

REPUBLIC OF KENYA
GOVERNMENT OF NAIROBI CITY COUNTY



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City Hall Buildings
P O Box 45844-00100
Nairobi, Kenya

OFFICE OF THE CLERK
THE NAIROBI CITY COUNTY ASSEMBLY

1ST SESSION

NBI CA. PLC. 2014 / (23)

28th January, 2014

PAPER LAID

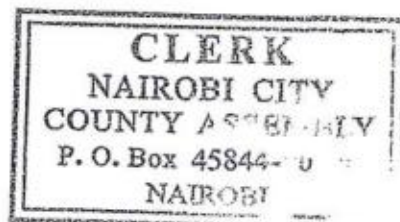
The following Paper will be laid on the Table of the Assembly, today Tuesday 28th January, 2014.

THIRD REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON ITS CONSIDERATION OF THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND BILL, 2014 (ASSEMBLY BILL NO. 3 OF 2014)

(CHAIRPERSON, SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS)

Copies to:

The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



Approved
Speaker
[Signature]
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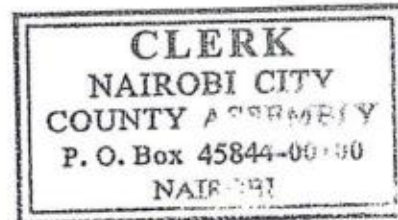
REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NAIROBI CITY

*Raid at the table
of the Assembly on
28th Jan. 2014.*



NAIROBI CITY COUNTY ASSEMBLY
FIRST SESSION

THIRD REPORT OF THE
SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON THE
CONSIDERATION OF THE WARD DEVELOPMENT FUNDBILL, 2014.



CLERK'S CHAMBERS
NAIROBI CITY COUNTY ASSEMBLY
CITY HALL BUILDINGS
NAIROBI

JANUARY, 2014

PREFACE

Hon. Speaker, Sir,

The Sectoral Committee on Transport and Public Works was constituted pursuant to the provisions of Standing Order No. 191 of the Nairobi County Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 191(5), which mandates the Committee to, inter alia;

- (i) study and review all County legislation referred to it;*
 - (ii) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*
-

Hon. Speaker,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i. County Transport including County Roads, Street lighting, traffic and parking, public road transport and ferries and harbors, excluding the regulation of International and National Shipping and matters related thereto.
- ii. County Public Works and Services including storm water management systems in built-up areas.

Hon. Speaker, Sir,

The following are the Members of the Committee:

The Hon. Diana Kapeen, MCA - (**Chairperson**)
The Hon. Martin Waweru Gichuhi, MCA - (**Vice Chairperson**)
The Hon. Ken Oduru, MCA
The Hon. Shadrack Juma, MCA
The Hon. Maurice Gari Otieno, MCA
The Hon. Clarence K Munga, MCA
The Hon. Paul k.kiguathi, MCA
The Hon. Kennedy Ngondi, MCA
The Hon. Osman Adow Ibrahim, MCA
The Hon. Irungu Samuel, MCA
The Hon. Kenneth Irungu, MCA
The Hon. Chege Mwaura, MCA

The Hon. Amina Mohammed, MCA
The Hon. William Abuka, MCA
The Hon. Tabitha Ndigirigi, MCA
The Hon. Maxwell Ochar, MCA
The Hon. Mark Ndungu, MCA

Hon. Speaker, Sir,

Mr. Speaker Sir, The Nairobi City County Wards Development Fund Bill, 2014 was published on 14th November 2013 by the government printers for debate and enactment by the Nairobi County Assembly, thereafter the bill elapsed pursuant to Standing Order 134 131 and it was republished in the same form by Government Printer on 27TH January 2014 as Nairobi City County Wards Development Fund Bill, 2014(Bills no 3 of 2014) before its re- publication

The Ward Development Fund Bill, 2014, underwent the First Reading on Wednesday, 27th November, 2013 and was committed to the Committee on Transport and Public Works, as provided for under Standing order 121(1).

Pursuant to Article 118(b) and Standing Order 121(3) which require public participation and involvement in the legislative and other business of the County Assembly and its Committees, a notification was placed in the Nation Newspaper on November, 2013, informing the public that the Committee was considering amendments to the Nairobi City County Wards Development Fund Bill, 2013, and inviting them to submit their memorandum either in hard copy to the County Interim Clerk or by Email nbiclerk@gmail.com to be received on or before Thursday, 5th December, 2013 at 5.00p.m.

Hon. Speaker, Sir,

It is important to note that, there was no responses from the members public, either through memoranda's or the email address forwarded to the public for the same, however, the Transport and Public Works committee received a memorandum from the Minister in- charge of Transport and Public Work, Nairobi City County, P.O.Box 30075-00100 attached please find the memorandum of the same.

Hon. Speaker, Sir,

The Committee held a total of seven meetings, to deliberate on the NCCWD BILL, Attached are minutes of the meetings held in regard to the NCCWDF.

During its consideration of the Bill with stakeholders from the Executive, The Executive Member for Finance Hon. Gregory Mwakiongo, informed the committee that the funds set aside for development of the Wards was still available and the department will implement the projects once the bill is passed, the County Engineer Eng. Christine Ogut stressed the need to spend the ear marked fund within the remaining months on priority projects.

The Engineer advised the Committee that if County did not implement projects targeted for the financial year, then they risk being challenged on county funds absorption capacity and the electorate will question the County Government's performance. It was agreed that members ensure proper utilization of the allocated funds for the Bill.

The Committee resolved that a meeting be held on 3rd February 2014 during which it will receive the Executive's report on the establishment of the Ward Development Fund disbursement structures and the disbursement program.

Hon. Speaker Sir,

The Transport Committee proposed that by 30th January 2014 the Committee for the Ward Development Fund, in the 85 wards should be in place. The Committee observed that there was need to decentralize the County Treasury, and called upon the Budget and Appropriation committee to act with speed in ensuring this is done so as to fast track development in the County.

Hon. Speaker Sir,

It is prudent to inform the Assembly that the County Executive Committee Member for Transport and Public Works, Mr. Evans Ondieki, informed the house that the Executive was in support of the Bill and was anticipating its passing into law so as to have the structures to spur development within the City County of Nairobi.

He submitted a write-up on amendments to the Bill. Among the amendments were:

- (a) That there should be an equalization fund under clause 14(i)
- (b) That the proposed 5% under clause 4(2a) be increased to 10%

The Committee subsequently agreed on the following as the way forward regarding the Bill and proposed amendments;

- (a) It was agreed that some of the structures required in the Bill would be put in place by the executive by end of January 2014 and Members would proceed with the Bill till it is enacted into law to support the structures that will be set up.
 - (b) Projects to be implemented are to be identified for the Bills of Quantities documents to be ready by the time the structures are in place.
 - (c) The requested priority projects should be submitted to the Engineer within the next 7 days since the meeting.
 - (d) The members were asked to note that the Ward Development fund was not to ~~carter for the submitted priority projects~~ but for a different set of projects that would be identified by the set up structures.
-

Mr. Speaker,

The need for devolved grassroots development at the Ward level to compliment development initiatives from both the National and County Governments is paramount to entrenching service delivery. The object of this Bill is therefore to provide for the establishment, administration and use of the Ward Development Fund and for connected purposes.

Hon. Speaker, Sir,

In examining the Bill, the Committee noted that some proposed amendments, such as amendments to Clause 2 and 4, are timely as they seek to bolster the fund's resource base and ensure it takes off.

The lack of previous audited accounts for the Nairobi City County Government necessitated amendments to Clause 4. The Committee was of the opinion that the requirement that the fund be drawn from not less than five percent of the “*most recent audited accounts of revenue*” would stagnate its establishment. It was therefore proposed that Clause 4 be amended so the fund can be set up from the readily available “*ordinary revenue collected in the previous year.*”

It was further noted that it is important to ensure amendments are in tune with the spirit of the Fund, which is designed to support Ward-level, grass-root development projects. It was aimed to achieve equitable distribution of development resources across Wards and to control imbalances in development brought about by partisan politics.

To that end, the Committee proposed that the Fund take into cognizance the rights of children, persons with disability, youth, minorities, marginalized and older members of the society as provided for under Article 53, 54, 55, 56, and 57 of the constitution of Kenya (2010). This necessitated proposed amendments to Clause 28, to expand the net on groups legible for support from the fund.

During its deliberations, the Committee also took note of transition issues arising out of the management of the fund through successive terms of the Assembly. It was agreed that Clause 8 be amended, such that the Ward Management Committee serves for a period of three years, as opposed to the four originally proposed. This will allow incoming management teams to benefit from the knowledge and hindsight of the outgoing team in the one year of transition, and to create continuity in the management of the fund and projects.

Other crucial amendments noted by the Committee included deletion of Clause 26, to forestall any potential conflict amongst Wards in terms of allocation. Clause 26 had proposed formulae for disbursement of the fund whose criteria the Committee felt would give rise to conflict amongst Wards. The Committee was of the opinion that all Wards be given equal allocation regardless of their population or other criteria as had been outlined in Clause 26.

Additionally, Members were in agreement that since priorities may differ from Ward to Ward, an amendment be brought to Clause 28 (f) to remove the ceiling on purchase of Motor Vehicles. It was agreed that "purchasing" be left out from sub-clause (f), and be considered a Capital Budget to allow Members purchase Cars for development initiatives that call for such.


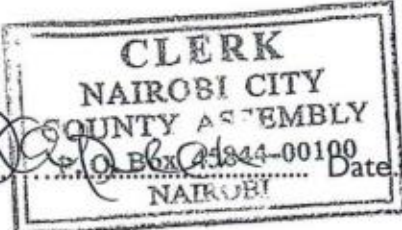
Amendments to Clause 49 were meant to ensure the Fund does not stagnate due to a lack of quorum. The Committee agreed that the Fund's Management Committee should be able to meet for the first time even before its membership from amongst the Public is elected or it is fully constituted.

Mr. Speaker, Sir,

The Committee is thankful to the Office of the Speaker and the Clerk of the Nairobi City County Assembly for the logistical and technical support accorded to it during its Sittings in consideration of the Bill.

Hon. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 130 (1), it is my pleasant duty to table in the Assembly the Report of the Sectoral Committee on Transport and Public Works on its scrutiny of the Ward Development Fund Bill, 2013.

Signed...   Date 28/1/2014

Hon. Diana Kapeen, MCA
Chairperson, Sectoral Committee on Transport and Public Works

**COMMITTEE'S CONSIDERATION OF THE WARD DEVELOPMENT
FUND BILL, 2013**

The Committee deliberated on the Bill as follows;

Clause 1	- Agreed to
Clause 2 to 4	- Proposed amendments
Clause 5 to 7	- Agreed to
Clause 8	- Proposed amendment
Clause 9 to 11	- Agreed to
Clause 12	- Proposed amendment
Clause 13 to 25	- Agreed to
Clause 26	- Proposed amendment
Clause 27	- Agreed to
Clause 28	- Proposed amendment
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Clause 29 to 30	- Agreed to
Clause 31	- Proposed amendment
Clause 32-33	- Agreed to
Clause 34	- Proposed amendment
Clause 35 to 43	- Agreed to
Clause 44	- Proposed amendment
Clause 45 to 46	- Agreed to
Clause 47	- Proposed amendment
Clause 48	- Agreed to
Clause 49	- Proposed amendments
Title	- Agreed to

**MATRIX OF PROPOSED AMENDMENTS TO THE WARD
DEVELOPMENT FUND BILL AND JUSTIFICATION**

CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
2	<p>THAT clause 2 be amended by inserting the following new definition in their proper alphabetical order—</p> <p>(a) “Ordinary Revenue” means the revenue into the County Revenue Account from both the National Government and the local county collections;</p> <p>(b) “Projects” means the projects referred to under section 28;</p>	<p>To provide for the interpretation of the newly inserted terms, “Ordinary Revenue” and “Projects”</p>
3	<p>THAT clause 3 be amended by inserting the words “further the objectives of the provisions of Article 186 and 207 (2) (a) of the Constitution” immediately after the expression “purpose of this Act is to”.</p>	<p>Provide the Constitutional/legal basis for the setup of the fund and its withdrawal from the Revenue Fund of Nairobi City County Government</p>
4	<p>THAT clause 4 be amended in sub-clause (3) by deleting the expression “most recent audited accounts of revenue” appearing immediately after the expression “on the basis of” substituting therefore the expression “ordinary revenue collected in the previous financial year”.</p>	<p>Forestall potential stagnation of the Fund due to the lack of previously audited accounts for Nairobi City County Government</p>
8	<p>THAT clause 8 be amended in sub-clause (4) (b) by deleting the word “four” appearing immediately after the word “term of” and substituting therefor the expression “three”.</p>	<p>Provide for transition/continuity in the management of the fund, with an overlapping year between successive</p>

		management teams
12	THAT clause 12 of the Bill be amended in sub-clause (1) by deleting the word “ section 26 ” at the end thereof.	Since Section 26 is proposed to be deleted.
26	THAT clause 26 of the Bill be deleted	To forestall any potential conflict amongst Wards in terms of allocation. The Committee is of the opinion that all Wards be given equal allocation regardless of their population or other criteria as had been outlined in Clause 26.
	THAT clause 28 be amended by-	
28	<p>(a) in sub- clause (1) by inserting the following new paragraph immediately after paragraph (b)—</p> <p style="padding-left: 40px;">(c) Take into cognizance to the rights of children, persons with disability, youth, minorities, marginalized and older members of the society as provided for under Article 53, 54, 55, 56 and 57 of the Constitution.</p> <p>(b) In sub- clause (8) (a) by inserting the words “social welfare programmes” immediately after the words “used for”.</p> <p>(c) In sub-clause (8) (f) by deleting the word “purchasing” appearing before the word “running.”</p>	<p>Give effect to the provisions of the Constitution of Kenya (2010) on the rights of children, persons with disability, youth, minorities, marginalized and older members of the society.</p> <p>Allow Members purchase vehicles depending on their priorities. The cap</p>

		at 3% is insufficient should such a need arise in a ward. Purchasing be considered/part of Capital Budget
31	<p>THAT clause 31 be amended;</p> <p>(a) In sub- clause (2) by inserting the words “social welfare programmes” immediately after the expression “subsection (1) an”.</p> <p>(b) In sub- clause (2) by deleting the words “twenty five” and inserting the word “fifteen” immediately after the expression “more than.”</p>	To widen the net on the kinds of welfare programs the fund can be applied to, and in sub-clause 2 to remove ambiguity on the percentage ceiling for the funds meant for welfare programs.
	THAT clause 34 be amended –	Reduce the period
34	<p>(a) In sub-clause (2) (a) by deleting the word “forty-five” appearing immediately after the word “within” and substituting therefor the expression “thirty”.</p> <p>(b) In sub-clause (2) (b) by inserting the word “sub” immediately after the word “each”.</p> <p>(c) In sub-clause (2) (c) by inserting the word “sub” immediately after the word “from all the”.</p>	during which an MCA convenes public meetings to nominate a Chairperson for the fund Committee In sub-clause 2(b) and (c) to cure the omission of the word sub- when referring to sub-wards
44	THAT clause 44 is amended in sub-clause (2) by deleting the expression “ the Ward Development ” substituting therefor the expression “ The County Development ”.	

	<p>47</p> <p>THAT clause 47 be amended—</p> <p>(a) By deleting the word “five” appearing immediately after the expression “imprisonment for a term of not less than” and substituting therefor the word “two”.</p> <p>(b) By deleting the word “five hundred thousand” appearing immediately after the expression “fine of not less than” and substituting therefor the word “two hundred thousand”.</p>	<p>Reduce the severity of the penalty for persons who misappropriate any funds or assets from the fund, or assists or causes any person to misappropriate or apply the funds in any other manner not specified in the Act</p>
<p>49</p>	<p>THAT clause 49 of the Bill be amended —</p> <p>(a) by deleting sub clause (I) and substituting therefor the following new sub clause—</p>	
	<p>(I) the initial capital of the Fund shall consist of:-</p> <p>(a) the sum of one billion, two hundred and seventy five million shillings appropriated under the vote of the County Department for public Works during the 2013-2014 financial year.</p> <p>(b) the sum of one hundred and twenty seven million shillings appropriated under the vote of the County Department for Education during the 2013-2014 financial year;</p>	

	<p>(b) by deleting sub-clause 2</p> <p>(c) by inserting the following sub-clauses (2) and (3) immediately sub-clause (1)</p> <p>2) notwithstanding sub section (5) of section 4 of this Act, the first meeting of the Ward Development Fund Committees shall be convened within the first thirty days after coming into force of this Act;</p>	
	<p>3) notwithstanding paragraph 2 (4) of the First Schedule, before members contemplated under section 5 (2)(d) are appointed, the quorum for the County Management Fund Committee shall consist of members appointed under sub sections (2) (a), (b), (c) and (e) of section 5 of the Act.</p>	

**COMMITTEE STAGE AMENDMENTS TO THE
NAIROBI CITY COUNTY WARDS
DEVELOPMENT FUND BILL, 2013**

Article I. NOTICE is given that the Chairperson of the Sectoral Committee on Roads, Public Works and Transport Hon. Diana Kapeen, MCA, intends to move the following amendments to the Nairobi City County Ward Development Bill, 2013, at the Committee Stage—

CLAUSE 2

THAT clause 2 be amended by inserting the following new definition in their proper alphabetical order—

(c) **“Ordinary Revenue”** means the revenue into the County Revenue Account from both the National Government and the local county collections;

(d) **“Projects”** means the projects referred to under section 28;

CLAUSE 3

THAT clause 3 be amended by inserting the words **“further the objectives of the provisions of Article 186 and 207 (2) (a) of the Constitution”** immediately after the expression **“purpose of this Act is to”**.

CLAUSE 4

THAT clause 4 is amended in sub-clause (3) by deleting the expression "**most recent audited accounts of revenue**" appearing immediately after the expression "**on the basis of**" substituting therefore the expression "**ordinary revenue collected in the previous financial year**".

CLAUSE 8

THAT clause 8 be amended in sub-clause (4) (b) by deleting the word "**four**" appearing immediately after the word "**term of**" and substituting therefor the expression "**three**".

CLAUSE 12

THAT clause 12 of the Bill be amended in sub-clause (1) by deleting the word "**section 26**" at the end thereof.

CLAUSE 26

THAT clause 26 of the Bill be deleted

CLAUSE 28

THAT clause 28 be amended by-

(d) in sub- clause (1) by inserting the following new paragraph immediately after paragraph (b)—

(c) **Take into cognizance to the rights of children, persons with disability, youth,**

minorities, marginalized and older members of the society as provided for under Article 53, 54, 55, 56 and 57 of the Constitution.

(e) In sub- clause (8) (a) by inserting the words “**social welfare programmes**” immediately after the words “**used for**”.

(f) In sub-clause (8) (f) by deleting the word “**purchasing**” appearing before the word “**running.**”

CLAUSE 31

THAT clause 31 be amended;

(c) In sub- clause (2) by inserting the words “**social welfare programmes**” immediately after the expression “**subsection (1) an**”.

(d) In sub- clause (2) by deleting the words “**twenty five**” and inserting the word “**fifteen**” immediately after the expression “**more than.**”

CLAUSE 34

THAT clause 34 be amended –

(d) In sub-clause (2) (a) by deleting the word “**forty-five**” appearing immediately after the word “**within**” and substituting therefor the expression “**thirty**”.

(e) In sub-clause (2) (b) by inserting the word “**sub**”

immediately after the word “**each**”.

- (f) In sub-clause (2) (c) by inserting the word “**sub**” immediately after the word “**from all the**”.

CLAUSE 44

THAT clause 44 be amended in sub-clause (2) by deleting the expression “**the Ward Development**” substituting therefor the expression “**The County Development**”.

CLAUSE 47

THAT clause 47 be amended—

-
- (c) By deleting the word “**five**” appearing immediately after the expression “**imprisonment for a term of not less than**” and substituting therefor the word “**two**”.
- (d) By deleting the word “**five hundred thousand**” appearing immediately after the expression “**fine of not less than**” and substituting therefor the word “**two hundred thousand**”.

CLAUSE 49

THAT clause 49 of the Bill be amended —

- (a) by deleting sub clause (1) and substituting therefor the following new sub clause—

(1) the initial capital of the Fund

shall consist of:-

(a) the sum of one billion, two hundred and seventy five million shillings appropriated under the vote of the County Department for Public Works during the 2013-2014 financial year; and

(b) the sum of one hundred and twenty seven million shillings appropriated under the vote of the County Department for Education during the 2013-2014 financial year;

(b) in sub-clause (2) by deleting the word **“one month”** appearing immediately after the word **“shall within”** and substituting therefor the word **“fourteen days”**.

(c) by inserting the following new sub clause (3) and (4) immediately after sub clause (2)-

3) notwithstanding sub section (5) of section 4 of this Act, the first meeting of the Ward Development Fund Committees shall be convened within the first

thirty days after coming into force of this Act;

- 4) notwithstanding paragraph 2 (4) of the First Schedule, before members contemplated under section 5 (2)(d) are appointed, the quorum for the County Management Fund Committee shall consist of members appointed under sub sections (2) (a), (b), (c) and (e) of section 5 of the Act.
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ANNEXURE

1. Annexure I Minutes
 2. Annexure II Memoranda from County Executive
 3. Annexure III Advertisement for Public Participation
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MINUTES OF THE TRANSPORT AND PUBLIC WORKS COMMITTEE MEETING HELD ON 28TH JANUARY 2013 AT CITY PLANNING BOARD BOARDROOM

Members Present

1. Hon Diana Kapeen, MCA, Chairperson
2. Hon Martin Gichuhi, MCA, Deputy Chairperson
3. Hon Paul Kiguathi Kados, MCA
4. Hon Shadrack Juma, MCA
5. Hon William Abuka, MCA
6. Hon Tabitha Ndigirigi, MCA
7. Hon Amina Mohammed, MCA
8. Hon Samuel Irungu, MCA
9. Hon Osman Adow, MCA
10. Hon Paul Kiguathi Kados, MCA
11. Hon KI Mwangi, MCA
12. Hon Maurice Gari Otieno, MCA
13. Hon Kennedy Oduru, MCA
14. Hon Chege Mwaura, MCA

Meeting was called to order at 9.40 p.m., Hon Diana Kapeen conducted the opening prayers

MIN1/TPW/2014/JANUARY – ADOPTION OF COMMITTEES REPORT ON PROPOSED AMENDMENTS TO THE WARD DEVELOPMENT FUND BILL 2014

Hon Chairlady informed the committee that today's main agenda was to adopt committees report on the propose amendments to the wards development fund Bill 2014, She informed the committee that it was of essence for the committee to adopt the report

Members had no objections to the propose Ward Development Fund Bill 2014, It was therefore agreed that the report be adopted

Hon Martin Gichohi Proposed that the report be adopted, he was seconded by Hon Chege Mwaura

The Meeting ended at 10.20 a.m. next meeting to be held on 29th January 2014

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRPERSON.......... DATE 28/1/2014.....

DATE.......... DATE 28/1/2014.....

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MINUTES OF THE 80TH NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON TRANSPORT AND PUBLIC WORKS MEETING HELD AT CHARTER HALL, CITY HALL ON THURSDAY, 16TH JANUARY 2014 AT 11.00 HOURS

PRESENT

1. Hon. Diana Kapeen, MCA (Chairperson)
2. Hon. Martin Waweru Gichuhi, MCA (Deputy Chairman)
3. Hon. Samwel Irungu Mwangi, MCA
4. Hon. Clarence K. Munga, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Tabitha W. Ndigirigi, MCA
7. Hon. William Abuka, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Maxwell O. Ochar, MCA
10. Hon. Kennedy Oduru Nyarumba, MCA
11. Hon. Kados Paul Kigwathi, MCA
12. Hon. Osman Adow, MCA
13. Hon. Kennedy Ng'ondi, MCA
14. Hon. Kenneth Irungu Mwangi, MCA
15. Hon. Amina Mohammed, MCA
16. Hon. Chege Mwaura, MCA
17. Hon. Maurice Gari Otieno, MCA

IN ATTENDANCE –COUNTY ASSEMBLY

1. Mr. Jacob Ngwele – Interim Clerk
2. Ms Dorcus Akeyo Ambuto – For Clerk Assistant

BY INVITATION – COUNTY EXECUTIVE

1. Eng. Christine Adongo Ogut – Chief Officer for Transport, Roads and Public Works
2. Mr. Gregory Mwananongo – County Executive Committee Member Responsible for Finance and Economic Planning
3. Mr. Evans Ondieki– County Executive Committee Member Responsible for Transport, Roads and Public Works

The meeting was called to order at 11.11 a.m. and opened with prayers read by the Deputy Chairman.

MIN.131/NCCA/TPWC/0080/JANUARY/2014 – THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND BILL 2013

The chairperson welcomed the members of the committee to the meeting. She wished them all a happy new year, 2014. Members introduced themselves and the Chairperson requested the invited County Executive members to give their views on the Nairobi City County Ward

Development Fund Bill. She referred the members to Standing Order number 191(3) with regard to the functions of the Select Committee.

MIN.132/NCCA/TPWC/0080/JANUARY/2014 – COMMENTS BY THE EXECUTIVE WITH REGARD TO THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND BILL 2013

The County Executive Committee Member Responsible for Transport and Public Works, Mr. Evans Ondieki reported that the Executive was in full support of the Bill and was anticipating its passing into law so as to have the structures to spur development within the County.

He submitted a write-up on amendments to the Bill. Among the amendments were:

- That there should be an equalization fund under clause 14(i)
- That the proposed 5% under clause 4(2a) be increased to 10%

MIN.133/NCCA/TPWC/0080/JANUARY/2014 – WAY FORWARD ON THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND BILL 2013

- Members agreed that clause 4(2a) be amended so that the wordings “ordinary revenue” be replaced by “total revenue”.
- It was agreed that some of the structures required in the Bill would be put in place by the executive by end of January 2014 and the members would proceed with the Bill till it is enacted into law to support the structures that will be set up.
- Projects to be implemented are to be identified for the Bills of Quantities documents to be ready by the time the structures are in place
- The requested priority projects should be submitted to the Engineer within the next 7 days
- The members were asked to note that the Ward Development fund was not to carter for the submitted priority projects but for a different set of projects that would be identified by the set up structures

The meeting adjourned at 11.50 am.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRMAN.....  DATE..... 20/1/2014

CLERK.....  DATE..... 20/1/2014

MINUTES OF THE 81ST NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON TRANSPORT AND PUBLIC WORKS MEETING HELD AT CHARTER HALL, CITY HALL ON THURSDAY, 16TH JANUARY 2014 AT 12.00 HOURS

PRESENT

1. Hon. Diana Kapeen, MCA (Chairperson)
2. Hon. Martin Waweru Gichuhi, MCA (Deputy Chairman)
3. Hon. Samwel Irungu Mwangi, MCA
4. Hon. Clarence K. Munga, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Tabitha W. Ndigirigi, MCA
7. Hon. William Abuka, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Maxwell O. Ochar, MCA
10. Hon. Kennedy Oduru Nyarumba, MCA
11. Hon. Kados Paul Kigwathi, MCA
12. Hon. Osman Adow, MCA
13. Hon. Kennedy Ng'ondi, MCA
14. Hon. Kenneth Irungu Mwangi, MCA
15. Hon. Amina Mohammed, MCA
16. Hon. Chege Mwaura, MCA
17. Hon. Maurice Gari Otieno, MCA

18. Hon. Hashim Kamau

IN ATTENDANCE –COUNTY ASSEMBLY

1. Mr. Jacob Ngwele – Interim Clerk
2. Ms Dorcus Akeyo Ambuto – For Clerk Assistant

BY INVITATION – COUNTY EXECUTIVE

1. Eng. Christine Adongo Ogut – Chief Officer for Transport, Roads and Public Works
2. Mr. Gregory Mwakanongo – County Executive Committee Member Responsible for Finance and Economic Planning
3. Mr. Evans Ondieki – County Executive Committee Member Responsible for Transport, Roads and Public Works

Absent without apology

1. Interim principal finance Jimmy Kiamba

The meeting was called to order at 12.00 noon.

MIN.134/NCCA/TPWC/0081/JANUARY/2014 – FUNDS FOR WARD DEVELOPMENT

Members were informed by the executive that the fund set aside for development of the Wards was still available and there was need to spend it within the remaining months on earmarked priority projects.

Hon. Ondieki minister for finance informed members that an extra Ksh 2billion which was expected from the National Government for earmarked road projects in the County.

The county Engineer Hon. Christine Ogut, reported that if the County did not implement projects targeted for the financial year then it risk being challenged on their funds absorption capacity and the electorates will question the County Government's performance.

The minister in charge of Finance informed the committee that his position was not that of the Executive, and the executive had not received the bill, however the Minister in charge of TRANSPORT AND PUBLIC WORKS, confirmed to the committee that indeed the Interim clerk of the assembly had forwarded the bill to the executive, and the executive was waiting for the assembly to work to the bill.

Hon Kennedy Ongondi challenged the minister in charge of finance Hon. Gregory Mwakino to state his presence in the committee if he was not representing the executive.

The Chairperson Hon. Dianah Kapeen, on works also question if the minister would implement the bill if he was present on his own capacity. The minister stated that he would implement the bill but requested for 14 days to present the input of the executive.

The Executive member on Finance, Hon. Gregory Mwakino assured the committee that the funds allocated to the WDF, was available he however noted that the money can only be realized, as per the remaining part of the financial year.

Hon, Gregory Mwakino committed to appear before the committee on 3rd February 2014 to present the Executive's report on the establishment of Ward Development Fund disbursement structures and the disbursement program, Members requested that by 30th January 2014 the Committee for the Ward Development Fund should be in place.

Members decried the bureaucracy in the procurement sector and agreed to work towards changing the way things are done in the department. Hon. Chege Mwaura asked the minister in-charge of finance, why finance matters are centralized in one department and questioned if that does not promote corruption and also encourage slow activities in the departments. The Minister said lack of personnel had led to the centralization of the activities at the treasury department, and agreed that was need to decentralize the treasury activities to fast track activities and management of the departments.

Hon Chege observed that there is need to devolve money. He said that the Finance Department needs to let the 10 A.I.E (Authority to Incur Expenditure) holders of departments to be in charge of their finances to allow for faster procurement processes and processing of payments.

Hon. Kenethh Irungu, Pumwani ward asked the minister in charge of finance to explain the state of the vote set aside for the WDF, and if the funds were available, the minister confirmed that the funds were available.

Hon. Chege mwaura reminded the minister the assembly will not accept a reduction to the vote set aside for the WDF.

MIN.135/NCCA/TPWC/0081/JANUARY/2014 – ANY OTHER BUSINESS

1. Hon. Micheal Waweru, Kariobagi, South questioned the performance of the electrical department, since most of the city was in darkness and if the department was well financed due to its pivotal role in the county development. Eng. Christine Ogut observed that there was need for more funds to be allocated for street lighting as there was a deficit of Ksh303 million, she noted that most of the recurrent funds regarding the lighting was due to vandalism, she acknowledged that the department was under performing and is putting in structures for better performance.

The Engineer requested the Hon. MCA'S educate members of the public on the importance of lighting and the dangers of vandalism. Members undertook to educate their constituents on the importance of street lights in a bid to curb vandalism.

2. Hon. Martin Gichoi questioned the executive member for TRANSPORT AND PUBLIC WORKS on the status of the county filling station, the Executive member informed the committee that plans were under way to advertise the filling station through open tender, after thorough deliberation's the committee ruled that the process be put on hold, for further deliberations and a letter to the County secretary, Ms Lilian Ndegwa stopping the Advertising should be written through the Interim County Assembly clerk, Mr Jacob Ngwele.

The chairperson, Hon. Dianah Kapeen instructed the Executive member to table to the committee relevant document regarding the decision to put the council filling station in Dare Salam road on tender, the executive member committed to table any information on the filling station to the committee. Hon. Martine Gichoi further stated that was needed by the committee to further investigate the filling station.

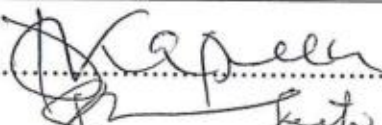
3. HON. Micheal Waweru, of Kariobagi ward, questioned the employment of street marshals, the county executive in charge of Transport and public works, on Evans Ondieki reported that the County Government had entered a partnership with World Bank to employ traffic marshals. However the funds provided by World Bank (Ksh100 million) were inadequate and more funds had to be requested. The traffic marshals' project is expected to be launched with a view of decongesting the city, the member queried the viability of the project and the minister offer to table more information.

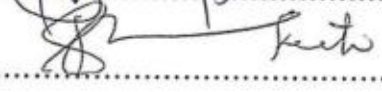
4. The executive Member. Hon. Evans Ondieki informed the committee, of county to plans to have a parastatal established within the county for the for purpose managing issues relating to transport sector, he noted that he will present a proposal to the sectorial committee on roads regarding the same.

Hon. Samuel Irungu reminded the Executive member that matters of the transport committee were sensitive hence the need for inclusion and public participation.

5. *Meeting adjourned at 13:37pm. The next meeting was scheduled for Friday 18th January 2014 at 11.00am.*

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRMAN.....  DATE..... 20/1/2014 (C)

CLERK.....  DATE..... 20/1/2014

MINUTES OF THE 82ND NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON TRANSPORT AND PUBLIC WORKS MEETING HELD AT CHARTER HALL, CITY HALL ON FRIDAY, 17TH JANUARY 2014 AT 10.30 HOURS

PRESENT

1. Hon. Diana Kapeen, MCA (Chairperson)
2. Hon. Martin Waweru Gichuhi, MCA (Deputy Chairman)
3. Hon. Samwel Irungu Mwangi, MCA
4. Hon. Clarence K. Munga, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Tabitha W. Ndigirigi, MCA
7. Hon. William Abuka, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Maxwell O. Ochar, MCA
10. Hon. Kennedy Oduru Nyarumba, MCA
11. Hon. Kados Paul Kigwathi, MCA
12. Hon. Osman Adow, MCA
13. Hon. Kennedy Ng'ondi, MCA
14. Hon. Kenneth Irungu Mwangi, MCA
15. Hon. Chege Mwaura, MCA
16. Hon. Maurice Gari Otieno, MCA

IN ATTENDANCE –COUNTY ASSEMBLY

Ms Dorcus Akeyo Ambuto – For Clerk

The meeting was called to order at 10.30 a.m. Prayers were offered by Hon. Samwel Irungu and the agenda read by Hon. Clarence Munga. The agenda was adopted with amendments being proposed by Hon. Mark Ndung'u and seconded by Hon. Shadrack Juma. The adopted agenda was as follows:

- 1.
2. *Unreliable fuel supply*

MIN.136/NCCA/TPWC/0082/JANUARY/2014 – REQUEST FOR SPECIAL SITTING

Members were informed that the special sitting of the Assembly to fast track the Ward Development Fund Bill could not be scheduled until the committee had received and deliberated on all Bill amendments forwarded to them. The Chairperson requested Hon. Clarence Munga and Hon. Maxwell Ochar to get the proposed amendments of the Bill by the County Executive Member for Transport, Roads and Public works, Mr. Evans Ondieki. The same Hon. Members were to get from the Clerk's office any other proposed amendments for the Committee's deliberation.

MIN.137/NCCA/TPWC/0082/JANUARY/2014 – UNRELIABLE FUEL SUPPLY

The Chairperson informed members of the fuel shortage being experienced by the County Government. She said that the supplier of the commodity to the County Government, Shell had failed to do so resulting in County Government vehicles being grounded. The Chairperson

observed that the Engineers and other staff of the county had expressed their frustration with the state of affairs.

The members expressed their desire to know the progress towards the County acquiring its own fuel depot on Dar-es-Salaam Road. Members felt that the process of establishing the depot or filling station was still shrouded in mystery.

They requested for a letter to be written to the Executive through the Clerk to put on hold the filling station acquisition till the members are fully furnished with documents and details regarding the station. Members felt that it was necessary to put checks and balances on the project in time so as not to end up losing the project to a private person just like it happened to the Asphalt Plant.

Members also proposed a site visit to the depot where they would hold their next meeting. The visit was scheduled for Wednesday, 22nd January 2014 at 10.00a.m.

Members agreed to employ a different strategy in future with regard to site visits. They proposed to have the area Members of the county Assembly as friends of the Committee on such visits and also bring along the media at an appropriate time for coverage.

Meeting adjourned at 12:30pm.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRMAN..... D. Apulea DATE 20/1/2014

CLERK..... B. Keth DATE 20/1/2014

MINUTES OF THE 83 NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON TRANSPORT AND PUBLIC WORKS MEETING HELD AT CHARTER HALL, CITY HALL ON FRIDAY, 17TH JANUARY 2014 AT 12.30 HOURS

PRESENT

1. Hon. Diana Kapeen, MCA (Chairperson)
2. Hon. Martin Waweru Gichuhi, MCA (Deputy Chairman)
3. Hon. Samwel Irungu Mwangi, MCA
4. Hon. Clarence K. Munga, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Tabitha W. Ndigirigi, MCA
7. Hon. William Abuka, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Maxwell O. Ochar, MCA
10. Hon. Kennedy Oduru Nyarumba, MCA
11. Hon. Kados Paul Kigwathi, MCA
12. Hon. Osman Adow, MCA
13. Hon. Kennedy Ng'ondi, MCA
14. Hon. Kenneth Irungu Mwangi, MCA
15. Hon. Chege Mwaura, MCA
16. Hon. Maurice Gari Otieno, MCA

IN ATTENDANCE –COUNTY ASSEMBLY

Ms Dorcus Akeyo Ambuto – For Clerk

The meeting was called to order at 12.30 p.m. The adopted agenda was as follows:

- 1.
2. *Unreliable fuel supply*

MIN.138/NCCA/TPWC/0083/JANUARY/2014 – EQUIPMENT

Members agreed that a letter should be written to the Executive through the Clerk requesting for the Executive Member for Transport, Roads and Public Works to be present at the Committee's meeting on Tuesday 28th January 2014 at Charter Hall, City Hall, to provide a comprehensive report on the following:

1. The status of the approved items for procurement, among them, a new Asphalt plant, pick-ups and graders
2. An inventory of everything in as far as tools and equipment for road maintenance is concerned
3. An inventory on the status of County Roads under management of KURA
4. An inventory on man hole covers and street lighting

The members proposed a visit to; Nanyuki Road on Friday 24th January 2014 and at a later date, to Lucky Summer Road.

MIN.139/NCCA/TPWC/0083/JANUARY/2014 – A.O.B

Hon. Njoroge Maina, as a friend of the Committee, wanted to know the status of the Ward Development Fund Bill. He was informed that the proposed amendments to the Bill would be compiled and deliberated on by members on Monday 3rd February 2014. The Hon. Member was invited to attend the meeting as a friend of the Committee.

With regard to Hon. Njoroge's concern about holding a special Assembly sitting, the Chairperson informed him that the sitting would only be possible after deliberations on proposed amendments.

Members agreed to visit Mathiora Road which is in record files as a tarmac road yet it has never seen tarmac.

Members also received a letter with regard to a dispute between 'Forward Travelers' and 'Mwamba' matatu Associations with regard to the use of Mfangano Street passenger dropping and picking point. It was observed that a Personal Assistant to the Executive had given directive to the Associations yet the matter is a Transport, Roads and Public Works Committee issue. Members agreed to raise the issue as an agenda with the Executive. They decided that a copy of the letter would be send to the Executive member for Transport, Roads and Public Works.

Meeting adjourned at 1:00pm.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRMAN..... *Dapreen* DATE..... *22nd / 1 / 2014*
CLERK..... *Keith* DATE..... *22 / 1 / 2014*

MINUTES OF THE TRANSPORT AND PUBLIC WORKS COMMITTEE MEETING HELD ON 20TH JANUARY 2013 AT 10.00 A.M. IN CITY PLANNING BOARD ROOM

Members Present

1. Hon. Diana Kapeen, MCA (chairperson)
2. Hon. Martin Waweru Gichuhi, MCA (Deputy Chairman)
3. Hon. Osman Adow Ibrahim, MCA
4. Hon. Maurice G Otieno, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Maxwell Ochar, MCA
7. Hon. Tabitha W Ndigirigi, MCA
8. Hon. Kennedy Oduru Nyarumba, MCA
9. Hon. Clarence K Munga, MCA
10. Hon. Mark Ndungu, MCA
11. Hon. Amina Mohammed, MCA
12. Hon. William Abuka, MCA
13. Hon. Samuel Irungu Mwangi, MCA
14. Hon. Maurice Gari Otieno, MCA
15. Hon. KI Mwangi, MCA

IN ATTENDANCE – COUNTY ASSEMBLY

Francis Sikote – Clerk assistant

The meeting was called to order at 10.15 hours and opened with prayers by Chairperson Hon Diana Kapeen.

MIN. 140/NCCA/TPWC/888/JANUARY 2013 – OPENING REMARKS

The chairperson welcomed members to the meeting. She reported that the days agenda was to deliberate on amendments to the ward development fund bill 2013

MIN. 142/NCCA/TPWC/88/JANUARY/2013 – DELIBERATIONS ON THE WARD DEVELOPMENT FUND BILL 2013

Members commenced the discussion on amendments to the ward development fund bill 2013 with part ii clause 5(2)(c) taking the centre stage, various members had their objections and proposals regarding the amendment of this clause that would have members of county assembly included in the ward s development fund management committee, Hon MUNGA was of the opinion that if such a proposal would see the light of the day then it would be proper to have the list of members to be included in the wards development fund committee be limited to the leader of minority and majority for composition but on an afterthought Hon Munga was of the view that such an inclusion would water down the spirit of the bill if control of the committee is

left under the whims of politicians, on Munga reiterated that there was no need for such an inclusion as the executive had a robust arrangement for managing the ward development fund .

Hon Maxwell Ochar while deliberating on amendment to ward development fund 2013 had objections to amending of this clause, He was of the view that inclusion of honorable members to the committee would amount to advancing their personal interests and to his believes and purposes members should serve a purpose and not their interests. Hon Njoroge G Maina a friend to the committee and a proponent to the amendments had no objections to inclusion of members to the committee, he argued that honorable members would have no vote in the committee hence they couldn't influence decisions for the committee

Hon Kapeen in her contributions noted that we could have a fund being controlled by the committee she felt that it was necessary to have members of county assembly in the committee. Hon Oduru in his contribution urged members to be sober while proposing amendments to this clause, He Was of the view that matter of law and constitution should guide such a discussion, in conclusion Hon Oduru felt that it was not necessary to amend this clause and should be left the way it was,.

~~In Conclusion amendments to this particular clause were rather contentious with members having mixed opinions but generally it was members majority view that inclusion of Honorable members was not necessary but in that particular clause members proposed for that the full composition of the committee should be retained as it was with minor changes for inclusion of a person not below the rank of principal clerk to be a designated alternate for the clerk~~

The meeting adjourned at 12.45hours next meeting would be held on 21st December 2013 at 11.30 a.m.

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN.....*Kapeen*.....

DATE.....*22/1/2014*.....

CLERK.....*B. Kaiti*.....

DATE.....*22/1/2014*.....

MINUTES OF THE TRANSPORT AND PUBLIC WORKS COMMITTEE MEETING HELD ON 21ST JANUARY 2013 AT 10.00 A.M. IN CITY PLANNING BOARD ROOM

Members Present

1. Hon. Diana Kapeen, (chairperson)
2. Hon. Martin Waweru Gichuhi (deputy Chairperson)
3. Hon. Osman Adow Ibrahim, MCA
4. Hon. Maurice G Otieno, MCA
5. Hon. Shadrack Juma, MCA
6. Hon. Maxwell Ochar MCA
7. Hon. Tabitha W Ndigirigi, MCA
8. Hon. Kennedy Oduru Nyarumba, MCA
9. Hon. Clarence K Munga, MCA
10. Hon. Kenneth Irungu, MCA
11. Hon. Mark Ndungu, MCA
12. Hon. Amina Mohammed, MCA
13. Hon. Chege Mwaura, MCA
14. Hon. William Abuka, MCA
15. Hon. Samuel Irungu Mwangi, MCA

IN attendance – COUNTY ASSEMBLY

Jacob Ngwele – Interim clerk Nairobi County Assembly

Francis Sikote – Clerk Assistant

FRIENDS OF THE COMMITTEE

1. Hon Hashim Kamau, MCA (Minority chief whip)

The meeting was called to order at 10.15 a.m. and opened with prayers read by Chairperson Hon Diana Kapeen

MIN. 141/NCCA/TPWC/88/JANUARY/2014 - FURTHER DELIBERATIONS ON THE AMENDMENTS TO THE WARD DEVELOPMENT FUND 2013

The chairperson welcomed members to the meeting. She did inform the members that the days agenda was to further deliberate on amendments to the Ward Development Fund Bill 2013. Members agreed that clause 4 which read ordinary revenue should include the definition of the word ordinary revenue which should include National and county government. Hon Ken Ngondi was in agreement that there was need to capture the real definition of revenue to avoid a situation where the word would end up tying them and to some extent bringing up some ambiguities. He therefore concurred with honorable members that the amendments were in order and should be submitted,

Hon Chege Mwaura also concurred on the usage of the word ordinary revenue. The issue of composition of the ward fund management committee was also deliberated; Members were in agreement that having county assembly members in the ward fund committee would amount to usurping the doctrine of separation of power. The Interim clerk Jacob Ngwele advised members that as a county with basically two arms that is the legislature and judiciary having members sitting in the management committee would be detrimental to the spirit of checks and balances. The clerk further advised the committee that since the vote of the fund will not lie with the assembly it would mean that the County assembly plays an advisory role, regarding clerk's advice members were in agreement that the amendment on inclusion of members of county assembly be dropped.

Hon Chege while commenting on financial provisions in clause 18(1) reiterated the need to maintain a lean staff that would basically be drawing allowances on 18(1) members agreed that it remains the same as matters to do with benefits and salaries of public servants remains solely on SRC. On submissions of ward projects proposals members agreed that clause 20(2) shall remain a penalty clause on clause 26(b) the clerk advised honorable members that it was rather contentious because B actually means the equalization fund meaning you have to retain some money.

On Part v types of projects, members had amended clause 28(b) (g) to read 3% of the total allocation be used for emergency but it was found that a provision to cater for emergencies had been accommodated

Part VI on the ward development fund committee was also discussed by honorable members and various amendments proposed on Clause 17(2) the clerk promised the members that he would confirm with the drafter to get better interpretation of the clause. Ondiekis amendments were also discussed by the committee ondiekis amendment on 48 was foregone thus it was inadmissible but his amendment on 28(1) was admissible in which ondieki proposed for inclusion of persons with disability to the ward development fund committee.

On PART VIII ON Miscellaneous provisions Hon Hashim Kamau the minority whip had some proposed amendments particularly in clause 49(1) to read that the initial capital of the fund shall be the sum of one hundred and twenty seven million five hundred thousand on clause 4(20) that reads notwithstanding subsection (1), if this act comes into operation midway financial year then the leader of majority shall within fourteen days of its publication, introduce in the assembly the amount proposed to be put in the fund and the amount proposed shall; be allowed through supplementary estimates

Meeting was adjourned at 12.20 p.m

CONFIRMED AS TRUE RECORDS OF PROCEEDINGS

CHAIRMAN.....*D. Njoroge*.....DATE *24/01/14*.....

CLERK DATE

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MINUTES OF THE TRANSPORT AND PUBLIC WORKS COMMITTEE SITTING HELD ON 27TH JANUARY AT 9.40 AM IN RAINBOW RESORT RUIRU.

Members Present

1. Hon. Diana Kapeen, MCA, (chairperson)
2. Hon. Martin Waweru Gichuhi, (Deputy Chairperson)
3. Hon. Shadrack Juma, MCA
4. Hon. Amina Mohammed, MCA
5. Hon. William Abuka, MCA
6. Hon. Tabitha Ndigirigi, MCA
7. Hon. Smuel Irungu, MCA
8. Hon. Paul Kiguathi, MCA
9. Hon. Chege Mwaura, MCA
10. Hon. Mark Ndungu, MCA
11. Hon. Osman Adow, MCA
12. Hon. Maxwell O Ochar, MCA
13. Hon. KI Mwangi, MCA
14. Hon. Maurice Gari Otieno, MCA
15. Hon. Kennedy Ngondi, MCA

16. Hon. Ken Nyarumba, MCA
17. Hon. Clarence Munga, MCA

Present County Assembly

Francis Sikote – Clerk Assistant

Romeo Castro Gavin – Clerk Assistant

Meeting was called to order at 9.40 a.m. Hon Diana Kapeen conducted the opening prayers

MIN1/TPWC/JAN/2014 – INTRODUCTORY REMARKS BY THE HON, CHAIRPERSON

The Chairperson welcomed members of the transport and public works committee to the session. She informed members that this was the last chance they had to make any amendments to the ward Development Fund Bill 2013, so it was upon them to come up with conclusive amendments to the ward development fund bill 2013 before its tabling on 28th of January 2013.

MIN2/TPWC/JAN/2014- REMARKS BY HONOURABLE MEMBERS

Honorable members also had some remarks concerning the ward Development Fund Bill 2013; Hon Irungu noted that it was very important that each member acquaints himself/herself with the bill for the purpose of defending the bill when it is tabled before the house. He reiterated the importance of the session and urged members to make a point of accurately defending the bill when it is finally tabled. Hon Martin Gichuhi in his remarks also told the committee that it was fundamental for the committee to ensure that loopholes in the bill are sealed to avoid unnecessary court battles.

MIN3/TPWC/JAN/2014 – COMMITTEES FURTHER DELIBERATIONS ON THE PROPOSED AMENDMENTS

Members started deliberating on the bill by looking at clause by clause, but of more importance to them were the rather contentious clauses, Clause 26 emanated a lot of discussions with some members proposing that wards should receive money depending with the population but majority of members objected this particular clause arguing that it will bring acrimony among members, Members argued that this would forestall any potential conflict among wards in terms of allocation of funds. The committee was therefore of the opinion that all wards should be given equal allocation regardless of their population or any other criteria as had been outlined in clause 26. Additionally members were in consensus that priorities of wards may differ from ward to ward they agreed that an amendment be brought in clause in clause 28(f) to remove the ceiling on purchase of motor vehicles it was agreed that purchasing be left out from sub- clause (f) and be considered a capital budget to allow members purchase cars for development initiatives that call for such. Members also proposed for amendments in clause 31 that clause 31 be amended in (c) in sub- clause (2) by inserting the words **social welfare programs** immediately after the expression “subsection (i) an”. In (d) in sub- clause (2) by deleting the words “twenty five” and inserting the word “fifteen immediately after the expression “more than.” Honorable members argued that it would widen the net on the kinds of welfare programs the fund can be applied to and in sub- clause 2 to remove ambiguity on the percentage ceiling for the funds meant for welfare programs.

Honorable members also agreed that clause 44 be amended in sub-clause (2) by deleting the expression “the Ward Development” substituting therefor the expression “The county development”.

Clause 49 was also proposed for amendments in (c) by deleting the word “five” appearing immediately after the expression ‘imprisonment for a term of not less than and substituting therefor the word “ two”

In (d) by deleting the word “five hundred thousand “appearing immediately after the expression “fine of not less than” and substituting therefor the word “two hundred

thousand". This was basically to reduce the severity of the penalty for persons, who misappropriate any funds or assets from the fund, or assists or causes any person to misappropriate or apply the funds in any other manner not specified in the act.

Clause 49 (d) in sub-clause (2) was also proposed for amendments by deleting the word "one month" appearing immediately after the word "shall within" and substituting therefor the word "fourteen days". On this particular clause members argued that it would reduce the period which the Leader of the Majority ought to bring supplementary estimates to the assembly for setting up the fund should the Act come into force halfway through a financial year

The Meeting was adjourned at 1.05 p.m.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

CHAIRPERSON..... *D. S. P. S.* DATE..... *24/1/2014*

CLERK..... *J. K. S.* DATE..... *27/1/2014*

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City Hall,
P.O.Box 30075 - 00100,
Nairobi,
KENYA.



ROADS, PUBLIC WORKS AND TRANSPORT

NCC/CECM/PWRT/VOL.I/132/2014

DATE: 17th January 2014

Mr. Ngwele
P.O BOX 30075-00100
NAIROBI.

Dear Sir,

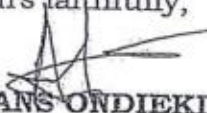
RE: PROPOSED AMENDMENTS TO WARD DEVELOPMENT FUND BILL 2013

The above matter refers,

Find attached a copy of the proposed amendments.

Thank you.

Yours faithfully,


EVANS ONDIEKI
EXECUTIVE COMMITTEE MEMBER
ROADS, PUBLIC WORKS, TRANSPORT

Cc Ms. Diana Kapeen- chairperson Roads, Public Works & Transport Committee

THE NAIROBI CITY COUNTY WARDS DEVELOPMENT FUND BILL, 2013

PROPOSED AMMENDMENTS AND ADDITIONS

Section 4 of the Act is amended to read

- I. Section 4(a) An amount not less than 10% of all the revenue collected by the Nairobi City County in every financial year

Section 4(c) Any monies donated by well wishers, development partners and/or gifts in form of materials and equipment donated to support ward development in Nairobi City County.

4(6) once the amount is transferred it shall be held in a special interest earning account until used for the intended purposes

Section 34(1) (f) is created to include Persons with Disabilities and older members of Society in accordance with Article 54 & 57 respectively.

Section 48 is amended by creation of;

Section 46(6) there is created the Nairobi City County Wards Development Tribunal.

~~Section 6(a) the Tribunal shall have jurisdiction to hear and determine any disputes and/or disagreements arising from the County Management Committee and all other connected purposes.~~

Section 6(b) composition of the Tribunal shall comprise;

- (a) A Chairperson with over 15 years wide experience on economic and financial issues;
- (b) A member who must have a legal background of not less than 10 years;
- (c) A member who shall be having expertise in accounting and auditing of not less than 10 years;
- (d) The Tribunal shall have a Secretary who shall be a member of the CPS Kenya;
- (e) The Governor shall appoint Tribunal members from a list of applications submitted after advertisement off the posts.

Section 49(i) is amended by including a new sub-section 1(a) The subsequent funds and disbursements shall be captured and reflected in the budget estimates notwithstanding any contrary provisions by other laws.

Section 2 is amended by adding **Ward Equalization Fund** this is a special Fund created Section 33(2) which shall support Wards that have been marginalized and lack piped water, proper infrastructure, schools, hospitals and other basic necessities of life in accord with Article 43 of the Constitution and also experience flash flooding and storm water drainage during the rainy season.

Section 33(2) is amended by creating sub-section 2 which provides there is created a special Nairobi Ward Equalization Fund.

Section 33 (2)(a) The Ward shall receive 5% of all the collected revenue to address unique challenges in some wards which lack basic infrastructure.

Section 33 (2)(b) criteria to access funds from the Ward Equalization Fund;

- (i) The Ward lacks basic infrastructure like schools and hospitals;
 - (ii) Lack of murram or tarmacked roads in the Ward;
 - (iii) Lack of piped water in the Ward;
 - (iv) Lack of security and street lights in the Ward;
-
- (v) This Fund shall be administered by a special Committee created by the Ward representatives in liaison with the county Secretary and the office of the Governor.

Section 2 is further amended by adding the following terms;

Unspent Funds- means monies in the County Management Committee Fund Account at the end of the each financial year;

Unutilized Funds-means monies in the Ward Fund Account at the end of each financial year.

Section 34(1)(d) one representative of local non-governmental organizations or religious organizations who shall be nominated by the elected Member of the County Assembly.

Section 34(2) shall be amended to- The seven persons referred to in subsection(1)(b),(c),(d), (e) and (f) shall be nominated through the following procedure-

- (a) Within forty-five days of being sworn in, each Member of the County Assembly for a particular Ward shall convene open public meetings of registered voters in each of the elective wards in the Ward to nominate individuals who will fill the slots created in (1) (b) (c) and (e)
- (b) Applications shall be invited for individuals who wish to fill the slots created under (1)(f). The individual should meet the following qualifications;
 - (i) A Certified Public Secretary
 - (ii) Should have worked as an administrator for not less than 5 years

Section 33(2)(d) should be amended to read upon conclusion of nomination, the officer of the Ward Development Fund Committee shall forward the names of the members of the Ward Development Fund Committee to the Officer Administering the Fund for the onward transmission to the member of the County Executive Committee for Gazettement;

Section 28(1) (c) be alive to the rights of Children, Persons with Disability, Youth, minorities & marginalized and older members of society as provided under Articles 53,54,55,56 and 57 respectively of the Constitution.

NAIROBI CITY COUNTY ASSEMBLY



REPUBLIC OF KENYA

FIRST ASSEMBLY

In the Matter of consideration by the County Assembly of Nairobi City County
Wards Development Fund Bill, 2013

Pursuant to the provisions of Article 196(1) of the Constitution of Kenya and Standing Order 121(3) of the Standing Orders of the Nairobi City County Assembly, and in the spirit of upholding the principle of public participation under Article 10 of the Constitution, it is notified for the information of the public that the Nairobi City County Wards Development Fund Bill, 2013 was published on 14th November, 2013 by the Government Printer for debate and enactment by the Nairobi City County Assembly.

SUBMISSION OF MEMORANDA

The purpose of this advertisement is to afford the people of Nairobi City County an opportunity to participate in the lawmaking process as required under the Constitution by offering their inputs and comments on the said Nairobi City County Ward Development Fund Bill, 2013.

Members of the public are invited to submit their memorandum either in hard copy to the Interim Clerk of the Nairobi City County Assembly, P O Box 45844-00100, Nairobi, hand-delivered to the Office of the Interim Clerk, Room 281, 2nd Floor, City Hall Building, Nairobi, or by email "nbiclerk@gmail.com" to be received on or before Thursday, 5th December, 2013 at 5.00 p.m.

Copies of the bill may be accessed from the address above or from the website: 'www.nrbcountyassembly.go.ke'

JACOB NGWELE
INTERIM CLERK TO NAIROBI COUNTY ASSEMBLY

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