



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 21st July 2020

The House met at 2.30 p.m.

[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

CONDUCT OF ASSEMBLY SITTINGS

Hon. Speaker: Hon Members, I have a communication to make: conduct of assembly sittings. As you can recall during today's morning sitting, I conveyed guidelines issued by the Head of Public Service regarding containment measures for the spread of Covid 19. Consequently, I conveyed a special meeting for the County Assembly Service Board to deliberate on how to implement the said guidelines.

Accordingly, Hon. Members, the County Assembly Service Board has adapted the following measures which should be strictly adhered to beginning Thursday 23rd July 2020 at 2.30 p.m. We shall be holding virtual sittings. Only the House leadership and the mover of a business on the floor shall be allowed in the Chamber. All the other members shall follow and participate in the assembly proceedings via zoom. The office of the Clerk is directed to facilitate the virtual sittings.

Visitors will not be allowed in the assembly precincts including in committees unless in exceptional circumstances. Members are also encouraged to stay away from the precincts. Members of the public are encouraged to send electronic mails. The Clerk shall be sharing documents with members and staff electronically. There will be a scale down of staff turning up for work. Adequate PPEs and sanitizers shall be provided by the Service Board.

Hon Members, these measures are aimed at protecting you and your loved ones from this dangerous virus. It is so directed.

PAPERS

Hon. Speaker: Hon. Chair, you have a Paper to lay?

Hon. Stephen Gikonyo: Yes, I do.

Hon. Speaker: Okay, proceed.

Hon. Stephen Gikonyo: Hon. Speaker, pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of the Assembly today Tuesday 21st July 2020: the report of the Sectoral Committee on Health Services on workshop held from 13th to 16th February 2020 at Pride Inn Hotel, Mombasa. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Hon. Deputy Majority Leader, you have the Nairobi City County Draft Evaluation Roll?

Hon. Millicent Mugadi: No, Madam Speaker.

Hon. Speaker: Hon. Deputy Majority Leader, I want you to proceed and--- Serjeant-at-Arms give the Paper to her to lay on the table.

Hon. Millicent Mugadi: Pursuant to Article 185 (4), I beg to lay the following Paper on the Table of the Assembly today Tuesday 21st July 2020: The Nairobi County Draft Valuation Roll. I beg to lay.

Hon. Speaker: We have a report to be laid by the Chair of Agriculture. A Member of that committee? Who are the Members of the Agriculture Committee? Hon. Ndumi, kindly lay the Paper, let the Serjeant-at-Arms bring it for you.

(Hon. Mary Mwami spoke off record)

No. Hon. Ndumi will lay it because you have come late. What is wrong with that mic? Proceed Hon. Ndumi.

Hon. Ruth Ndumi: Thank you, Madam Speaker. Pursuant to Standing Order No. 191, I beg to lay the following Paper on the Table of this Assembly today, Tuesday 21st July 2020: The report of the Sectoral Committee on Agriculture, Livestock and Fisheries on workshop held on 22nd to 25th December 2019 at Travelers Hotel, Mombasa.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you. Chair, you can now lay the second Paper. I think you have now organized yourself.

Hon. Mary Mwami: Thank you, Madam Speaker. I am sorry for coming late. Pursuant to Standing Order No. 191, I beg to lay the following Paper on the Table of this Assembly today, Tuesday 21st July 2020: The report of the Sectoral Committee on Agriculture, Livestock and Fisheries on workshop held on 22nd to 25th December 2019 at Travelers Hotel, Mombasa.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, Chair.

NOTICES OF MOTION

GUIDELINES FOR APPROVAL BY THE COUNTY ASSEMBLY ON THE SECONDMENT AND/OR DEPLOYMENT OF OFFICERS

Hon. Moses Ogeto: Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 provides for the transfer of functions and powers from one level of Government to another; further aware that on 25th February, 2020, the Governor signed a memorandum transferring some of the County Government functions such as health services, transport services, county planning and development services and public works to the National Government as provided for in the Constitution which took effect from 17th March, 2020 and for twenty-four (24) months subject to renewal; acknowledging that in execution of the Transfer Deed, His Excellence the President established the Nairobi Metropolitan Services Office to spearhead the implementation of the transferred functions; recognizing that there has been a rift between the County Executive and the Nairobi Metropolitan Services on various issues such as process of secondment and/or deployment of public officers from the County Executive to Nairobi Metropolitan Services; noting that Article 187 (2) (b) of the Constitution provides that constitutional responsibility for performance of the function or exercise of power on transferred functions shall remain with the government to which it is assigned by the Fourth Schedule, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to develop guidelines for approval by the County Assembly on the secondment and/or deployment of officers from the County Government to the Nairobi Metropolitan Service to enhance seamless service delivery to the residents of Nairobi City County.

Thank you, Hon. Speaker.

REQUEST FOR ALL NECESSARY DOCUMENTATION FROM CONTRACTORS ON EXISTING CONTRACTS

Hon. Speaker: Hon. Samora

Hon. Samora Mwaura: Hon. Speaker, I beg to give notice of the following motion; That, Article 97 of the Constitution 2010 and Section 24 of the Intergovernmental Relations Act 2012 provides for the transfer of functions and powers from one level of government to another; Further aware that on 25th February 2020 the Governor entered a memorandum of transferring some of the functions such as Health Services, Transport Services and Public Works Services to the National Government as provided for in the Constitution which took effect from 17th March 2020 and for 24 months subject to renewal; Acknowledging that in the execution of the transfer deed H.E the President established the Nairobi Metropolitan Services Office to spearhead the implementation of the transferred functions.; Concerned that there is no lack of consensus between the County Executive and the Nairobi Metropolitan Services on the implementation of various projects which are under the transferred functions has brought amongst some contractors who had commenced works before the transfer of functions was effected as the County Executive is unwilling to hand over some of the capital projects which are under the transferred functions to the Nairobi Metropolitan

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Services, this Assembly urges the Nairobi Metropolitan Services to request for all the necessary documentation from the contractors on the existing contracts on all capital projects which are under the transferred functions with a view of ensuring the contractors complete the projects in timely manner and avoid stalling of such projects. Thank you Madam Speaker.

Hon. Speaker: Thank you Hon. Samora. Hon Kabiro

ESTABLISHMENT OF AN EMPLOYMENT INSURANCE FUND

Hon. Mbugua Kabiro: Thank you very much Madam Speaker. My motion subject is the establishment of an Employment Insurance Fund.

Hon Speaker I beg to give notice of the following motion; That Article 6 of the Constitution of Kenya 2010 provides for the two levels of government, the National and the County level which are distinct and inter-dependent and required to conduct their mutual relation on the basis of consultation and cooperation; Further aware that Article 41 of the Constitution provides for the right to fair labour practices including forming, joining or participating in activities and programmes of a trade union; acquainted that recent months have witnessed increased cases of job losses not only in Kenya but globally with an estimation of over 1 million jobs lost by June across all sectors in Kenya due to the corona virus pandemic; concerned that a majority of people in Nairobi had high hopes and ambitions in the beginning of the year; however, poor micro economic performance and lack of labour market opportunities and the current pandemic have resulted in reduced revenue, loss of business opportunities, loss of markets for goods and services, shortage of raw materials and the re-structuring due to the tough economic times; Noting that high expectations, disappointing employment and life prospects have fueled frustration and desperation among many people who have turned to criminal behavior, violence, substance abuse, commercial sex work and even suicide; Acknowledging that the National Government has developed several economic stimulus programs and measures to cushion the economy from the impact of the Covid 19 pandemic; this Assembly urges the County Executive to develop a policy to establish an employment insurance fund to which employers and employees contribute and from which employees who become unemployed or their beneficiaries, as the case may be, are entitled to benefit in order to alleviate the harmful economic and social effects of unemployment. Thank you very much Madam Speaker.

STATEMENTS

RESPONSE TO A STATEMENT REGARDING DELAYED COMPLETION OF IMPORTANT PROJECTS IN THE COUNTY

Hon. Jared Akama: On Tuesday 16th June 2020 Hon. Redson Otieno, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 45 (2) (c) and requested for a statement from the Chairperson Sectoral Committee on Water and Sanitation regarding delayed completion of important projects in the County.

In the Statement the Member requested that the Chairperson should inquire into and report on; -

1. The measures put in place by the County Executive to have the toilet completed and opened for public use.

2. What steps the County Executive is taking to ensure that such facilities are adequate in the wards to enhance hygiene and sanitation.

Hon. Speaker, the committee wrote to the Executive Committee Member responsible for water and sanitation on 18th June 2020 requesting the CEC Member to furnish the Committee with the response to statement requested by the Member.

In this regard Hon. Speaker, I wish to report to the Assembly as follows: -

1. *The Measures put in place by the County Executive to have the toilet completed and opened for public use:*

Hon. Speaker the Committee was informed that the delay in completion of the project was occasioned by the inability to procure the material due to frustration of supply of important sanitation fitting because of the current COVID 19.

However, the Nairobi Water City Water and Sewerage Company have already secured requisite materials and have embarked on completion of the works.

2. *What steps the County Executive is taking to ensure that such facilities are adequate in the wards to enhance hygiene and sanitation.*

Hon. Speaker, the Committee was informed that the director has prioritized ablution block based on assessed needs and plans are underway to declare Mathare area including Ngei Ward a special planning area to enhance comprehensive water and sanitation services among others.

Hon. Redson Otieno was invited to the committee's virtual meeting and was satisfied with the response forwarded by the executive officer from the water sector. A copy of the detailed response has been given to the Hon Member who requested for statement and a further copy is hereby attached to this Report. Hon. Speaker, I beg to lay this response. Thank you.

Hon. Speaker: Thank you Chair, I know that Hon. Redson is not in the House but it is well if he has a copy.

MOTION

Hon. Jayendra Malde: Thank you Madam Speaker, I would like to withdraw the Motion for a later date.

Hon. Speaker: I will accept your withdrawal and I think we will have to withdraw it completely because your matter is being dealt with differently. So it will not go back to the House business [committee] for allocation. Therefore, I withdraw it completely until the matter is finalized.

(Motion was withdrawn)

ADJOURNMENT

Hon. Speaker: There being no any other business Hon. Members, the House adjourns to Thursday 23rd July 2020 Thursday at 2.30 p.m. on virtual platform.

The House rose at 3.10 p.m.