



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Wednesday 10<sup>th</sup> May, 2017

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)*

#### PRAYER

**Hon. Deputy Speaker:** Order Members! Can we settle down? Hon. Catherine order please. Don't bring the emotions of defeat in the House please. At least I am comfortable because I didn't contest. That is the voice of losers. Hon. Members I am meant to understand that we have quorum and we may proceed but don't bring your anger in the House please just comfort yourself. *(Laughter)* There is always next time; politics is a success in waiting if you are defeated there is always next time, 2022 is around the corner.

#### PAPERS

**Hon. Deputy Speaker:** Hon. Janet Kimondo.

**Hon. Janet Kimondo** (Nominated Member): Thank you Mr. Speaker. Pursuant to Standing Order No. 180 (6), I beg to lay the following paper on the table of the Assembly today Wednesday 10<sup>th</sup> May 2017, the report of the Sectoral Committee on Culture and Community Services on the consideration of the Nairobi City County Culture Heritage Bill 2017. Thank you.

**Hon. Deputy Speaker:** Thank you Hon. Janet. That is papers laid. We still have other papers to be laid. Minority Whip, Hon. Member please.

**Hon. Chief Whip of the Minority** (Mr. Hashim Kamau): Thank you Mr. Speaker and I wish to lay the ruling of the court on the salaries of Members, the eight months payment. Mr. Speaker as you---



**Hon. Deputy Speaker:** Order Hon. Members!

**Hon. Chief Whip of the Minority:** As you are aware Mr. Speaker the term of the current Members will be short by eight months, so I wish to table the ruling of the court so that the Assembly can receive it officially, Mr. Speaker. Thank you.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Hon. Members I direct that the paper laid (the court ruling) on the same to be forwarded to the County Assembly Service Board for further action. Thank you.

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you Mr. Speaker. I have question on the same, as Special Elect Members we were sworn in in July---

**Hon. Deputy Speaker:** Order! Hon. Members you cannot debate on papers laid.

**Hon. Jacqueline Nyangala:** I am just asking. I am not debating; I am just asking whether it is in the ruling.

**Hon. Deputy Speaker:** It is not possible for us to capture it now.

## STATEMENTS

**Hon. Deputy Speaker:** Hon. Members we have a statement which was requested by Hon. Shadrack Juma, I wonder whether he is in the House. He is around, welcome Hon. Member. So we may proceed. Have you got the response with you? Do we have the Chairperson for Ward Fund in the House? Hon. Maurice Gari, this is a pending statement. Do we have the Vice-chair of Ward Development Fund, any member to give an undertaking on this?

**Hon. Member for Kariobangi North Ward** (Mr. Michael Wainaina): We don't have a response Mr. Speaker.

**Hon. Deputy Speaker:** This is a statement which is due for response.

**Hon. Michael Wainaina:** That is why I am telling you I don't have it.

**Hon. Deputy Speaker:** May be if I can go through the request, this is in regard to construction of Baba Dogo Road to the River Ruaraka in Baba Dogo Ward.

**Hon. Michael Wainaina:** Mr. Speaker I don't have the answer.

**Hon. Deputy Speaker:** Can you make a commitment Hon. Member to facilitate this?

**Hon. Michael Wainaina:** Yah I will check with our Clerk Mr. Speaker and may be tomorrow if there is one---

**Hon. Deputy Speaker:** Please give us the insight of this tomorrow.

**Hon. Michael Wainaina:** Yes.

**Hon. Deputy Speaker:** Thank you. What is the statement requested by Hon. Marion Githinji to the Chairperson Agriculture, Environment and Natural Resources regarding noise pollution in Kilimani area? The Chairperson for Agriculture, Environment and Natural Resources Hon. Amutavi? The Vice-chairperson for Agriculture? Any member? Hon. Amutavi is in thank you, Chairman.

**Hon. Member for Upper Savannah Ward** (Mr. Benson Amutavi): Mr. Speaker sir, all my responses are ready but I beg to lay them tomorrow, please Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, permission granted.

**Hon. Benson Amutavi:** Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Statement requested by Hon. Jack Kiama MCA, this was directed to Chairperson Water and Sanitation regarding installation of water tanks in Kayole. Hon. Alex Ouda please? The Vice-chair of Water? Any member of Water Committee? Statement requested by Hon. Jack Kiama again to the Transport, Public Works and Roads Committee regarding construction of Bazone Road in Kayole II Ward. Hon. Oduru? The vice-chair for Transport? Any member for the Transport Committee?

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you Mr. Speaker. Both responses have been received by the Committee and we shall table them next week or tomorrow.

**Hon. Deputy Speaker:** Can you be specific, Hon. Maxwell?

**Hon. Maxwell Ochar:** We have received them, but now this depends on the quorum in the Committee.

**Hon. Deputy Speaker:** Can you give at least a commitment to bring them next week on Tuesday so that we slot in time for the responses

**Hon. Maxwell Ochar:** Thank you, Mr. Speaker, we will.

**Hon. Deputy Speaker:** Thank you.

Statement requested by Hon. Shadrack Juma to the Chairperson on Transport, Public Works on the stalling of projects. So, the same will come up on Tuesday.

We also have a Statement requested by Hon. Karen Wanjiku directed to the Finance, Budget and Appropriations regarding the taxation of single permits, the fire extinguishers and the billboard fees for the traders in the County. Chairperson on Budget and Appropriations Committee? The Vice Chair? Hon. Ochola? Member of Budget Committee? That will also appear in the Order Paper tomorrow.

Hon. Elkanah Mauti, directed a request to the Chairperson on Early Childhood and Vocational Training regarding the processing of bursaries. Hon. Kitavi? The Vice Chair? Any Member of Education Committee? The same to appear in the Order Paper tomorrow.

Statement requested by Hon. George Ochola to the Chairperson on Transport, Public Works. That will also come next week on Tuesday. You have a different version of that?

**Hon. Maxwell Ochar:** Yes, Mr. Speaker. This one is still pending in the Executive. They have not brought the response.

**Hon. Deputy Speaker:** Thank you, Hon. Maxwell for the activeness.

Statement requested by Hon. Diana Kapeen to the Chairperson on Planning and Housing regarding the closure of estate access gate by UMMA University in South C Ward.

**Hon. Maxwell Ochar:** Mr. Speaker, all our responses will be brought to this House on Thursday.

**Hon. Deputy Speaker:** Noted, Hon. Member, thank you.

## MOTION

### ADOPTION OF THE REPORT OF SELECT COMMITTEE ON IMPLEMENTATION ON IMPLEMENTATION STATUS OF PAST MOTIONS

**Hon. Deputy Speaker:** The Chairperson on Implementation Committee.

**Hon. Maxwell Ochar:** Thank you, Mr. Speaker. I beg to move that the Assembly adopts the report of the Select Committee on Implementation on the Implementation status of past Motions from 2013 to 2016 laid on the table of this Assembly on Wednesday, 5<sup>th</sup> April, 2017.

Mr. Speaker, this Committee's mandate is to scrutinize the resolutions of the County Assembly, including adopting Committee reports, Petitions and undertakings given by the County Executive Committee.

The Committee's main objective is to ensure that resolutions of the Assembly are implemented and if not implemented, the Committee may propose to the County Assembly sanctions against any Member of the County Executive---

**Hon. Deputy Speaker:** Order, Hon. Maxwell! Are you moving Motion No. 8?

**Hon. Maxwell Ochar:** Yes.

**Hon. Deputy Speaker:** Then you are out of order.

**Hon. Maxwell Ochar:** I call upon Hon. Obonyo to second the Motion.

**Hon. Member for Gatina Ward** (Mr. Mike Obonyo): I second the Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Manoah, your microphone is on; I don't know whether you pressed by mistake.

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Mr. Speaker, if you look at page 58 of this document, it is saying that Motion by the Member of South B Ward, Hon. Diana Kapeen, MCA, was passed by the Assembly on 2<sup>nd</sup> March, 2016. Hon. Diana Kapeen is not a Member of South B, it is Manoah Karega Mboku. So probably if that can be amended Mr. Speaker, I don't see another issue I can say about it thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Karen your mic is on.

**Hon. Karen Wanjiku** (Nominated Member): Thank you, Mr. Speaker and I beg to support the report and I can see several of my motion here and am very happy to see the implementation status. Like the motion to ensure that there is free Early Childhood Education in the County. I am happy that I will leave a legacy in the Nairobi City county Assembly, that in future all the Early Childhood Education will be free and our children will stop loitering, collecting plastic and bones because they cannot afford ECD education.

Again looking at another motion that I brought and the Assembly helped to approve and was passed in this Assembly Mr. Speaker sir, was the motion, to urge the County Government to set up a cancer center to help and ameliorate the cases of cancer.

Mr. Speaker, the County Executive were positive and some of the implementation status of this motion was to improve awareness of cancer and other NCDs (Non Communicable Diseases) that was a risk factors from 30% to 80% which is a very good thing.

The County is going to strengthen the screening programmes and treatment of cancer early diagnosis which is the key to cancer prevention and treatment, also capacity building of staff in cancer screening and management. Among others, is the development of specialized clinics in ability of these services in line with the vision 2030!

I am very happy as a Member though I was not lucky Mr. Speaker sir, to get that ticket in Njiru Ward. I am happy that I have left a legacy among other motions, like the one which is included here to ensure that the County Government equips all Health facilities and there is enough staff and drugs in all our Health facilities.

Mr. Speaker sir, I want to say that this is very good and I hope this will be implemented as stated in this report. I will be going home as a very happy woman and that I have not let down my party TNA that nominated me to this Assembly. Thank you.

**Hon. Deputy Speaker:** Hon. Pius Otieno!

**Hon. Member for Sarangombe Ward** (Mr. Pius Otieno): Mr. Speaker, first of all I want to congratulate all those Members that made it back to this Assembly through the nomination. Anybody who is coming back as an independent Member I wish you well. Those who didn't make it like Otieno there is also another day, don't give up I can hear you lamenting and don't start writing the book of lamentation.

Mr. Speaker sir, what I want to say is that I am not standing to contribute on the motion that I brought, but one thing that I want to make it clear is that we have learnt from the past from our mistakes and now is to build on the future. This Assembly has passed over 70 motions if I am not wrong and they will only make sense if those Members, coming after ninth of August, 2017 would have a bipartisan dialogue, with the Government that will come. I pray that the Governor still comes, even if he wouldn't come the Governor who will be there must have a bipartisan approach in dealing with issue of Nairobi.

What is very important and worth noting, is that all this motions that we are seeing from 2.1 to 2.49 needs serious funding and serious allocation of resources. This motions will just be motions on papers not unless this Assembly comes up with deliberate approach that would see to it that probably first year from 2017 that is in September, how much do we allocate or how much would those people who would be coming back allocate probably for year one, what will we do so that the people of Nairobi will see.

Then for year two, three, four and five because most of this things that we are saying that we have passed they have not trickled down and there is no trick effect of this motions in the people in Nairobi. Then the second thing that I would also wish my colleagues take cognizance of is a matter of civic education on the roles and functions of Members of County Assemblies and County Government.

If you look at schedule six Mr. Speaker, the functions of the County Government have been enumerated well and probably if those Members of the public do not understand the functions of the County Government even those people would still come back here would have a difficulty and probably would still be facing those challenges.

One of the things that I would wish to implore all Members, whether they are coming back or not, there is need to have a structured dialogue with the County Executive Committee Members (CECMs) and when I say CECM, I also include the Governor. I know, right now, the Governor would be having a list of so many things that he wants to do. But the reality is that all those things cannot be achieved within 5 years. MCAs that will be coming back will need to have flagship projects. We cannot do 10 or 20 things that the Governor will be proposing. Let us have flagship projects even if they are just two or three so that the legacy that Karen is taking about would be seen in 2022. With those many remarks, Mr. Speaker, thank you so much.

**Hon. Caroline Muga:** Thank you Mr. Speaker for giving me an opportunity to contribute to this motion. I want to support the motion because my colleagues have done their utmost best in trying to help come up with solutions or ways we can help Nairobians live a better life. And for their effort, I say well done.

I want to draw your attention to the observations of this committee where it says that the implementation status of these substantive motions that were passed and forwarded to the committee by the County Executive Members were shallow and not conclusive. And so, I want to echo what Hon. K'Otieno said that there should be a proper funding. One of the committee recommendations says that each sector should have funds or create account for each sector. And indeed, unless we have that, then even the Members who will come in the next Assembly will still have the same problem. These are some of the things that needed to be laid out before the end of this Assembly's life so that we come up with a progressive way of doing things and ensuring that the motions or the budget that we pass are actually enacted in this House.

Mr. Speaker, I want to thank my colleagues. We tried as the pioneer Members of the County Assembly of Nairobi. But I know there is still more to be done and I am praying that most of us will be back in this House to just have continuity and also help the new Members who will come in to identify some of the gaps that we have realized while in this Assembly. With those few remarks, I support.

**Hon. Deputy Speaker:** Thank you. Hon. Members, it seems every Member feels that the motion is in order and they are either for against the motion. I am left with no option but to put the question. I call upon Hon. Maxwell Ochar to reply.

**Hon. Maxwell Ochar:** Thank you Mr. Speaker. First of all, I want to thank everybody who contributed to this Motion. Mr. Speaker having said that, we have very few recommendations because this Committee is very big and it is a viable committee, we have done a lot of things and I would like to thank all the members of Implementation Committee and I would not sit without thanking our Clerks who have done a wonderful job because without good Clerks in the committee, the committee will not move on. I would thank even the Speaker who sat on the seat today for giving us able time to deliberate on this. Mr. Speaker we have few recommendations for what we have done in the whole 2013 and 2017. Mr. Speaker one of our recommendations was that each sector to have funds ring fenced or create account for each sector so that they have control on their account or budget.

Mr. Speaker the second one was that the County Executive comes up with a procurement solution which will reduce the delay in procurement of goods and services, therefore avoiding delay in implementation of county projects.

Three, spending of county revenue at source should be discouraged at all cost. Fourth, the county department of finance and economic planning should come up with a payment plan for completed but unpaid project, ongoing project and stalled projects within a specific period of time.

Fifth, the county executive should complete all pending projects budgeted for before initiating new projects. This will help in tracking of projects and avoid duplication of projects in future.

Sixth, the county executive should ensure qualified contractors be able to deliver services on timely basis, this will ensure timely implementation of county projects.

Seventh, that the county executive should outsource legislative drafters to ensure timely drafting of the required regulations for the purpose of effective...

**Hon. Karen Wanjiku:** Mr. Speaker sir the Member is supposed to reply

**Hon. Deputy Speaker:** Yes Hon. Wanjiku, he is actually giving his reply

**Hon. Maxwell Ochar:** Lastly Mr. Speaker each sector should thoroughly study the acts of whom they are implementing the sector, notes the action areas and ensure that provisions are fully enforced. Mr. Speaker I beg to reply.

**Hon. Deputy Speaker:** Thank you Hon. Member

*(Question put and agreed to)*

Hon. Members before I adjourn the assembly I think for the benefit of consumers who are our residents in Nairobi I would wish that the media people get to know exactly what we have been doing in the assembly in form of motions and actually even establish the participation and commitment of each and every individual member in their own capacity in the way of contribution, so that this can come to light and hopefully Members who did not participate in the assembly would generally blame themselves. So if you kindly allow me I would have to engage the media people on this, let them highlight each and every motion as indicated in the implementation report. Is that okay with you Hon. Members?

## ADJOURNMENT

**Hon. Deputy Speaker:** The assembly stands adjourned to 2.30 pm tomorrow. Sergeant-at-Arm you can pass this report to members of the fourth estate, thank you.

**The House rose at 3.16 pm**