

# COUNTY GOVERNMENT OF NAIROBI CITY



SECOND ASSEMBLY

THE NAIROBI CITY COUNTY ASSEMBLY  
(FOURTH SESSION)

---

COMMUNICATION FROM THE CHAIR

*No. 4 of 2020*

---

## TRANSFER OF COUNTY GOVERNMENT FUNCTIONS TO THE NATIONAL GOVERNMENT

---

**Honorable Members,** I have the following Communication to convey -

**Honorable Members,** you will recall that during our special sitting held **9<sup>th</sup> January 2020**, convened to discuss matters of County importance, Members raised several issues regarding challenges that were affecting service delivery in the County. **Honourable Members,** based on the contributions by a majority of Members, I directed that the Nairobi City Regeneration Committee be revamped in order to address the challenges that Members had raised in their submissions. In particular, the said Committee was to address the following; *Water, Roads, Pending Bills, and Solid Waste Management.*

**Honorable Members,** you will also recall that yesterday, I delivered a Message from H.E. the Governor communicating that pursuant to Article 187 of the Constitution, the County Government had agreed to transfer implementation of the following functions to the National Government:-

- a) *County Health Services;*
- b) *County Transport Services;*
- c) *County Planning and Development Services; and*
- d) *County Public Works, Utilities and Ancillary services.*

**Honorable Members,** the afore-said actions affirms what this House had already foreseen during its special sitting of **9<sup>th</sup> January 2020**. It also implies that despite the new developments, you will appreciate that the Assembly had initiated stakeholder engagement on the Nairobi regeneration concept. Equally, it also demonstrates that **H.E. President, Uhuru Kenyatta** means well for Nairobi and by extension, this County Assembly since he had an option of

suspending/dissolving this County pursuant to Article 192 of the Constitution the effect of which could have been catastrophic.

**Honorable Members**, there have been many commentaries on the implication of the actions to transfer the said County functions especially on the very existence and the role of the County Government of Nairobi City which includes this Assembly. **Honourable Members**, I wish to remind you of the provisions of Article 187(2) (b) of the Constitution which provides:-

*“(b) Constitutional responsibility for the performance of the function or exercise of the power shall remain with the government to which it is assigned by the Fourth Schedule”.*

In essence, **Honourable Members**, the role of the County Assembly to oversight the implementation of the said functions has not been taken away. In fact, Members should be prepared for expanded roles as far as engagement with the National Government in implementation of the functions is concerned. I am sure that relevant state agencies will be providing further clarity on this precedent setting matter.

Consequently, **Honourable Members**, I commit the **Deed of Transfer of Functions from the Nairobi City County Government to the National Government** to an *Ad-hoc* Committee that shall be established by this County Assembly pursuant to the Standing Orders to undertake and report on the following issues:-

- i) Study the said Deed of Transfer of Functions and un-pack its contents and implications;
- ii) The role of the County Assembly as far as implementation of the Deed is concerned;
- iii) The impact of the transfer of functions on the Budget making process for the FY 2020/2021 since we have already commenced the process; and
- iv) Propose areas that require legislation either by the Senate or the County Assembly.

I also direct, **Honourable Members**, that since we have limited time before the commencement date of the agreement, the Majority and Minority Whips presents the names of Members to be part of the Committee during the next sitting on **Tuesday, 4<sup>th</sup> March, 2020**. While tabling the names, the Whips should ensure that the Membership comprise of the Speaker as the Chairperson, Majority Leader as the Vice Chairperson, Minority Leader and Six (6) members from the Majority Party and Five (5) Members from the Minority Coalition. Accordingly, **Honorable Members**, the said Committee will have fourteen days from the date of its establishment to dispense off with its business and table its report. The Committee should meet all stakeholders affected by these actions. For avoidance of doubt, the Committee must engage the County Secretary, the State Law Office, Commission on Revenue Allocation, the Ministry of Devolution and the Senate amongst others.

As I conclude, **Honorable Members**, let me remind you that we are living in interesting times and the task ahead is enormous. This Assembly has the key to unlock many challenges currently facing the County Government. As you are all aware, the County does not have a Deputy Governor, a substantive County Secretary and most of the Chief Officers are serving in an acting capacity. It is therefore upon us as to exercise our constitutional mandate of oversight and address these matters before it is late.

It is so directed!

I thank you Honorable Members.

**THE HON. BEATRICE ELACHI, CBS**  
**SPEAKER OF THE NAIROBI CITY COUNTY ASSEMBLY**  
**Thursday, 27<sup>th</sup> February, 2020**