



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 18th June 2020

The House met at 2.30 p.m.

[Hon. Speaker (Ms. Beatrice K. Elachi) in the Chair]

PRAYERS

PAPERS

Hon. Joyce Muthoni: Thank you, Madam Speaker, I have three papers that I want to lay.

Pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of this Assembly today, Thursday 18th June 2020:

The report of the Sectoral Committee on Transport and Public Works on workshop held from 5th to 8th December 2019 at Travelers Hotel, Mombasa.

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

Pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of this Assembly today, Thursday 18th June 2020:

The report of the Sectoral Committee on Transport and Public Works on a workshop held from 7th to 10th February 2020 at Travelers Hotel, Mombasa.

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

Pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of this Assembly today, Thursday 18th June 2020:

The report of the Sectoral Committee on Transport and Public Works on the Nairobi City County Transport Bill, 2019.

I beg to lay.

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

Hon. Jayendra Malde: Thank you, Madam Speaker, I want to lay a paper.

Pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of this Assembly today, Thursday 18th June 2020:

The report of the Sectoral Committee on Justice and Legal Affairs on the workshop held from 7th to 10th February 2020 at Imperial Express Hotel Kisumu.

Thank you, Madam Speaker.

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

STATEMENT

RESPONSE TO A STATEMENT REGARDING HANDING OVER OF ECDE CENTER TO NAIROBI MILIMANI SECONDARY SCHOOL

Hon. Millicent Mugadi: Thank you, Hon. Speaker. This is a response to a Statement requested by Hon. Mary Ariviza to the Sectoral Committee on Children Early Childhood Education and Vocational Training regarding handing over of Early Childhood Development (ECD) center to Nairobi Milimani Secondary School.

Hon. Speaker, Hon. Mary Ariviza, pursuant to Standing Order 45 (2) (c) requested a statement from the Chairperson of the Sectoral Committee on Children Early Childhood Education and Vocational Training regarding the handing over of ECD center to Nairobi Milimani Secondary School.

She further asked the Chairperson to inquire into and report on:

- (a) Who authorized the transfer;
- (b) What led to the decision of handing over of the ECD Centre; and
- (c) Plans by the County Government has in place to ensure the ECD center is in existence to provide training services and opportunities to the ECD teachers.

Madam Speaker, the Committee was unable to consider the statement within the stated timelines due to the outbreak of Corona Virus which led to the suspension of the Assembly sittings including Committees.

However, the Committee wrote to the County Executive on 14th May 2020 requesting a response to the issues raised by the Member in the statement. The Committee was unable to invite the County Executive and the members to a meeting of the Committee pursuant to Standing Order 45 (2) (d) & (e).

The County Executive Committee Member responsible for Education, Youth, Sports, Social and Gender Services responded to the issues raised through a letter sent by email to the secretariat.

In this regard, Madam Speaker I wish to report to the Assembly as follows:

- (a) Who authorized the transfer?

The County Executive Committee Member responsible for the sector informed that there was no transfer done.

- (b) What led to the decision of handing over the ECD Training Centre?

The County Executive Committee Member responsible for the sector informed that the Sector has not been handed over.

- (c) Plans that the County Government put in place to ensure that the ECD Centre is in existence to provide the training service opportunity to the ECD Teachers.

The County Executive Committee Member responsible for the sector informed that the County Government pays teachers and support staff. The County Government guide and monitor the curriculum implementation and a board of management has been constituted to guide in the operation of the center.

Committee Observations.

Madam Speaker, during the consideration of the response from the County Executive Committee Member responsible for the sector, the Committee noted that there was no clear agreement between the ECD center, the County Government and the management of Milimani Secondary School with regard to the management of the land, which the two institutions are located. As a result, there is a need for the Committee to undertake a thorough inquiry into the matter.

Madam Speaker, the Committee has received a letter from Kenya County Government Workers Union written to the County Executive Committee Member responsible for Education, protesting and expressing their reservation on the alleged transfer of the center to the secondary school, which has left the workers of the center in a state of disarray.

Accordingly, Madam Speaker, the Committee resolved to undertake a site visit to the facility and inquire further into the matter before tabling a comprehensive report to the Assembly for further action. The Committee is determined to provide lasting solutions to the stalemate on the management of the center and create harmony between the two.

Madam Speaker, I beg to lay this response. Thank you.

Hon. Mary Ariviza: Thank you, Madam Speaker. I happen to have been seconded to this Committee by the leadership. However, I stand here with a clear mind and conscience that the Executive Officer is lying because the day before yesterday, I visited the center and I have in my possession the letter of handover to the secondary school where she signed in the entry for visitors. So, she has handed over.

Two, I am dissatisfied with her answers. This lady came from the Teachers Service Commission (TSC) and I am one of the people who vetted her when I was in the Committee on Education. She is incapable of the work. If you can handover the Early Childhood Development and Education (ECDE) center that is the only arm of Education ministry left with the County Government, then you don't know what you are doing. She needs to leave the job because she doesn't know what she is doing. I have the two letters where she handed over.

The lady in charge of the ECDE center has been harassed, intimidated and threatened, the workers have been thrown out and the doors were locked, and the boys came and burned the kitchen. Anytime the ECDE people put anything on the noticeboard, they tear it to pieces. You can't invite a visitor into your house like the proverbial camel but in the end, pushes you out of your house. That is exactly what has happened at that center.

I am a teacher, the history of St. Georges secondary school that is thriving and Nairobi Secondary School started together at Millimani, which is in Nairobi Primary. The girls were split to go to St. Georges Secondary School and the boys remained in Milimani. Something has gone wrong because you can't compare the two. They are worlds apart. I am made to understand that one of our senior senator, Hon. Mutula

Kilonzo, who should be helping is one of the old boys and now in the Board of Management. He is the one that is pushing ideas of what is happening. This is unacceptable.

I would hate to be in this Committee and then it goes in the history of Nairobi that while I was in the Committee, the ECDE center which also couples as Nairobi Teachers Center where all teachers hold their seminars. When I was in primary, I used to sing in that hall but it has been converted into a dormitory. The good news is that they have already built their dormitory, which they should transfer their beds into and leave the ECDE center. The center should be secured by our County askaris. It is shameful the place is dilapidated.

By yesterday, I was told they are trying to renovate the kitchen that had been burned by the boys. I am very disappointed. Our CEC Member should be censured. I am sorry to have vetted her, she does not know what she is doing. So, I am completely dissatisfied with this. As a committee, we will go there. The lady has been intimidated and has been left with a small office. It is deplorable and unacceptable that the Committee of this House can allow the only center that we have---- Please, can you stop talking on phone behind me. You are being recorded and it might go into my recording. Madam Speaker, protect me.

(Laughter)

Hon. Speaker: Order! Hon. Mutheu---

Hon. Mary Ariviza: I am saying that I am disappointed and the madam in charge doesn't know what she is doing in Nairobi. This is the same person who has taken the primary schools that were under the sponsorship of various religious bodies and handed them to the sponsors. Let me educate you because I am a teacher, when a sponsor is in charge of a school, they do not take over that school.

St. Peters Clavers Primary School caters for the children of the poor people of Makongeni, those in Nairobi Central and workers in Nairobi who come early in the morning with their children. In this Education Committee and in the Assembly, we have made it easy for St. Peters Clavers to be handed over to the Catholic Diocese of Nairobi. It is unacceptable because when it becomes private, the common mwananchi of Nairobi will not be able to get their services because the fees are hiked. The same has happened with Visa Oshwal, the same will happen soon with SSD primary school and even Muslim Primary School, which is down the road if we are not careful.

I don't think this madam knows what she is doing. For me, we need a new CEC who knows what is education and what it is to take care of our assets. St Peter Clavers is supposed to have a father who takes care of the spiritual matters of the children of the center, but it should not be given back to the diocese of Nairobi.

I want to jog your mind. I taught in Catholic Parochial School when I came from college. It was public. It has now been put under the diocese and now many of the Nairobians cannot take their children to the diocese or that catholic parochial school because it is now expensive.

We are a group of people in this Committee, and I am sorry I am in this committee as we are busy selling out anything that is for Nairobians. I beg not to be part of it. It is totally unacceptable. Even my cousin is now working at ECD in Nairobi County; I took her there. She did her certificate and diploma there. It is very bad for it to be taken over. It is dilapidated. I don't know. Let me just sit down. Madam Speaker, thank you.

Hon. Speaker: Hon Mary, I know you are passionate about education. I agree with you and the best I can do is to let the committee go and bring us an independent report. Hon. Majiwa!

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Hon. Geophrey Majiwa: I do not know whether Hon Mary Ariviza is aware of a report that was commissioned by Governor Kidero a couple of years back. There was a commission in Nairobi. Members who were in session that time can remember there was a commission on education that was going round in Nairobi. They had the responsibility of ensuring that public schools that were under the County remain public schools. They had the responsibility of ensuring public schools whose lands had been hived off and grabbed were supposed to be returned.

We should also ask the Committee whenever they are doing this they should start from there so that they get an opportunity to look at that report. It was a report that was launched publicly and I also have a copy though I was not in session at that time. But I think members who were here should remember that Governor Kidero commissioned a committee that was going around Nairobi looking into primary schools that had been taken over by sponsors and those whose lands had been grabbed. We should start from there so that we can sort this problem once and for all.

Hon. Speaker: Okay. Before I give the Chair to finalize, I think the important thing is to liaise now that it is a transferred function. You can work out together with NMS to ensure the title issue is clear. Is it the title of the ECD or the secondary? Have they split the titles? Let us clear that matter once for all. Chair!

Hon. Millicent Mugadi: Madam Speaker, I would like to ask members that if anybody has a report like the way Hon Majiwa and Ariviza say they have documents that can help us, please submit your reports to the Committee on Education. If anybody knows anything else that can help us so that we can at least safeguard our county school, the committee on Education is open. Members, please table your evidence so that we can work on that. Thank you Madam Speaker, that is what we have.

Hon. Speaker: Hon Majiwa, you were to request a statement to the Chair of Budget.

REQUEST FOR A STATEMENT REGARDING FAILURE BY THE COUNTY CHIEF OFFICER RESPONSIBLE FOR
ROADS AND PUBLIC WORKS TO FACILITATE CONTRACTORS

Hon. Geophrey Majiwa: Thank you, Madam Speaker.

Pursuant to Standing Order 45 (2)(c) I wish to request for a statement from the Chairperson on the Select Committee on Finance, Budget and Appropriation regarding failure by the County Chief Officer responsible for Roads and Public Works to facilitate contractors to commence road construction works in the County.

Hon Speaker, County Roads and Public Works is one of the functions transferred to the Nairobi Metropolitan Services. Cognizant of the fact that the budget cycle for the current financial year is coming to an end, little efforts have been made by the County Chief Officer to ensure road construction contractors are on the ground.

Hon Speaker, there has been an unexplained delay in the ratification of successful bidders to kick start construction of earmarked roads in the Wards. On the other hand, the Nairobi Metropolitan Services has previously requested relevant documents which were submitted to them, however up to date neither of the contractors on the ground nor anything is seen to be done.

Hon Speaker, I had an opportunity to consult the County Attorney on the foregoing and has been emphatic that engineer Karanja, the County Chief Officer, Roads and Public Works, claims to have been

seconded to NMS asserts to be under firm instruction not to sign any contract emanating from the preceding department that had actually commenced the procurement process for the road projects.

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

1. Reasons the County Chief Officer, Roads and Public Works, has delayed the signing of the tender documents aware that the financial year was coming to a close;
2. The timeliness within which the contractors should be on the ground to commence road and public works as intended;
3. Whether the County Chief Officer is aware of the legal implication of delayed signing of the contracts; and
4. Justification for more budgetary allocation from the Assembly in the subsequent financial year in light of outright complacency to utilize the available resources to benefit the residents of Nairobi.

Thank you Madam Speaker. I also to want take one minute to inform members that the Ward development contracts which you gave us the responsibility to follow up to ensure that they were signed by the County Attorney, I want members to follow the contracts because the County Attorney has signed all of them and you can follow up to ensure that the contractors are on-site immediately. Thank you. Madam Speaker.

Hon. Speaker: Hon. Majiwa your Lordship, I agree with your statement but I know the officer is the Chief Officer with NMS. While I sent it to the Budget Committee, I want us to do orientation so that we understand how to engage in this matter properly. I appreciate that you said the other contracts have been signed and members should follow up to see whether the contractors are on the ground. I think that the matter was brought to me by His Lordship and Hon. Clarence Munga. The NMS picked it up after they had signed but we also need to understand that NMS is going to do the work for the financial year 2020-2021, the new budget.

Even as we follow up, I am hoping that the budget that we passed the other day is still with the County. The Chair of the Budget Committee must ensure that he advises the Chair to follow up and look at the statement and see how members can be helped. We need especially to follow up on the contracts that we agreed in Kisumu very fast. I hope that is okay, Hon. Majiwa.

Hon. Geophrey Majiwa: Fair enough, Madam Speaker.

MOTION

CONTROLLED PARKING AND BUS TERMINI IN THE COUNTY

Hon. Abraham Njihia: Thank you, Hon. Speaker. I wish to move the following motion:

THAT, aware that under the Article 186 (1) and Part Two of the Fourth Schedule to the Constitution of Kenya 2010, the functions and powers of the County Governments, among others, covers County transport including county roads, street lighting, public road transport traffic and parking; further aware that the City has designated preferential parking zones and bus termini throughout the City with parking restrictions for each zone; noting that recent years have witnessed a marked increase in the number of public service vehicles plying various routes in the County; concerned that most streets, pedestrian walkways and onstreet parkings in the City Centre have been illegally turned into bus stops and parking slots for public service vehicles, which has led to increased congestion and accidents including deaths to pedestrians, further noting

that the allocation of parking, picking and dropping zones for public service vehicles was last done in the year 2000, this Assembly urges the County Executive to abolish all street parking by the public service vehicles and “boda bodas” within the Central Business District and direct them to revert back to the designated bus termini and develop comprehensive policy on allocation of parking, picking and dropping zones for public service vehicles and bus termini in the County.

Hon. Speaker, first of all, I wish to pass my appreciation and gratitude to NMS for the good work that they are doing because we are finding something new each and every day in the streets.

(Applause)

Hon. Speaker, it can't go without mentioning that NMS is doing a great job and this cannot be realized if we do not plan especially the parking. I am going to give you an example. At Nazarene University Campus, matatus Nos. 111, 125, 126 park there, people who run businesses are there and the students are also there. These buses hoot a lot, I think they should revert back to where they are supposed to be because there are gazetted zones where they should pick and drop passengers like Bus Station, Kencom, Ambassador, GPO and others. I believe that all the matatus should not be waiting the whole day, a system should be developed whereby these buses can be controlled by the TLB and SACCOs. There should be a place like a loading zone and thereby we can have sanity in this City.

Hon. Speaker, I believe that most of the streets like Nduruma Road along Moi Avenue are fire escapes and they have been taken by some cartels who are operating these buses and *matatus*. They have turned the whole City into chaos. I remember in 2010, there was a survey carried out by JICA. Allow me one minute to take you through that. JICA came up with on-street parking. This includes Koinange, Biashara, Harambee, Wabera. A total of 439 parking.

(Point of Order)

Hon. Speaker: What is the Point of Order, Hon. Ogeto?

Hon. Moses Ogeto: Hon. Speaker, I am on a Point of Order no. 60. The Motion is very nice and realizing that this Assembly passed a Deed of Transfer. Today, the High Court has given a ruling that the Public Service Commission and The County Public Service Board didn't follow the due procedure of tabling a service level agreement before this Assembly and the government has been given 60 days to bring the same amendments before this Assembly for the purposes of ensuring that the Deed of Transfer sees the light of the day.

So, I am requesting my good friend, Hon. Njihia to withdraw because he brought this motion long time ago before the Deed of Transfer. But now that there is a change of event unless you want us to pass the way it is, the County Executive currently has no powers to do what the Chair is requesting on this motion. I am standing so that he can withdraw the motion under Standing Order No. 54. We said we want to support the NMS and they have started laying down procedures on how public transport is going to be conducted. Hon. Speaker, I am for the amendment to this information. Thank you.

Hon. Speaker: Hon. Chair, it is true. I just want you to---

Hon. Abraham Njihia: Hon. Speaker, I think the Hon. Member is in order. I do believe that one of my mandates is to legislate. I do believe that if we pass this motion the way it is; I think we are working together with NMS. If we pass this motion, it can be passed to them for implementation. Hon. Speaker, I don't know what you will rule on that.

Hon. Speaker: Indeed, this is a motion that we must ensure NMS works on. We use Standing Order no. 55 and withdraw. On Tuesday, you bring it and it will proceed with the right context. Is that okay?

Hon. Abraham Njihia: That is in order. I withdraw.

Hon. Speaker: I give you an opportunity to bring it back on Tuesday and I will make sure it will go through the House Business Committee on Monday. I know it is something that we need to enforce. Many people are taking advantage of what they call *mashimo*, this is one thing the Chair wanted to close so that we go back to normalcy in Nairobi.

(Motion was withdrawn)

ADJOURNMENT

Hon. Speaker: There being no other business, the House stands adjourned to next week on Tuesday 23rd June 2020 at 9.30 a.m.

(The House rose at 3:45 p.m.)