



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 16th March 2021

The House met at 9.30 a.m.

[Hon. Temporary Deputy Speaker (Mr. John Kamangu) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, confirm if there is a quorum.

Serjeant-at-Arm please ring the bell for 10 minutes; I understand there is no quorum.

(Quorum bell was rung for ten minutes)

(The Clerk-at-the-Table confirmed there was quorum)

NOTICE OF MOTION

Hon. Daniel Ngengi: Thank you, Hon. Speaker, I would like to wish you a good morning. Hon. Speaker, I give notice of the following Motion: That aware that Article 186 (1) of the Constitution of Kenya 2010 and paragraph 5 of the Fourth Schedule to the Constitution provide functions and the powers of the County Government and county transport including county roads, street lighting, public roads, transport, traffic and parking; further aware that county has since independence named and renamed roads and other public facilities in honour or hero and heroes who have contributed immensely to the development to of republic; noting that the naming of roads and other public places after heroes and heroines shows honours and gratitude to such people; concerned that some heroines and heroes have not had similar honours restored upon them, despite the immense contribution to this country; noting that the late Honour Kenneth Matiba was a prolific industrialist in hospitality and education sectors and an accomplished public servant having served as the first indigenous African permanent secretary for education in 1963, permanent secretary for commerce, chairperson of Football Federation from 1974 to 1978, a Member of Parliament for

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Kiharu constituency and cabinet minister for health, culture and social services and transport and communication; further noting that the late Matiba was part of the opposition alliance that led to the liberation struggle for the restoration of multi-party democracy through the Forum of Restoration of Democracy (Ford), later founding Ford Asili under which he ran for the presidency in 1992 general elections; recognizing that the roads have been changed before to reflect the names and places with significance to Kenyans, e.g. Lord Delamare Avenue renamed Kenyatta Avenue, Government Avenue to Moi Avenue and Forest road to Professor Wangari Mathai road among others; this Assembly urges the County Executive in consultation with the Nairobi Metropolitan Services to rename Accra road in Nairobi Central Ward to Kenneth Matiba road in honour of the proud democracy icon who was regarded as one of the pioneers of the democracy evident by historic efforts in pressing for the return of multiparty democracy in the 1990s. Thank you, Hon. Speaker

Hon. Temporary Deputy Speaker: Thank you, Hon. Ngengi. Clerk!

STATEMENTS

REQUEST FOR STATEMENT REGARDING POOR DISPOSAL OF GARBAGE IN THE COUNTY AND PARTICULARLY IN DANDORA AREA 2 WARD

Hon. Silas Matara: Thank you Hon. Speaker for this opportunity. I would like to read this statement. Hon. Speaker, pursuant to Standing Order 45(2) I wish to request a statement from the Chairpersons Sectoral Committee on Environment and Natural Resource, regarding poor disposal of garbage in the County and particularly in Dandora Area 2 Ward.

Hon. Speaker the Nairobi City County Solid Waste Management Act 2015 provides for proper collection, transportation, treatment and disposal of garbage collected in the county. The Act also mandates the County Government to establish a waste disposal site that conforms to internationally recognized standards and such facilities shall be clearly demarcated and fenced.

Hon. Speaker concerns have been raised in the manner garbage collectors are operating in the county in total contravention of set standards. Many garbage trucks have been dumping waste by the roadside and designated the areas especially in Dandora Area 2 Ward. The garbage trucks have also failed to appropriately cover waste during transportation, which has made the area stick to the core. These trucks have also caused mass damage to pavement, flower bass and drainage infrastructure in the ward.

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

1. Reasons the enforcement officers in the sectors have become completely complacent yet they continue drawing salaries from public coffers.
2. Measures County Executive and the Nairobi Metropolitan Services have put in place to ensure that no garbage trucks park on the roadside or in the estate with garbage, which elicits foul smell and causes obstruction to the residence.
3. Timelines within which the County Executive and NMS will restore orderliness and enforce compliance on operators of garbage trucks. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Matara. Hon. Kamau I did not know that you are here!

Hon. John Muthiga: Thank you Mr. Speaker, I beg for 14 days.

Hon. Temporary Deputy Speaker: Hon. Matara, are you comfortable?

Hon. Silas Matara: We will be on recess, maybe after recess. But I am comfortable.

Hon. Temporary Deputy Speaker: Two weeks after recess?

Hon. Silas Matara: One week after recess because the committees will be in progress, immediately after recess.

Hon. Temporary Deputy Speaker: We are going for recess on Thursday. No problem, one week after recess. Hon. Mutheu! Can somebody tell her she has a response for Hon. Ayo by 2 p.m. today? Those who are close to Hon. Mutheu tell her we expect the response in the afternoon. Thank you.

What do you have Hon. Kamau?

Hon. John Muthiga: Thank you, Hon. Speaker. As I rise, I am so disturbed because there is nothing that is being done in our Wards. We have been talking about the WDF here and we were told to give out files to the NMS but until now, we have not seen Engineers coming to the sites.

Mr. Speaker, for example, in Komarock Ward there is a billboard that I put last year in June but nothing has been done. It seems like since we were elected, we have done nothing. I am urging all the elected Members---

Hon. Temporary Deputy Speaker: That is a personal statement, let them--- I will give you a chance.

PERSONAL STATEMENT BY HON. JOHN MUTHIGA ON DELAYED PROJECTS BY THE WARD DEVELOPMENT FUND

Hon. John Muthiga: It is good to make statements that show what is happening in our Wards because there is nothing that is happening. We bring statements here about Nairobian and how they can live comfortably but nothing is happening in our Wards.

Mr. Speaker as you know, we have tried pushing this thing of WDF and nothing is happening. We have even tried to tell the Chairperson of the WDF to at least convene a meeting for elected leaders to no avail. We have only two months to the next financial year and we don't know yet whether we are going to get the 2021-2022 projects. If the projects of the year 2020 are not yet done, how sure are we that the 2021-2022 will be done, Mr. Speaker?

What we are saying, Mr. Speaker, is we passed money and we have the money and it seems like we are being taken in circles. Mr. Speaker, give directions because there is no point of us sitting here and nothing is being done. If you crisscross all the Wards people are complaining because roads have not been built, drainages have blocked and we have money.

What are we doing by coming here and reading Statements, Motions but in our Wards there is totally nothing that has been done? Please Mr. Speaker give directions on WDF because it is our brainchild. Money is there, we have forwarded our files to the NMS. Josephine's office is here, what is the problem? We have stagnated, Mr. Speaker, where are we going?

Mr. Speaker, please give the directions that we are supposed to take because it seems like everybody is sleeping. It is high time that you give directions on what WDF is doing because the Chairperson

of WDF is not present. If we ask questions we are not getting the answers that we need. It is high time that you take the driver's seat or you call us for a *kamukunji* so that we know where the problem is.

Mr. Speaker, my last shot is; if we did not get the 2020-2021 projects done, we are not sure whether the 2021-2022 projects will be done. This is a very serious concern. Thank you.

Hon. Temporary Deputy Speaker: Thank you very much, Hon. Kamau. This is a very serious concern for the elected Members because it seems that things are not happening on the ground. I will request Hon. Mutheu if she is there – Hon. Mutheu, are you there? Is Hon. Warutere in, maybe she can be able to get Hon. Mutheu. Hon. Warutere are you there? You are in the House? I thought maybe you are on Zoom.

Thank you, Hon. Warutere. I thought maybe you are together as usual because she is a close friend of yours. Whoever is close to Hon. Mutheu to tell her she has two responses to give in the afternoon; the concerns of Hon. Kamau and of course the response to a statement by Hon. Ayo. She should equip herself with those two responses. It is important--- What is it Hon. Kamau? I have directed her to come with--- Proceed Hon. Kamau.

Hon. John Muthiga: What I am asking is; because we have the Chair of the WDF and it seems that nothing has been happening. Mr. Speaker, we are asking you as elected Members to take the driver's seat so that we can know what is exactly happening. We have been asking questions to the Chairperson of the WDF and we are not getting any tangible answer and since you are Chair of Chairs, which is why we are requesting you.

Hon. Temporary Deputy Speaker: Thank you Hon. Kamau. Let me take the mantle and I will respond on Thursday afternoon.

Hon. John Muthiga: Mr. Speaker, I know that you have the power and capacity to do it

Hon. Temporary Deputy Speaker: Thank you very much Hon. Kamau. In fact, I have been talking to Engineer Ochieng a few minutes ago---

Hon. John Muthiga: Mr. Speaker

Hon. Temporary Deputy Speaker: Order Hon. Kamau! Can I answer you? I have been speaking to Hon. Ochieng regarding the RIE's and the other things that we need to look at. Many things are happening as far as WDF is concerned. We are both suffering in regards to this matter but he has assured me that he has released the names of the RIEs today. It is a concern that most contractors have done their jobs but they cannot access their money. I therefore urge you Hon. Kamau to give me time till Thursday---

(Loud consultations)

Hon. John Muthiga: Mr. Speaker

Hon. Temporary Deputy Speaker: Yes

Hon. John Muthiga: Mr. Speaker, I am saying that ---

Hon. Temporary Deputy Speaker: Hon. Kamau, I have already given directions and that is over. Hon. Kula?

(Hon. John Muthiga spoke off-record)

Hon. Temporary Deputy Speaker: You requested that I give directions, which I have done. Give Hon. Rose a chance to respond.

Hon. Rose Ogonda: Thank you Mr. Speaker. I stand here to support Mheshimiwa Kamau from Komarock ward. Yesterday I said that this is not a beauty contest because it seems as if we are talking as elected leaders and nobody is taking note. We are being given the CFSP to generate money while nothing is being done.

These stories on Ochieng are becoming too much. I called him yesterday and he told me that he has let procurement do his work and yet you are telling us that you have spoken with him. What is wrong with you calling for a meeting for all the 85 elected Members with Ochieng and Josephine? This is because Josephine's statement is different from that of Ochieng's.

Therefore, as we approach the new year's budget, my worry is we going to pass it when we have the ward development fund there? Contractors have not been paid yet we passed the supplementary budget last week. What are we waiting for? Mr. Speaker I have come to your office severally on this issue and we have not yet received any success report from Hon. Mutheu. Do you want us to just sit and watch our wards become pathetic? Calling Hon. Mutheu every two weeks will not help us.

Therefore, if you cannot take action as the Chair of Chairs then give us a suggestion on a way forward because we are very tired. Elected leaders are suffering and yet you want us to proceed with the CFSP when you know that our needs are not been catered for. I am very annoyed because nothing is being done in our wards.

Josephine says that the engineers have been given authority to go to the wards yet the elected leaders have not been informed. Do we continue to suffer and generate Statements when our wards are dormant? If Mutheu cannot work then call Josephine, Ochieng and the Procurement officer! The ward development fund has become rumba and we are tired. This time we will camp in your office. This is not fair. Mutheu is the Chair of WDF and Hon. Warutere of Health. This is not a joke

Hon. Temporary Deputy Speaker: Thank you Hon. Rose Kulla. Hon. Wamboi, what do you have? Maybe you can shed light.

Hon. James Wamboi: Ahsante sana, Bwana Mwenyekiti kwa kunipa huu muda. Ningependa kusema kuna utata na mambo ambayo yanasemekana hayafai katika Bunge hili. Nimeongea na *Engineer* Ochieng kwa muda mrefu sana na kila siku. Kwa wale waliochaguliwa, kuna shida sana kwa mambo yanayoendelea. Tutavamia ofisi zote na kuzifunga. Mambo mengine yana uzito kuliko tunayoyasema kwa sababu ukiangalia Josephine hana uwezo. *Engineer* Ochieng huwa hatangazi nafasi za kazi. Ukiangalia, kuna wale ambao wamepeana kazi zao, lakini huku wakubwa wao wanaleta shida ambazo hazieleweki. Watu wengine wamefunga kule lakini hakuna kwa gazeti kazi yoyote ambayo imetangazwa na mwaka wa bajeti unaisha. Shida hizi lazima ujue utazitatua vipi kama Mwenyekiti wa wenyekiti. Ni vizuri uitishe kongamano la wenyekiti tujue shida hizi zitatatuliwa vipi maanake mambo mengi yamesimama na hatujui yataisha vipi. Tukiongea kuhusu *Engineer* Ochieng kila siku, yeye hana nguvu. Kila mtu anafanya kazi yake; kuna kazi ya *procurement*, kazi ya *engineer* na kazi ya hawa wengine. Kama imezidi pale, ni vizuri twende mbele tujue shida zitaisha vipi. Kazi hizi zote tutamaliza. Naomba kuketi.

Hon. Temporary Deputy Speaker: Thank you. Hon. Warutere? Hon. Matara, just sit down, I will give you a chance.

Hon. Peter Warutere: Allow me, Mr. Speaker, to weigh in on this serious matter that is before us. First, the time has come, there are 365 days remaining to the end of this session. I can tell you for the last two years nothing has been done. We have an obligation as elected Members to ensure that at least what we promised our people is done in the right way. I propose that we name and shame the particular officer in the afternoon. I will be coming with a statement because it is within our powers to name and shame Engineer Ochieng. I have called him many times but nothing seems to be happening.

Two, if it is a case of dealing with the dog and then we know for sure that we would rather deal with the dog's owner, then we will go to the next level. It is not about joking anymore. We don't have a problem with the NMS, but again we gave out the transferred function and we cannot appropriate without consolidating services coming from the NMS. We need to have a serious meeting and look at what is happening. We cannot be just here day in day out talking about things that are supposed to be done yet if you look at the programs that are being done at my Health docket, I am proud that things are moving well. We cannot talk every day about one item after the other. We need to have a meeting with the engineer and all 85 elected members. We need to have chief officers from the other side and the directorate so that we can fix this job once and for all. I think that is the way to go. Thank you, Hon. Speaker.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Let me join the Hon Members on this issue of the NMS. Things are not right. When we married NMS, we were promised heaven. You remember in each and every ward we were promised a project of Kshs.20 million. We forwarded the roads, but up to date, we have been following. What they are telling us is that they will advertise. Mr. Speaker, it is as if we have jumped from the frying pan to the fire. As elected Members, we have a few months to go back to our electorates. I urge all the elected Members that we join our hands so that we can seek the way forward. Our own baby, the WDF was given to the NMS. We forwarded all documents but nothing has been done. We have to sit down with Engineer Ochieng so that we can seek the way forward. Thank you.

Hon. Temporary Deputy Speaker: I think I have to give direction that we shall have a response on Thursday. I wonder what Hon. Matara wants to add.

Hon. Silas Matara: Hon. Speaker, first of all, I have the report for Hon. Ayoj, which I would like after giving my sentiments, I would like to be allowed to table the report.

Hon. Speaker, this is a very serious issue that has been raised by *Mheshimiwa* Kamau, and I believe everyone in this House when we went to work with NMS last year we thought that NMS is a solution to the problems that had bedeviled the County. Now we have seen NMS deliver hospitals within a record time of three months. We have also seen NMS do roads in specific slum areas within a record of a few months. We also know the record of NMS delivering in Nairobi, so the question we need to ask ourselves, what is different when it comes to the Ward based projects?

The other week NMS advertised road projects for Industrial Area. So my question to this House is, is NMS only concentrating on Nairobi based projects leaving Members like ourselves having nothing to show for NMS. It's a very serious issue, Hon. Speaker, even if we lay blame to one Engineer Ochieng, we know the Engineer has been instrumental in delivering those projects, so the question is, why is the focus not being on the specific Members in the projects that we have actually forwarded to NMS.

The contractors who have already moved to the sites, some of them have started the works already to different percentages. They fear the financial year is almost coming to an end, we are going to recess one day from today for two weeks, and we'll come back in April. The other day last Thursday we passed a supplementary budget and till today we are wondering why didn't NMS advertise the same projects. Do they only care about delivering some specific projects and do not care about the other Members?

Hon. Speaker, the Engineers that we are talking about are for the county, so how come they are concentrated only in the City projects? What is informing the decisions of NMS concentrating on particular areas and leaving others?

Hon. Speaker, the same problems we have been experiencing in WDF, considering we got elected in 2017, we have only had two projects, the 2018/2019 financial year projects and 2019/2020 financial year projects. We have lost a whole year - 2020/2021 - we've lost a whole financial year. We need to know where exactly is the problem; because we are losing time during this game that is being played from the office of Josephine and the office of NMS and time is a resource that we will not be able to recover.

Where are these monies going to go? We have been having problems with roll-overs since time immemorial; we are still having the same problems. This is something that needs your attention as the leadership of this House, as the Chair of Chairs and even the office of the Speaker. It is a serious matter that we cannot take lightly, we need to take it seriously and in fact, I propose that no business should come to this House unless the issue of delivery of projects for the elected Members is put into action Hon. Speaker.

Because, what is the importance of passing a budget that we cannot utilize? What is our importance, because the Articles of transfer of functions to NMS or to the national government, section C speaks about responsibility building of the assigning entity, which is the county government. Come 2022, if at all the contract of NMS is not extended, who is going to take the political blame? It is us the political leaders, Hon. Speaker. So this is a serious issue that you need to put all your attention to. Without any further ado, we cannot bring any other business to this House going forward and I hope Members of this House support me in this issue. The only agenda is the delivery of projects for the Honorable Members. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much, Hon. Ongwae Matara.

Hon. Silas Matara: Am I allowed to table this report?

Hon. Temporary Deputy Speaker: No, you can't, it's either the Chair or Vice-Chair.

Hon. Silas Matara: No other business, thank you.

Hon. Temporary Deputy Speaker: Thank you very much for your concern. Hon. Members, this is a very serious issue that needs to be addressed. It is an issue that affects all the elected Members, so it is very serious but I would also urge Hon. Wambui Mwangi to take the mantle because most of these projects also are roads projects, the majority of them. So you can also team up with WDF, Chair I know you are neighbours, you can just walk into somebody's ward and please bring up the answer to this House by next Thursday. Thank you very much Chair. Clerk, proceed.

MOTION

Hon. Temporary Deputy Speaker: Hon. Waithera Chege?

(Motion deferred)

(Interruption)

Just wait, if it is the issue of WDF, we have already given the direction, Hon. former leader of Minority. You came late!

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the House stands adjourned until today at 2.30 p.m. Thank you and God bless you.

The House rose at 10.25 a.m.