



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 17th November 2020

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms. Immapet Kemunto) in the Chair]

PRAYER

QUORUM

Hon. Temporary Deputy Speaker: Clerk, do you have the quorum!

(Hon. Temporary Deputy Speaker consulted the Clerk- at –The Table))

Okay, proceed!

COMMUNICATION FROM THE CHAIR

MANAGING THE SPREAD OF COVID-19 IN THE COUNTY ASSEMBLY PRECINCTS

Hon. Temporary Deputy Speaker: Hon. Members, I have the following communication to convey. As you are aware, our beloved Country is facing a second wave of Covid-9 pandemic. According to the recent Ministry of Health statistics, the second wave of the pandemic is proving to be lethal.

Hon. Members, as an Assembly, we have also not been spared and both our staff and Members have been affected. It, therefore, calls for us to take measures aimed at preserving our health. Some of the measures may be inconveniencing but are quite necessary.

Accordingly, Hon. Members, the County Assembly leadership has this morning met to review measures currently in place in combating the virus. Consequently, the following guidelines shall henceforth strictly be observed: -

- i) Beginning Friday, 20th November 2020, a negative Covid-19 certificate shall be a pre-requisite for accessing the Assembly precincts for both Members and Staff. In view of this, the County Assembly Service Board in collaboration with NMS has organized a free testing exercise, which is ongoing at Charter Hall. Whereby, Members and Staff are encouraged to seize this opportunity.

- ii) Visitors will not be allowed in the County Assembly precincts including in Committees unless when it is necessary. Committees intending to invite witnesses shall do so virtually. Members are also encouraged to stay away from the precincts.
- iii) No physical meetings shall be held in the Assembly precincts. Accordingly, all Committee and plenary meetings shall strictly be held virtually. As earlier communicated, only the County Assembly leadership shall be allowed in the plenary. Other Members including a Member with a business on the floor shall follow proceedings virtually.
- iv) Members attending virtual sittings in Plenary and Committees shall be required to strictly adhere to the applicable provisions of the Standing Orders especially on upholding decorum and any Member who breaches the same shall immediately be disconnected. Consequently, the following shall be observed: -
 - Uphold official dress code.
 - Ensure you are in a quiet environment.
 - Always mute your microphone whenever you are not speaking.
 - Press raise hand button when you want to speak.
 - Speak up when given opportunity.
 - Stay seated, present and focused.
 - Consult technical team in case of any challenges on this particular numbers: 0724421207, 0717427403, and 0733613915.
- v) The Clerk should scale down the number of staff in the precincts. Only essential staff should be allowed while the rest should work from home.

Hon. Members, these measures are aimed at protecting you and your loved ones from this dangerous virus. Each one of us should individually take personal protective measures as guided by the Ministry of Health. Remember, you may be negative today but tomorrow you may as well test positive. Your health should therefore be your responsibility. Thank you and God bless. Signed by Hon. Benson Mutura.

STATEMENTS

STATEMENT REQUEST REGARDING DRAINAGE BLOCKAGE AND BROKEN DOWN ROADS IN KWARE WARD

Hon. Temporary Deputy Speaker: Hon. Rose Kula.

Hon. Rose Ogonda: Thank you Madam Speaker, Hon. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works, regarding the drainage blockage and broken down roads in Kware Ward allegedly caused by heavy trucks of Kenya Builders and Concrete Company Ltd and Seyani Brothers and Company Ltd operating in the area.

Hon. Speaker, Corporate Social Responsibility (CSR) is a concept whereby companies incorporate social and environmental aspects in their operations and interact with stakeholders. This is in light of Article 442(a) of the Constitution of Kenya 2010 that provides the right to a clean and healthy environment to everyone, which includes the right to have the environment protected for the benefit of the present and future generations. Hon. Speaker, concerns have been raised on the aforementioned companies, that their heavy

trucks have immensely contributed to blockage of drainage system and drainage of road pavements in the area and there are no signs of repair works of the same. Hon. Speaker, in the statement, the Chairperson should enquire into and report on: -

1. Reasons the two companies have not integrated Corporate Social Responsibility in their business to benefit the area residents;
2. The time frame within which the companies shall prioritize and repair damaged roads and drainage blockages that they have allegedly caused; and
3. Efforts the Nairobi Metropolitan Service (NMS) and the County Executive has put in place to ensure private companies operating in the county wards safeguard the social and environmental aspects for the future generation.

Hon. Temporary Deputy Speaker: Chair Transport? Majority Leader you can give a response to that.

Hon. Peter Wanyoike: Thank you Madam Speaker. We will report back on this response in two weeks' time.

Hon. Temporary Deputy Speaker: Hon. Rose Kula

Hon. Rose Ogonda: Thank you Madam Speaker, this is a serious matter, let it be two weeks but not past two weeks, before we go to recess. Thank you Madam Speaker.

STATEMENT REQUEST REGARDING THE IMPLEMENTATION OF THE PRESIDENTIAL DIRECTIVE ON
EQUITABLE ACCESS TO GOVERNMENT TENDERING

Hon. Temporary Deputy Speaker: Hon. Joyce Muthoni.

Hon. Joyce Muthoni: Hon. Speaker, pursuant to standing order No. 45(2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations regarding the implementation of the presidential directive on equitable access to government tendering.

Hon. Speaker on 16th October 2013, H.E. the President issued a migratory directive to government ministries, departments and agencies and county governments to facilitate women, youth and persons with disabilities access to government procurement process under Access to Government Procurement Opportunities (AGPO).

In the said directive, H.E. the President directed that at least 30% of government tenders be set aside for the above mentioned categories of people in light of Article 227 of the constitution of Kenya 2010. Hon. Speaker, this directive is binding to county governments and as such it is imperative for the Nairobi City County to give an account for the milestone since 2013 when the order was issued.

Hon. Speaker, in the statement, the Chairperson should enquire into and report on: -

1. Current status report on the implementation of the President's directive on access to 30% of government tenders since 2013 under AGPO including lists of participating beneficiaries;
2. Steps that the Nairobi Metropolitan Services and County Executive is taking to foster and enhance participation of the said group of people in county government tendering process.

Thank you.

Hon. Temporary Deputy Speaker: Chair Budget? Any member of the Budget Committee from Zoom?

Hon. Fredrick Okeyo: Hon. Speaker, we will respond in two weeks.

Hon Temporary Deputy Speaker: Are you contented, Hon. Muthoni?

Hon. Joyce Kamau: Agreed, Hon. Speaker.

STATEMENT REQUEST REGARDING STALLED CONSTRUCTION OF THE NGONG' RIVER BRIDGE
NEAR KAYOLE POLICE STATION IN MIHANG'O WARD

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding stalled construction of the Ngong' River Bridge near Kayole Police Station on your way to Mihang'o Ward.

Hon. Speaker, concerns have been raised over the delayed construction of the above-mentioned bridge that links Kayole Central and Mihang'o Wards, it is instructive to note that locals continue to depend entirely on the bridge to traverse and carry on with their daily businesses. The locals are distressed since the existing diversion has become impassable and has led to a constant breakdown of motor vehicles. As such, the locals are requesting that priority be given to the completion of the said bridge before the contractor embarks on the next phase of tarmacking the same.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

1. Reasons why the contractor has taken over two years to complete the construction of the bridge before the next phase of tarmacking; and
2. Measures that the Nairobi Metropolitan Services and the County Executive have put in place to ensure the timely completion of the said bridge before the start of the festive season.

Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Chair Transport? Yes, Deputy Majority Leader, proceed.

Hon. Peter Wanyoike: Thank you Madam Speaker. Two weeks.

Hon. Jeremiah Themendu: I think that the Transport Committee should be serious in responding because the people there are telling us that they are losing a lot. There are businessmen who do business in Mihang'o Ward and live in Kayole, and others do business in Kayole and live in Mihang'o and so they need the bridge to cross.

The construction of the bridge has taken two years since the contract was awarded during the time of Governor Kidero and up to now, it has not been completed. People are suffering since they use the bridge to go to Mihang'o and back. The diversion that they are using is damaging their vehicles and they are losing a lot of money and therefore unable to feed their families. The masons who work in Kayole pay a lot of money when they go up to Kangundo Road, then Utawala and then to Mihang'o, that is a very long way.

Hon. Speaker, I request the Majority Leader to give us one week because we are entering the festive season and we do not want people to reach that time when they are suffering. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: I hear your sentiments, Hon. Themendu and the Chair Transport has heard your concerns. I hope the timeline given would be of great impact to the response. Hon. Themendu, are you satisfied with the two weeks?

Hon. Jeremiah Themendu: I think one week is enough. They know the contractor---

Hon. Temporary Deputy Speaker: Order! I think if you are given one week, you will not get a weighty response as per your request. Give the Committee two weeks so that they can do a better research and give you a good response to that. Or you do not want the two weeks because we are about to go for the Christmas holiday? We still have a good span till December 20th. I know before then the Committee will have made a reasonable response to your issue.

Hon. Jeremiah Themendu: Madam Speaker, that was my worry because we are about to adjourn. They may bring the response next year. That is why I was requesting for ten days.

Hon. Temporary Deputy Speaker: Chair Transport, what is your take?

Hon. Peter Wanyoike: Madam Speaker, I don't know why Hon. Themendu is complaining and the mess has been there for two years. Now we are giving him two weeks so that we can give a comprehensive response. I think two weeks is okay.

Hon. Temporary Deputy Speaker: I rule two weeks is okay.

Hon. Members, I understand the next Order is supposed to be the Committee of the Whole House. It has been deferred to Tuesday 24th November 2020 at 9:30 a.m.

(Point of Order)

Hon. Moses Ogeto: Thank you, Madam Speaker. Last week on Tuesday, I rose on a Point of Order under Standing Order No. 56 (h) on a Motion of Privilege. The Chair then said that he will give a determination and ruling of the same about this Assembly not respecting court orders. Since that time, I have been attending this Assembly but the ruling has not been made. I could wish to commit to you again because whatever I raised during that day was commented in the Judiciary.

Justice Maureen pronounced herself on the issue of the Clerk where gazette notices were lifted for the office of the Clerk. To date, I have never received a response either via message or Communication from the Chair. I could wish you commit yourself so that you can give a determination of the same.

Hon. Kamangu, who was the Chair said that he will consult the Chair of the Service Board and the Speaker of Nairobi City County Assembly, to bring the same communication before this House. Standing Order No. 1 is clear on upholding the Constitution of the Republic of Kenya and the rule of the law.

Hon. Temporary Deputy Speaker: Thank you. I would like to tell you that your communication is on the pipeline, I guess you will have a complete response on Thursday, 19th November 2020.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no any other business, the House stands adjourned till Thursday 19th November 2020 at 2.30 p.m.

The House rose at 3:10 p.m.