



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Tuesday 7th June 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr Benson Mutura) in the Chair]

PRAYERS

PAPERS LAID

CONSIDERATION OF THE NAIROBI CITY COUNTY BETTING, GAMING AND LOTTERIES AMENDMENT BILL, 2021

Hon. Mary Ariviza: Mr. Speaker, I have quite a number. Thank you Mr. Speaker Sir. I would like to lay the report of the Sectoral Committee on Trade, Tourism and Cooperatives on consideration of the Nairobi City County Betting, Gaming and Lotteries Amendment Bill, 2021. I beg to lay.

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

Hon. Speaker: Thank you, next order. Chairperson, Sectoral Committee on Transport

STATEMENTS

RESPONSE TO STATEMENT REGARDING OBSTRUCTION OF PEDESTRIAN WALKWAYS BY MATATU OPERATORS IN THE COUNTY, ESPECIALLY KANGEMI WARD

Hon. Mary Ariviza: Thank you once again Mr. Speaker. I would like to bring two reports before you. The first one, am a member of the committee on Transport and on behalf of my chair, I would like to give a statement in response to Hon. Paul Shilaho, MCA to the Chairperson Transport and Public Works Committee.

Hon. Shilaho has already been talked to by the committee and he has accepted, therefore Hon. Speaker, on 11th March 2021, the Hon. Shilaho, MCA rose on the floor of the Assembly pursuant to Standing Order 45(2)(c) and requested the chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding obstruction of pedestrian walkways by matatu operators in the county, especially in Kangemi Ward. In the statement, the Member requested that the chairperson should inquire into and report on: -

- (i) Measures taken by the transport department to enforce laid down regulations;

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- (ii) Plans the Nairobi Metropolitan Services (NMS) has in place to facilitate commuters in the area to have smooth flow; and
- (iii) Actions being taken against matatu operators flouting the regulations going forward.

Hon. Speaker, the committee wrote to the Director General of Nairobi Metropolitan Services on 15th March 2021 requesting to be furnished with the response on issues raised by the Member.

In this regard Hon. Speaker, I wish to report to the Assembly as follow: - The committee first noted that the Nairobi City County Transport Act 2020 and Traffic Act both prohibit public service operators from operating outside the designated terminus, and picking and dropping points along the route they operate in addition driving and parking along non-motorized transport (NMT) facilities also a violation of foregoing laws. As such, the operators in Kangemi are in violation of the laws.

Hon. Speaker, the NMS has prioritized the completion of the public transport facility in Kangemi. The works would resume once the then ongoing procurement process was completed. They said facility once complete, will provide adequate space for PSV operators to pick and drop passengers, and the NMS at the point would strictly enforce the laws on use of NMT facilities.

The department would partner with enforcement department to ensure that the operators provide services within the framework of both national and county laws.

Hon. Speaker, a copy of the detailed response has been shared with Hon. Shilaho, MCA, who requested for the statement and a further copy is hereby attached to this report.

Hon. Speaker: Thank you.

Hon. Mary Ariviza: I have a second one.

Hon. Speaker: Still on that one, let me also get concurrence from Hon. Shilaho. Is he on Zoom? ICT, can you get hold of Hon. Shilaho to know if he is in agreement with the report.

Hon. Paul Shilaho: Mr. Speaker, I was served with the response and it was satisfactory.

Hon. Speaker: Very well. Thank you. The next report?

RESPONSE TO STATEMENT REGARDING FLEET MANAGEMENT OPERATION OF COUNTY VEHICLES, ESPECIALLY THE ADMINISTRATION OF FUELING, REPAIR AND GARAGE SERVICES

Hon. Mary Ariviza: Hon. Speaker, I am doing this on behalf of the Chair of Transport and Public Works Committee, which I am also a Member. The statement was requested by Hon. Paul Kados, MCA, to the Sectoral Committee on Transport and Public Works.

Hon. Speaker, on 5th October 2021, the Hon. Paul Kados, MCA, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding fleet management operation of County vehicles, especially the administration of fueling, repair and garage services.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. Reasons for reservation of fueling services to only one Shell petrol station in Gigiri and that is in Kiambu County, and breakdown of county garages in the industrial area;
- ii. Table document of the procurement process by which the County decided on the one Shell fueling station and another document for that approval thereto;

- iii. Ownership of the said petrol station and whether there is evidence of conflict of interest or corruption for such illegality;
- iv. Measures being put in place to ensure the County fueling station in the Industrial Area is operationalized and the garage fully working if the two broke down;
- v. A comprehensive list of county vehicles of the year 2020/2021 and their service history and fueling cost in summary showing the difference in efficiency if any between the county run fueling and garage services and the use of private providers such as Shell petrol station in Gigiri.

Hon. Speaker, the Committee wrote to the Acting County Secretary on 10th November 2021 requesting the attendance of the CEC Member for the Road, Transport & Public Works and the county fleet manager to a meeting of the Committee that was held on 15th November 2021 virtually.

Hon. Kados was also invited to the said meeting but failed to attend due to other engagements. In this regards Hon. Speaker, I wish to report to the Assembly as follows:

Regarding the fueling at Gigiri, the committee was informed that the county government entered a two-year contract with Vivo Energy Kenya Limited on 21st June 2021 as per the contract when the county made the payment.

Vivo Energy would distribute the amount onto fueling cars as advised by the county fleet officer and the choice of the outlet was discretionary. On the question regarding the alleged monopolizing of the fueling supply to the county fleet by Shell Gigiri, the committee was informed that the County decided to work with the outlet because it was the only one that agreed to provide the county fueling services on credit when there was a delay in the release of payment.

The services were to cater for critical sectors such as ambulances and fire engines. This happened when all other outlets including CBD once had declined to offer the services on credit. The special engagement has since been altered following the stabilization of payments. For the avoidance of doubts, the agreement was only between the county and Vivo Energy and not specific shell outlets hence, there is neither conflict of interest nor interest in the ownership of the shell outlet in Gigiri.

Regarding garage services and the comprehensive county fleet, the committee was informed that the county garage in the industrial area was no longer under the management of the county since the transfer of functions to Nairobi Metropolitan Services (NMS). However, the comprehensive list of the entire county fleet was provided to the committee and you can see it is attached. In addition, the garage services were not part of the contract between the county and Vivo energy.

Accordingly, the Committee recommended to the county that the fuel station in the Industrial Area be operationalized so that the county does not face similar challenges especially when the county is consistent with the payment of suppliers.

Hon. Speaker, a copy of the detailed response has been shared with the Hon. Paul Kados MCA who requested for the statement and a further copy is hereby attached to this report. I therefore respond.

Hon. Speaker: Thank you. Can we have Hon. Kados? Let us look if he is on Zoom. ICT can you get hold of him.

To the benefit of the doubt I will agree with the committee Chair and the report, it seems that Hon. Kados is in agreement with the report. Next order Clerk.

BILL

Second Reading

THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL 2021, ASSEMBLY BILL NUMBER 8 OF 2021
(The Nairobi City County Civic Education Bill 2021; A Bill for an Act of Nairobi City County Assembly to Provide for The Establishment of a Legal and Institutional Framework for The Facilitation of Civic Education in The County Government Processes and Service Delivery So as to Give Effect to The Provision of the Constitution and The County Government Act 2012 And Other Laws Requiring Civic Education and for Connected Purposes)

Hon. Speaker: Hon. Silas Matara

Hon. Doris Kanairo: Thank you Hon. Speaker. I hereby present this Bill on behalf of Hon. Matara who is away on other engagements. I move the Bill is an Act of Nairobi County Assembly to provide for establishment of the legal institution framework to facilitate civic education in county government processes and service delivery so as to give effect to the provisions of the Constitution and the County Governments Act 2012 and other requiring civic education for connected purposes.

Hon. Speaker, this Bill establishes mechanisms that will be put in place for the people who cannot read or write, people with disabilities, the minorities and marginalized groups, women and other disadvantaged groups and the elderly.

The County Assembly should put in place measures to ensure the county Government and its entities promote affirmative action to ensure minorities and marginalized groups receive civic education to participate in all matters that affect them and are represented in governance and other spheres of life. To also provide special opportunities in all areas of economic, education, social, religious and political fields. It also covers forums in the sub-counties and villages.

Hon. Speaker, I wish to call upon Hon. Ariviza to second this Bill.

Hon. Speaker: Seconder

Hon. Mary Ariviza: Thank you for the opportunity to second this important Motion [Bill]. Mr. Speaker, we live in a city that is cosmopolitan and with many people, therefore it is important that we make sure that all the people who meet here access information which is a constitutional right. People living with disability should be able to receive information and act on it accordingly as given. I know that it is in the Constitution that everybody has a right to information and especially public information from public institutions. But it is important that we functionalize that in the Nairobi County so that when we are having any meeting for instance, we should be able to translate that information into braille. We should also have a person translating the information into sign language for people living with hearing disability and so on, it is important that this is done.

We may also be having people who do not know how to read and write and so it is important that information is translated in many ways possible including television, radio and recorded media where people

can be able to attend governmental activities and their city Nairobi with full knowledge and especially the processes that involve the assembly.

I support this Motion because I also represent People Living with Disability in Nairobi. They will be very happy to know that this has been brought by Hon. Matara on their behalf and that they will be able to get information regardless whether they know how to read or write. I support the Motion and I second.

(Question proposed)

Hon. Speaker: ICT, we have a request from Hon. Anthony Mburu?

It seems like we do not have any request for debate. Mover to reply!

Hon. Doris Kanario: Hon. Speaker, I beg to reply because this Bill is important to this county even to the future Assemblies. People will be more informed when future assemblies will be held. I also want to thank Hon. Ariviza for seconding this bill. Thank you.

Hon. Speaker: Very well.

(Question put and agreed to)

(The Bill was read a Second Time)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business; the House stands adjourned till Thursday 9th June 2022 at 2.30 p.m. Thank you.

The House rose at 3.15 p.m.