

REPUBLIC OF KENYA



MURANG'A COUNTY ASSEMBLY

P. O. Box 731 – 10200

MURANG'A

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Along Murang'a-Kiriaini road, Opposite Ihura Stadium
Tel: 0719 – 802 495

February 10, 2015.

The Hon. Speaker

Thro

The Clerk, County Assembly
Murang'a County Assembly
P. O. Box 731 - 10200
MURANGA



PAPERS LAID

Mr. Speaker Sir, I beg

THAT; the report of the Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management Committee, on vetting of the nominee to the position of Chief Officer, Environment and Natural Resources (Damaris Wairimu Maina), be laid on the table of the Assembly today February 10, 2015.

Thank you Mr. Speaker Sir.

Hon. Joseph Machiri
Chairperson

**WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES
AND COOPERATIVE MANAGEMENT COMMITTEE**



*Lawrence
M.A. H. H. H. H. H.
10/02/15*

MURANG'A COUNTY ASSEMBLY

THE FIRST ASSEMBLY- THIRD SESSION (2015)

FIRST REPORT

**OF THE
WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES AND
COOPERATIVE MANAGEMENT**

ON

**VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF OFFICER IN THE
DEPARTMENT OF ENVIRONMENT AND NAUTURAL RRESOURCES**

TUESDAY, FEBRUARY 10, 2015

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1.0 PREFACE

Hon. Speaker Sir,

On behalf of the Departmental Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management and pursuant to Standing Order No. 46(1(3)(4), it's my pleasure and duty to present to the Assembly the Committee's Report on the vetting of the nominee for the Chief Officer for the Department of Environment and Natural Resources.

Committee Membership

The Committee consists of the following members;

1. Hon. Joseph Kimani Machiri	-	Chairperson
2. Hon. Francis Kamande Kamau	-	Vice Chairperson
3. Hon. Julius Maina Kimani	-	Member
4. Hon. Rebecca Wanjiru Mwicigi	-	Member
5. Hon. Moses Gachui Mungai	-	Member
6. Hon. Peter Mweri Maina	-	Member
7. Hon. Danson Mburu Muchoki	-	Member
8. Hon. Agnes Ndunge Mutwiwa	-	Member
9. Hon. Mary Njoroge Waithira	-	Member
10. Hon. Caroline Wairimu Njoroge	-	Member

1.2 Committee Mandate: (Fourth Schedule of the Constitution 2010 and Second Schedule of Standing Orders)

The Committee derives its mandate from provisions of Standing Order No. 195 which outline functions of the Committee as being:-

1. To deal with all matters related to implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution,
2. Control noise pollution, other public nuisances and outdoor advertising,
3. To deal with all matters related to refuse removal, refuse dumps and solid waste disposal, water distribution, management and regulation;
4. To deal with all matters related to sewerage and sanitation services and all other matters related to electricity and gas reticulation and energy regulation and cooperatives societies.
5. Study the programmers and policy objectives of the department of Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management and the effectiveness of the implementation;
6. Study and review all legislation referred to it by the department ;
7. Study, assess and analyze the relative success of the department as measured by the results obtained as compared with their stated objectives;
8. Investigate and inquire into all matters relating to the department of Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management as they may deem necessary, and as may be referred to them by the Assembly;

9. **To vet and report on all appointments** where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (*Committee on Appointments*) ; and
10. Make reports and recommendations to the Assembly as often as possible, including of proposed legislation

Nomination of the Chief Officer

Pursuant to section 45(1) of the County Government Act 2012, the Governor through the County Secretary forwarded to the Clerk of the County Assembly the name of the following nominee vide a letter dated January 22, 2015 for vetting by the Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management and consideration for approval by the County Assembly for appointment as Chief Officer:-

Nominee

1. M/s Damaris Wairimu Maina

Department

Environment and Natural Resources

On Friday January 23, 2015 the Clerk of the County Assembly received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management for vetting and report to the Assembly within 14 days.

Committee Meetings

Pursuant to Standing Order No. 46(4), the Committee held the vetting of the nominee on Wednesday February 4, 2015 during which the suitability of the nominee for approval for appointment as Chief Officer was considered. The process was guided by chapter six and section 45(I) (b) of the County Government Act 2012, Standing Orders and the criteria as set out in Section 7 of the Public Appointments Act No. 33 of 2011. The following considerations were also given priority:

- (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

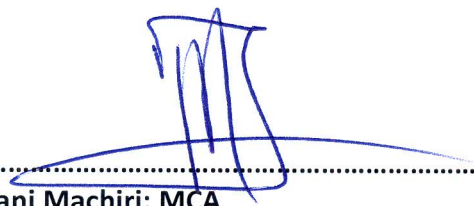
Pursuant to Standing Order 46(4) the Committee held a meeting on February 10, 2015 and adopted the report.

1.4 ACKNOWLEDGEMENTS

- (a) The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the necessary support extended to it in the execution of its mandate.
- (b) The Chairperson of the Committee takes this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment to Public Service under tight schedules which enabled us to complete the task within the stipulated period.
- (c) Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management, to present and recommend this report on the approval of M/s Damaris Wairimu Maina Thuo for appointment as Chief Officer for the Department of Environment and Natural Resources.

Thank you.

Signed



Hon. Joseph Kimani Machiri; MCA
Chairperson, Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management Committee.

2.0 BACKGROUND

ESTABLISHMENT OF THE WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES AND COOPERATIVE MANAGEMENT COMMITTEE.

The Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management Committee is one of the Sectoral Committees established under Standing Order No. 195 with several mandates among them to consider for approval by the Assembly, appointments of Chief Officers under Section 45(I) (b) of the County Government Act 2012. The said section requires the Governor to nominate and with the approval of the County Assembly, appoint Chief Officers. Section 7(10) of the Public Appointments(Parliamentary Approval) Act 2011, provides that, where the nomination of a candidate is rejected by the County Assembly, the appointing authority may submit to the relevant Sectoral Committee the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.

2.2 APPOINTMENT PROCESS OF THE CHIEF OFFICER

- (i) Pursuant to section 45(1) of the County Government Act 2011, the Governor through the County Secretary forwarded to the Clerk of the County Assembly the name of the following nominee vide a letter dated January 22, 2015 for vetting by the Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management and consideration for approval by the County Assembly for appointment as Chief Officer
- (ii) On Friday January 23, 2015 the Clerk of the County Assembly received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management for vetting and report to the Assembly within 14 days.
- (iii) The public was expected to participate in the vetting process through submission of memoranda (Affidavit) on the suitability or otherwise of the nominee.
- (iv) On Thursday, January 22, 2015, the Clerk of the County Assembly placed an advertisement in the print media inviting the public to submit Memoranda by Wednesday February 4, on the suitability or otherwise of the said nominee pursuant to Section 6(9) of the Public Appointment Act 2011. As a result, no memoranda were received from the public commending or rejecting the nominees.

Pursuant to the provisions of Standing Order 46 ((I) and paragraph (3)(C) of Standing Order 43 (Messages from the Governor), the Clerk to the County Assembly committed the Message from the Governor to the Departmental Committee for Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management (Annex 3) to undertake the necessary approval hearings.

Further, the Speaker through the Clerk to the County Assembly guided the Committee as follows;

(i) That the Committee was to notify the nominee and the general public of the time and place for holding the approval hearings in good time.

(ii) That the Committee was to thereafter commence the necessary approval hearings on February 4, 2015 and submit their report to this Assembly on or before February 12, 2015.

On February 4 2015, the committee conducted the vetting exercise being guided by the Constitution of Kenya, the Public Appointment (Parliamentary Approval) Act, No. 33 of 2011, the County Government Act and Standing Orders.

The whole process was done by meeting with the Nominee and examining her original academic and compliance certificates from the Ethics and Anti-Corruption Commission (Annex 12); the Higher Education Loans Board (Annex 9); the Clearance Certificate from the Credit Reference Bureau (Annex11); Certificate of Good Conduct (annex 8) and the Kenya Revenue Authority (Annex 10) as no sworn affidavit was received from the Public. The Minutes of the vetting proceedings and adoption of the vetting report are attached (**Annex 13**).

3.0 VETTING OF M/S DAMARIS WAIRIMU MAINA FOR APPOINTMENT AS A CHIEF OFFICER IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

M/s Damaris Wairimu Maina appeared before the Departmental Committee Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management for vetting on February 4, 2015 at 10.00am. Having submitted his fully filled questionnaire (Annex2), the Chair informed her that the Committee had not received any memoranda in support or against her from the public. The Nominee informed the Committee that;

1. She holds a Masters Degree in Environment Science on Pollution control, monitoring and Management from the University of Venda in South Africa,
2. She holds a Bachelor of Science Degree in Biology and Chemistry from Moi University,
3. She is currently working with NEMA as an Environment Officer I based in Nairobi
4. Previously, she worked with the Ministry of Water and Irrigation as a Water Quality and Pollution Control Officer
5. She worked as Research Assistant in the Department of Ecology and Resource Management at the University of Venda in South Africa from May 2005 to December 2007.
6. She worked as Quality Control/ Assurance Chemist with Infusion Kenya Ltd from October 2000 to September 2004
7. She has several years of experience in the field of Environmental Monitoring, Conservation and Management.
8. She was awarded an excellence award by the Kenya Chemical Society (Moi University Branch) for her Exemplary performance on chemistry as a course unit

9. She was a lead Environmental Expert with Nema in 2010
10. She Published a Report on the Occurrence and Fate of Trade Metals in and around treatment and Disposal Sites/ Facilities in Limpopo Province, South Africa.
11. She has never been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution.
12. She has never been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
13. She has no Deferred Income/Future Benefits.
 - a) Gross Monthly Salary from NEMA totalling Kshs 103,000
14. She has no plans whatsoever for outside commitment during her service in office.
15. Her Sources of Income for one year
 - a) Consolidated NEMA Salary for 2014: Kshs 1,236,000
16. She is Tax Compliant. (Annex 10)
17. She is valued at Kshs.3 Million.
18. She doesn't know of any Potential Conflicts of Interest in the position for which she is nominated and should such a case arise she will try to address it in a transparent manner to the higher authority.
19. In solving any potential conflict of interest, including the procedure she could follow, she said she would follow laid down laws and Regulations as provided in the County Government Act 2012 Section 45(3).
20. She has not conducted any Pro-Bono/Charity Work/Donations.
21. She has never been charged in court.
22. She has never been adversely mentioned in an investigatory report of the County Assembly or any other Commission of inquiry for the entire of her life.
23. She didn't have any objection in making enquiries with her employer/referee in the course of consideration of her nomination.

4.0 COMMITTEE OBSERVATIONS ON M/S DAMARIS WAIRIMU MAINA

- 1) She is well qualified and knowledgeable but lacks leadership qualities.
- 2) She doesn't seem to be passionate on matters of environment but with enough support and guidance from the concerned County Executive Committee Member, she can perform;
- 3) She is humble and not ignorant as she advocates and believes in dialogue especially on matters related to environment;
- 4) Her Compliance Certificate from the CID has expired for a period of one Year as she got it on June 6, 2013 and has not renewed the same since then. The Committee notes lack of vigilance on the part of County Public Service Board as they dint note this anormally;
5. Her Clearance Certificate from the Ethics and Anti-Corruption Commission has also expired as she got it on June 19, 2013 as has not renewed the same since then. This anormally should have been noted by the County Public Service Board while interviewing the Nominee;
- 6) She needs further training and exposure in matters of leadership and management.

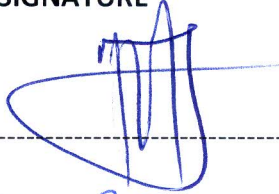
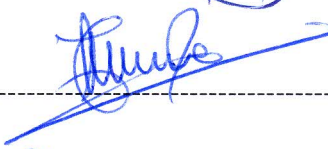

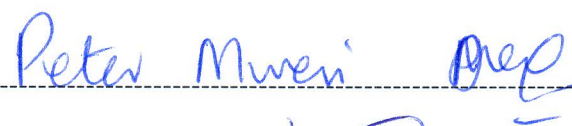

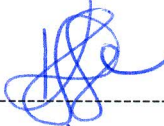
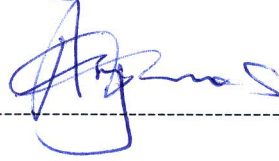
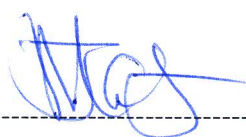
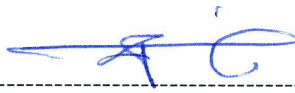
5.0 COMMITTES RESOLUTION

Pursuant to Article (7) of Public Appointment (County Assembly Approval) Act, the committee found M/s Damaris Wairimu Maina suitable and recommended her to be appointed as the Chief Officer, Department of Environment and Natural Resources in the County Government of Murang'a.

Thank You.

6.0 COMMITTEE ADOPTION OF REPORT

The following Members of the Committee adopted the Report for tabling in the County Assembly;

NAME	SIGNATURE	DESIGNATION
1. Hon. Joseph Kimani Machiri		Chairperson
2. Hon. Francis Kamande Kamau		Vice-Chair
3. Hon. Moses Gachui Mungai		Member
4. Hon. Peter Mweri		Member
5. Hon. Danson Mburu Muchoki		Member
6. Hon. Caroline Wairimu Njoroge		Member
7. Hon. Agnes Ndunge Mutwiwa		Member
8. Hon Mary Waithira Njoroge		Member
9. Hon. Julius Maina Kimani		Member
10. Hon. Rebecca Wanjiru Mwicigi		Member