



NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - SECOND SESSION

FIFTH REPORT

SECTORAL COMMITTEE ON WATER AND SANITATION

ON VETTING OF NOMINEE FOR CHIEF OFFICER, WATER, ENERGY
AND NATURAL RESOURCES, NAIROBI CITY COUNTY

FEBRUARY, 2014

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1.0 PREFACE

On behalf of the Members of the Committee on Water and Sanitation and pursuant to the provisions of Section 45 (l) (b) 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, Water, Energy and Natural Resources.

Committee Membership

The Committee on Water and Sanitation was constituted by the House on Tuesday 7th May, 2013. The Committee comprises of the following Members:-

- | | | |
|---------------------------------|---|---------------|
| 1. Hon. Alex O. Otieno, MCA | - | CHAIRMAN |
| 2. Hon. Kenneth Thugi, MCA | - | VICE-CHAIRMAN |
| 3. Hon. Herman Azangu, MCA | | |
| 4. Hon. Beatrice Kwamboka, MCA | | |
| 5. Hon. Victoria Alali, MCA | | |
| 6. Hon. Robert Mbatia, MCA | | |
| 7. Hon. Nancy Mwaura, MCA | | |
| 8. Hon. Michael Ogada, MCA | | |
| 9. Hon. Oscar Lore, MCA | | |
| 10. Hon. Monica Ndegwa, MCA | | |
| 11. Hon. Hawa Dafala, MCA | | |
| 12. Hon. Celestine Ongere, MCA | | |
| 13. Hon. Hashim Kamau, MCA | | |
| 14. Hon. Abdi Hassan Nguyo, MCA | | |
| 15. Hon. Maurice Akuk, MCA | | |
| 16. Hon. Peter Wanyoike, MCA | | |
| 17. Hon. Pius Otieno, MCA | | |

COMMITTEE MANDATE

The Committee on Water and Sanitation 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, Water, Energy and Natural Resources

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. Ngari Michael Gichuhi, vide a letter dated 13th December, 2013 for vetting by the Committee on Water and Sanitation, and consideration for approval by the County Assembly for appointment as Chief Officer, Water, Energy and Natural Resources.

During a Special Sitting of the County Assembly held 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 Water and Sanitation for vetting and reporting to the House.

Committee meetings

Mr. Ngari Michael Gichuhi appeared before the Committee on Water and Sanitation and was vetted in accordance with the provisions of the County Governments Act for appointment as Chief Officer, Water, Energy and Natural Resources.

On behalf of the Committee on Water and Sanitation, I have the honour and pleasure to present the Committee's Report on the nominee for appointment as Chief Officer, Water, Energy and Natural Resources 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. Alex O. Otieno, MCA
Chairperson Committee on Water and Sanitation

Date

COMMITTEE MEMBERS

SIGNATURE

1. Hon. Alex O. Otieno, MCA – CHAIRMAN

2. Hon. Kenneth Thugi, MCA - VICE-CHAIRMAN

3. Hon. Michael Ogada, MCA

4. Hon. Herman Azangu, MCA

5. Hon. Robert Mbatia, MCA

6. Hon. Peter Wanyoike, MCA

7. Hon. Beatrice Kwamboka, MCA

8. Hon. Hashim Kamau, MCA

9. Hon. Abdi Hassan, MCA

10. Hon. Monica Ndegwa, MCA

11. Hon. Pius Otieno, MCA

12. Hon. Celestyn Ongerere, MCA

13. Hon. Hawa Dafala, MCA

14. Hon. Maurice Akuk, MCA

15. Hon. Oscar Lore, MCA

16. Hon. Victoria Alali, MCA

17. Hon. Nancy Mwaura, MCA

2.0 BACKGROUND

2.1 ESTABLISHMENT OF THE COMMITTEE ON WATER AND SANITATION

The Committee on Water and Sanitation 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, WATER, ENERGY AND NATURAL RESOURCES.

- (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. Ngari Michael Gichuhi vide a letter dated 13th December, 2013 for vetting by the Committee on Water and Sanitation and consideration for approval by the County Assembly for appointment as Chief Officer, Water, Energy and Natural Resources.
- (ii) 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 names and Curriculum Vitae of the said nominee be referred to the Committee on Water and Sanitation for vetting and reporting to the House.
- (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 Interim Clerk of the County Assembly

placed an advertisement in the print media inviting the public to submit memoranda by 10th February 2014 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, WATER, ENERGY AND NATURAL RESOURCES.

In conducting the vetting process, the Committee on Water and Sanitation 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 Thursday 13th February, 2014, the Committee orally interviewed Mr. Ngari Michael Gichuhi for appointment as Chief Officer, Water, Energy and Natural Resources. The Minutes of the vetting proceedings are attached (*Annex 2*).

3.1 MR. NGARI MICHAEL GICHUHI - NOMINEE FOR POSITION OF CHIEF OFFICER, WATER, ENERGY AND NATURAL RESOURCES.

Mr. Ngari Gichuhi appeared before the Committee on Thursday 13th February 2014. He responded as follows to the interventions of the Committee:

- I. When asked why he is going for the office of Chief Officer and desire to leave his current designation, Mr. Ngari stated that he desired to serve the residents of Nairobi at a higher level where he can influence policies that are intended to improve their lives through affordable services. He denied that remuneration is his motivation for work he applied for.
- II. While responding to the question on the value he will bring to the County through the office of Chief Officer if approved, the nominee stated that he is coming along with his accumulated knowledge and experience through the years verified by his track record in the dockets he has held before. This includes projects he has worked for and implemented without scandal and emphasis on integrity and professionalism.
- III. On corruption, Mr. Ngari said that as opposed to the previous system, this dispensation of the new Constitution has come with structures for transparency and accountability in processes. He said that he is committed to mitigating the vice and ready to be part of the team fighting institutional corruption.
- IV. On potential conflict of interest, he denied existence of any and said that even at his previous dockets, he holds no grudge for anybody owing from his professionalism in his work.
- V. On water loss in the County through leakages(non-revenue water), Mr. Ngari confirmed that 40% of water is lost through leakages and said that if approved for the position of Chief officer, reduction of loss of water through leakages would be one of his priority areas. If successful, he said this will reduce the problem of water scarcity in the County. He further stated that he would deal with scarcity by emphasizing water conservation measures and investment in boreholes.

- VI. In environmental conservation of the Nairobi River, he said that he will work with colleagues in Housing and Environment to address pollution of the river because it needs multifaceted approach.
- VII. Mr. Ngari confirmed to the Committee that he is competent in computer use.
- VIII. He further confirmed that his transfer from Thika Municipal to Nairobi Water and Sewerage Company was out of procedural job transfer based on his performance
- IX. When asked to verify that it was during his service at Karen that residents protested payment for services due to poor performance, Mr. Ngari said he was part of the team that championed the overhaul of the connections in the area and the installation of the pipeline from Kikuyu Springs to Karen to improve water services.
- X. On his expired practicing license, he said that he has applied for renewal but it is yet to be released.
- XI. While responding to the question of the plans he has to fill the water deficit in the County, the nominee said that he would address the issue of non-revenue water, borehole drilling, implement the Northern Water Collector programme and review recommendations in previous studies to pull out feasible ones and integrate them in his plans.
- XII. He committed to partner with other organizations for instance, Water Resource Management Authority (WARMA) and Water Services Regulatory Board (WASREB) to achieve objectives in the County.
- XIII. When asked on what he would do to curb cartels interrupting water services, he said that he will work with the County security machineries in dealing with these cartels so as to streamline water supply and discipline or dismissal of staff if found colluding with the cartels.
- XIV. He further stated that if given the opportunity, he would come up with a bill for approval by the assembly to curb illegal connections through stiff penalties.

- XV. In his response to question on his approach in addressing nepotism in hiring within the county, he said that he advocates for civic education and for him, nepotism is intolerable.

In his Closing remarks, the nominee thanked the Committee for following the due process as it is in the law. He further thanked the Committee Members because he did not feel intimidated and therefore ready to work with the Committee if approved by the Assembly into the docket of Chief Officer for Water, Energy and Natural Resources.

The Chairman, on behalf of the Committee appreciated the nominee for consistency and completeness in his responses to the issues raised by the Committee Members and therefore wished the nominee best of luck awaiting decision of the Committee and Assembly.

4.0 COMMITTEE'S OBSERVATIONS

4.1 NOMINEE FOR POSITION OF CHIEF OFFICER, WATER, ENERGY AND NATURAL RESOURCES - MR. NGARI MICHAEL GICHUHI

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 (Executive) Degree from Moi University; A Bachelors of Science Degree (Civil Engineering) from university of Nairobi.
- II. He has been a Manager- Engineering Services; Regional Manager-North Eastern Region; Engineering Manager at Nairobi Water and Sewerage Company.
- III. He has previously worked as General Manager at Thika Municipal Council, Water and Sewerage Department.
- IV. He has also worked as Assistant General Manager (project implementation unit); Chief Assistant Engineer at the defunct Nairobi City Council, Water and Sewerage Department.
- V. He has worked as Area Manager-Karen; Project Engineer; Assistant Resident Engineer (third Nairobi Water Supply Project);Assistant Engineer(Planning, Design and Construction) at the defunct Nairobi City Council.
- VI. He is knowledgeable in the subject area and is conversant with the duties of the post.
- VII. He has no potential conflict of interest, and has fully complied with his tax obligation.
- VIII. He has been Cleared by the Ethics and Anti- Corruption Commission of Kenya and Higher Education Loans Board and Certified of good conduct by Criminal Investigations Department(CID)
- IX. The Committee found the nominee suitable for appointment as the Chief Officer, Water, Energy and Natural Resources.

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, Water, Energy and Natural Resources;

- Mr. Ngari Michael Gichuhi.
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