational zones are established so that the contracted garbage collectors can purchase garbage from them while the County Government provide them with protective equipment and other essential waste handling amenities.
- e) That plans are under way to convert Dandora dumpsite into a waste treatment and conversion site before the waste is dumped into a landfill

to be established at soon to be acquired land in Ruai. This will reduce the volume of waste at Dandora dump site.

- f) That the department is partnering with stakeholders to beautify the city and convert the city into a green environment by planting trees and flowers along road reserves and rivers.
- g) That the department with the support of the Committee shall be pushing for increased budgetary allocation to environmental management particularly garbage collection.

(iii) On the memorandum presented to the Committee alleging that she introduced Environment Clearance certificate fees of Kshs 3,000 for traders operating at Uhuru Park and City Park despite them paying single business permits, she noted that the memorandum wasn't properly presented before the Committee since it was neither signed by its author nor was it presented under oath. However, the mentioned clearance certificates were indeed introduced by the defunct City Council as a policy to control trading in the parks which had been invaded by traders yet it was a recreational area. Initially, the Council used to charge Kshs 1000 in 2009, but the fees were increased to Kshs 3,000 to cater for the removal of waste generated by the traders. To date, the selection of traders to the park is done annually through balloting to ensure equity and fairness. In addition, no trader is allowed more than 2 consecutive terms.

(iv) When asked about alleged arrogance on her part, she responded that it was not true although she is strict in her work and that she has never ignored the directives of the Committee. In fact, she has been cooperating with the Committee and intends to foster good relationship by creating a communication channel for sharing information.

(v) On whether she was aware of the agreement between the Nairobi City County Government and the Aga Khan Foundation on the maintenance of City Park and the controversies surrounding the process, she responded that indeed the defunct Nairobi City Council entered into agreement with the Aga Khan Foundation for the purposes of maintaining City park, however due to the

contentious section which provided for the leasing of the park to the Aga Khan Foundation, the agreement is being revisited with the view of either reviewing the section or be wholly terminated.

4.0 COMMITTEE'S OBSERVATIONS

4.1 NOMINEE FOR POSITION OF CHIEF OFFICER, ENVIRONMENT - DR. LEAH OYAKE OMBIS

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

- i. She is a Kenyan citizen from Kericho County born in 1966, married with three children. She has extensive training and knowledge in Environmental management.
- ii. She holds a PhD in Environment specializing in plastic waste management from the Wageningen University, Netherlands, a Master of Science in Environmental Chemistry and a Bachelor of Science (Chemistry) degree from the University of Nairobi and other several certified professional trainings.
- iii. She has over 15 years' experience in Public Service having served in the defunct Nairobi City Council (NCC) in different capacities which include; Environmental Chemist, Assistant Director of Environment, and Deputy Director of Environment. Previously she served as a senior Laboratory Chemist with Optimum Lubricants Limited.
- iv. She is currently the Director of Environment with the Nairobi City County Government.
- v. She has provided technical assistance to different environmental management programmes/initiatives such as the integrated solid waste management strategy for the city of Nairobi funded by the United Nations Environmental Program (UNEP) and the development of the Solid Waste

management master plan for Nairobi funded by the Japanese Government through its technical corporation agency (JICA). In addition, she assisted in the drafting of solid waste management by-laws for the defunct Nairobi City Council.

- vi. She is a registered Environmental Impact Assessment/Audit Associate with the National Environment Management Authority of Kenya (NEMA), a member of the Association of Local Government Authorities of Kenya (ALGAK) and the Environmental Policy Group of Wageningen University. She is also affiliated to the Natural Sciences Society of Kenya.
- vii. She has undertaken a lot of research on environmental management and published/edited a number of articles and books.
- viii. She has fully complied with her tax and other statutory obligations and has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution.
- ix. She is not an official of any political party, has neither been charged in a court of law nor adversely mentioned by a commission of Inquiry report.
- x. She was well aware of the tasks ahead if approved and despite being challenging they were achievable.
- xi. The Committee found the nominee suitable for appointment as the Chief Officer, Environment.

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 adopts the report of the sectoral committee on Agriculture, Environment and Natural Resources on the vetting of Dr. Leah Oyake Ombis PhD as the Chief Officer, Environment and approves her appointment by H.E. the Governor as Chief Officer, Environment;

