



**NAIROBI CITY COUNTY ASSEMBLY  
FIRST ASSEMBLY - FOURTH SESSION**

**REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION**

**COMMITTEE RETREAT HELD AT ROYAL CITY HOTEL MILIMANI, KISUMU  
COUNTY**

**30<sup>TH</sup> JUNE TO 4<sup>TH</sup> JULY, 2016**

**Office of the Clerk,  
Nairobi City County Assembly  
City Hall Building  
NAIROBI.**

**AUGUST, 2016**



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## **1.0 PREFACE**

The Select Committee on Implementation is established under Standing Order No. 189 and its mandate as outlined in Standing Order 189 (2), amongst others, *“to scrutinize the resolutions of the County Assembly (including adopted committee reports, petitions and the undertakings given by the County Executive Committee and examine-*

- a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary; and*
- b) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization, has taken place within the minimum time necessary.*

### **Committee Membership**

The Committee on Implementation was constituted by the Assembly on Tuesday 28<sup>th</sup> May, 2013 and comprises the following Members:-

1. Hon. Elias Otieno Okumu, MCA - **(Chairman)**
2. Hon. Abdi Ibrahim Hassan, MCA - **(Vice Chairman)**
3. Hon. Alvin Olan do Palapala, MCA
4. Hon. Maxwell Ochar, MCA
5. Hon. David Kitavi, MCA
6. Hon. David N. Mberia, MCA
7. Hon. Mike Obonyo Guoro, MCA
8. Hon. Peter Oluoch Owera, MCA
9. Hon. John Waweru Kinuthia, MCA
10. Hon. James Kinuthia, MCA
11. Hon. Amos Mbutia, MCA
12. Hon. Susan Karimi Njue, MCA
13. Hon. Pius Mwaura Mbono, MCA
14. Hon. Magdalene Mbogori, MCA
15. Hon. Celestyne Ongere Owino, MCA

16. Hon. Anthony Kiragu, MCA
17. Hon. Imelda Nafula, MCA
18. Hon. Ruth Njeri, MCA
19. Hon. Marion Githinji, MCA

**Mr. Speaker Sir,**

Pursuant to the provisions of Article 185 of the Constitution, the legislative authority of a County Government is vested in the County Assembly. The Constitution further bestows County Assemblies with the powers to exercise oversight over the County Executive Committee and any other county executive organ. The Assembly has passed various motions and bills which are pertinent to the wellbeing of residents of the County. In this regard, the Committee on implementation which is mandated to scrutinize the resolutions of the County Assembly and the undertakings given by the County Executive Committee, resolved that a retreat be organized so that Members can have sufficient time to scrutinize the Bills passed and enacted into Laws by the County Government since its inception under the Constitution of Kenya, 2010. Members further resolved that the retreat be held in Kisumu County as from 30<sup>th</sup> June to 4<sup>th</sup> July, 2016

**Mr. Speaker Sir,** the Committee scrutinized proposed action areas in a total of six (6) Acts, resolutions of motions passed by the Assembly and recommendations proposed in various Committee reports and adopted by the Assembly in order to follow up the implementation status of the same as well as resolutions of motions and recommendations of Committees. The main objective of the Committee was to identify the action points in the Acts.

The Committee is thankful to the Office of the Speaker and the Office of the Clerk for the services and facilities extended to members which enabled the retreat successful.

**Hon. Speaker, Sir,**

On behalf of the Committee, it is my pleasant duty to table the Report of the Select Committee on Implementation on Committee retreat held at Royal City Hotel (Milimani) Kisumu County from 30<sup>th</sup> June to 4<sup>th</sup> July, 2016.

SIGNED .....



**HON. ELIAS OTIENO OKUMU, MCA  
(CHAIRPERSON)**

DATE.....

25/8/2016

## **2.0 INTRODUCTION AND OBJECTIVES OF THE WORKSHOP**

The Chairperson opened the session with a word of prayer and welcomed members to the retreat. He then invited Members, the Secretariat and the County assembly Legal Counsel to introduce themselves.

## **3.0 SCRUTINY OF THE NAIROBI CITY COUNTY ACTS**

The Legal Counsel took the Committee through the pieces of Legislation highlighting the action points and the office responsible for the implementation of the Acts:-

### **1) The Nairobi City County Petition to the County Assembly (Procedure) Act, 2015**

The Bill was passed on 2<sup>nd</sup> July, 2015 and assented to on 9<sup>th</sup> July, 2015. The office responsible for the implementation of the Act is that of the Speaker of the County Assembly.

### **2) The Nairobi City County Urban Agriculture Promotion and Regulation Act, 2015**

The Bill was passed on 30<sup>th</sup> July, 2015 and assented to on 12<sup>th</sup> August, 2015. The office responsible for the implementation of the Act is that of the County Executive Committee Member responsible for Agriculture, Forest and Natural Resources. The Act identifies the following action plans;

- a. Ensuring measures are taken to promote sustainable urban agriculture in the County (Section 4 (1)).
- b. Establishment of measures to promote best practices and regulate production, processing, marketing, grading, storage, collection, transportation and warehousing of crop and livestock products and inputs (Section 4 (3)).
- c. Ensuring the inclusion of urban agriculture in the planning process as a component of land use and food policy and zoning, marketing and market infrastructure (Section 5).
- d. Preparation of a strategic plan for the urban agriculture programs in accordance with section 36 (1) (f) and 40 (i) of the National Urban Areas

and Cities Act, and identifying areas for the expansion or deepening of agricultural activities in the county (Section 6).

- e. Establishing a policy for co-management for the fisheries, crop and livestock (Section 8 (d)).
- f. Developing an agriculture, fish and livestock marketing infrastructure (Section 8 (i)).
- g. Establishing the Nairobi City County Urban Agriculture Promotion Advisory Board.

#### **Implementation Progress**

The Sector charged with implementation of the Act reported that;

The office of the County Attorney communicated that it has received regulations from the Agriculture sector on animal control and abattoir and is reviewing the said regulations.

### **3) The Nairobi City County Disaster and Emergency Management Act, 2015**

The Bill was passed on 29<sup>th</sup> September, 2015 and assented to on 16<sup>th</sup> October, 2015. The office responsible for the implementation of the Act is that of the Chief Officer responsible for Security, Compliance and Disaster Management. The Act identifies the following action plan;

- a. Make rules for carrying out of the Act (Section 17 (1)).

#### **Implementation Progress**

The Office of the County Attorney communicated that it is awaiting for regulations from the sector

### **4) The Nairobi City County Dog Control and Welfare Act, 2015**

The Bill was passed on 2<sup>nd</sup> December, 2015 and assented to on 12<sup>th</sup> January, 2016. The office responsible for the implementation of the Act is that of the County Executive Committee Member responsible for matters relating to Agriculture, Livestock development and Fisheries.

Act identifies the following action plans;

- a. Preparing a status report every financial year for tabling before the County Assembly (Section 21 (2)).
- b. Appointment of persons to be authorised officers (Section 22).
- c. Make rules for carrying out of the Act (Section 37).

#### **Implementation Progress**

The Office of the County Attorney communicated that it has received regulations on dog control and welfare and is reviewing the same.

#### **5) The Nairobi City County Solid Waste Management Act, 2015**

The Bill was passed on 30<sup>th</sup> September, 2015 and assented to on 16<sup>th</sup> October, 2015. The office responsible for the implementation of the Act is that of the County Executive Committee Member responsible for Environment, Water and Energy. The Act identifies the following action plans;

- a. Establish mechanisms for involvement of stakeholders in solid waste management (Section 6).
- b. Impose a charge on generators of solid waste (section 7).
- c. Establish guidelines and undertake activities to facilitate recovery of waste (section 9).
- d. Divide solid waste into categories (section 10).

#### **Implementation Progress**

The Office of the County Attorney communicated that it has received 3 regulations from the environment sector.

#### **6) The Nairobi City County Wards Development Fund (Amendment) Act, 2015**

The Bill was passed on 7<sup>th</sup> October, 2015 and assented to on 16<sup>th</sup> October, 2015.

The County Wards Development Management Committee and the Ward Development Committee are responsible for the implementation of the Act.

The Act identifies the following action points;

- a. Record disbursements to be kept by the County Management Committee.
- b. Submission of an annual report on activities, operations and expenditures under the Act.



- c. Submission of a monthly report to the County Assembly Select Committee of project proposals received from the Wards.
- d. The County Management Committee to ensure that list of projects forwarded by each ward is, upon approval, funded in accordance with the Act.

### **Implementation Progress**

The Office of the County Attorney communicated that it is waiting for instructions from the sectoral committee on wards development fund since the Controller of Budget insisted that the Act had sections that were unconstitutional.

### **4.0 SCRUTINY OF MOTIONS TRACKER 2015 AND OBSERVATION OF IMPLEMENTATION STATUS.**

The Committee scrutinized motions passed by the Assembly in the Third Session and noted that no report from the County Executive on the implementation status of the motions that had matured had been received yet. The Members resolved that letters of reminder be written to the Executive on the status of implementation reports for the under listed motions that have reached their maturity period:-

- ✚ Motion urging the County Executive to partner with child rights organizations to protect children from economic exploitation by strictly enforcing the existing laws on child abuse and neglect.
- ✚ Motion urging the County Executive; in conjunction with NACADA, parents, teachers and well-wishers to immediately prepare affordable holiday camps for school children in educational facilities within the County and ensure adequate facilitation and security; and to institute collection and appropriate disposal measures of all used alcoholic drinks containers.
- ✚ Motion urging the County Executive to suspend with immediate effect the process of procuring a Bank to manage cash collections in the County before they clear the audit queries raised on the collection of revenue through Jambopay in the County.
- ✚ Motion urging the County Executive to set aside funds to facilitate the construction of post-trauma care facilities and ensure existing ones are

rehabilitated and equipped to offer temporary stay for survivors of Sexual and Gender Based Violence (GBV) in Nairobi City County.

## **5.0 SCRUTINY OF SUBMITTED IMPLEMENTATION STATUS REPORTS FROM THE COUNTY EXECUTIVE**

### **↓ Implementation status report on the report of the Sectoral Committee on Trade Tourism and Co-operatives on the site visit to Muthurwa Market.**

The Committee considered the report and the following it was noted that the County Executive had already identified various internal stakeholders in various departments and that the Sector had formed a working team to ensure that the recommendations of the Committee are implemented to the latter. The Committee therefore resolved that the CECM be invited for a meeting to inform the Committee on the detailed implementation status of the recommendations contained in the report of the Sectoral Committee.

### **↓ Implementation status report on the Regularization of developments Act, 2015.**

The Committee considered the implementation status report which stated that the County Executive had implemented the regularization of land buying companies subdivisions which is private and regularization of Nairobi City County land. Attached in the report was a list containing plot Nos. with the various No. of plots in the Block status of survey/ subdivision plan approval. The Committee was satisfied with the response.

### **↓ Implementation status report on the report of the Sectoral Committee on Water and Sanitation on the study visit to the Republic of Botswana.**

The Members were taken through the report and the following was noted:-

- a) **Nairobi City County Government enact sound laws on long term policies with strict enforcement mechanisms on water**

**and sewerage service provision which is a mandate of the County Government.**

Response

The County Government through Nairobi Water and Sewerage Company has commenced the formulation of water and sanitation policy. The draft document is complete waiting to be tabled to County Executive Committee Members and Water and Sanitation Committee then to County Assembly.

- b) **Nairobi City County Government to consider structured engagement of private investors and enhance inter-governmental and inter-agency relationships for effective service delivery in the Water and Sanitation sector.**

Response

Enactment of the draft Water and Sanitation policy and legislation will provide consultation with Athi Water Service Board in regard to projects aimed at improvement of water and sanitation service. Currently, NCC is working with KEWI in the area of drilling of boreholes.

- c) **To enhance public infrastructure security, behavior change, mobilization and sensitization. Nairobi City County to formulate sound public participation and information flow policy.**

Response

The County Public Participation legislation has passed through the stages of enactment and has already been assented to. Enforcement of this law will also entail information dissemination.

- d) **The Nairobi City County Government to invest in staff capacity building including trainings and academic advancements and partnering with think tanks through research to enhance the quality of institutional output in form of policies and programs.**

Response

The County Government sets a budgetary allocation annually for training and capacity building to enable its staff to update and improve knowledge and skill in their spheres of work including water and sanitation management. NCWSC as well, has a dedicated financial allocation for training, research and development unit aimed at initiating innovative solutions.

- e) **The Nairobi City County Government to ensure clear cut-out mandate for institutions serving in the Water and Sanitation sector. For instance, NCWSC and Athi Water services in the spirit of devolved functions. This can happen through constructive engagements with the National Government. This will have an eventual output of quick service delivery and non-duplication of projects within the County.**

Response

Enactment of the draft water and sanitation policy and legislation will provide clear definition of functions and roles of each player so as to avoid duplication.

- f) **Nairobi City County to seek technical support from Botswana within the Water and Sanitation Sector in areas that Botswana has excelled and form a bilateral relationship to strengthen sectoral development in the two systems.**

Response

The engagement of Botswana in the technical field will be initiated within the provisions of the anticipated water and sanitation policy and legislative framework for Nairobi City County expected to be in place soon.

- g) **Nairobi City County Government to emphasize the aspect of accountability and oversight across the spectrum of leadership and electorate. It is against development when the role of watchdog (oversight) is deemed to be for elected**

leaders only. When the recipients of the government services are on the watch over the quality and timelines of the service combined with effective information flow mechanism, it not only causes better services but also imbibes a sense of responsibility on the providers.

Response

The Nairobi City County Government endeavors to intensify awareness and sensitization to its residents as per the provision of County Government Act and other related laws.

**6.0 CONSIDERATION OF RESPONSE TO STATEMENT REQUESTED BY HON. SAMUEL NYANGWARA.**

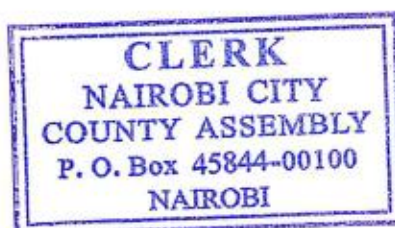
‡ **Response to statement requested by Hon. Samuel Nyangwara (MCA) regarding the implementation of the resolutions of the Select Committee on Public Accounts report on the Auditors General's report of the Audited Financial Statements of the County for the year FY 2012/2013.**

The Nairobi County Public Service Board informed the Committee that the Board was not privy to the report of Public Accounts Committee, the Committee therefore resolved to write another letter attaching the said report to enable the NCPSB submit the implementation status report.

**6.0 RECCOMENDATIONS**

**Following the consideration of the implementation status of the above Bills and Motions passed in the Assembly, the Committee recommends that the Assembly resolve as follows:-**

‡ The relevant County Executive Committee Members to update the Committee on the implementation status of all Acts and Motions that have been passed by the Assembly on timely basis pursuant to Standing Order No. 182.



- ↓ The office of the County Attorney should submit all regulations that have been forwarded by the relevant County Executive Committee Members, for approval by the Assembly.
- ↓ Sectoral Committees should follow up and ensure that County Executive Committee Members hastily forward regulations on Acts passed by the Assembly to the County Attorney for review.
- ↓ Most of the Acts passed by the Assembly had the financial aspects, hence the County Executive should have allocated monies for implementation of the Acts in the current FY budget.
- ↓ All sponsored Legislative proposals from the County Executive the Committee should be taken through the proposals therefore enabling them to track the implementation status.