



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 24th September 2020

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms. Immapet Kemunto) in the Chair]

PRAYERS

Hon. Temporary Deputy Speaker: Hon. Members, we have some technicalities with our ICT. So let us wait for a little bit then we start. We are very sorry for the technical hitches.

We are now set.

COMMUNICATION FROM THE CHAIR

APPRECIATION FOR APPOINTMENT TO THE CHAIRPERSON'S PANEL

Hon. Temporary Deputy Speaker: Hon. Members, I have the following Communications to make. Hon. Members, first, I would like to register my sincere appreciation for entrusting me with the appointment to the Chairperson's Panel, whose key mandate is to assist the Speaker and Deputy Speaker in presiding over chamber sittings.

Further to that Hon. Members, my appreciation also goes to my party, the Orange Democratic Movement, for finding it fit for me to be appointed to the Chairperson's Panel. As a youth, and importantly as a woman, it demonstrate good governance for youth and women to be actively involved in leadership. Therefore, I thank my party for that.

(Applause)

Additionally Hon. Members, you will agree with me that the Chair, in any plenary sitting, is required to be impartial and blind to party politics, which I intend to observe whenever I am required to preside over any sitting on behalf of the Speaker.

Lastly, Hon. Members, you will agree with me that our presence in this Assembly is as a result of the sovereign representation of the people through public trust. We have been entrusted to represent Nairobi and whatever we do should be for the greater good of the County and the Nation at large I thank you Hon. Members.

(Applause)

STATEMENTS

STATEMENT REQUEST REGARDING THE PAYMENT OF PENDING BILLS BY THE COUNTY EXECUTIVE AND THE NMS.

Hon. Temporary Deputy Speaker: Hon. Mwangi Njihia! If he is not around, we can have anybody who has a statement for him to present on his behalf. Hon. Paul Kados.

Hon. Paul Kados: Thank you Madam Speaker and first let me congratulate you for being appointed in the Speaker's Panel.

(Applause)

Hon. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the Chairperson of the Select Committee on County Finance, Budget and Appropriations regarding the payment of pending bills by the county Executive and the NMS.

Hon. Speaker, delays in payment of pending bills has caused suppliers and contractors untold misery. The County owed Ksh. 76.5 billion as of 2019, and before the transfer of function, of which only kshs.4 billion of eligible bills was to be settled in the FY 2019/2020. In this financial year, the County has allocated Kshs.3 billion for pending bills. With the transfer of functions to the National Government, the NMS equally continue to incur pending bills.

Unfortunately, Hon. Speaker, confusion reigns on who should settle the pending Bills between the NMS and the County Executive. Despite the president's directive on pending bills and National Treasurer's release of billions to the County for clearing pending bills, the County has not done so in a timely and expedient fashion. It is instructive that the County Executive has indeed not transferred any monies to the NMS this far for purposes of settling the pending bills, with respect to transferred functions.

Hon. Speaker, in the Statement the chairperson should inquire into and report on:

1. An account of the status of all pending bills to date, for both the County Executive and the NMS;
2. Measures taken to expedite the transfer of funds held at the National Treasury to either NMS or the County Executive for pending bills;
3. Measures put in place by the County Executive and the NMS for expediting the settling of pending bills for goods or services delivered for both transferred and other functions;
4. When will the County Executive surrender documentation for all pending bills with the transferred functions to either NMS for transmission, or to the National Treasury itself, for payment of the pending bills;
5. Reasons for the undue delays in the settling of pending bills where the National Treasury disburses funds for that specific purpose;
6. Status of payments to suppliers and service providers of the monies sent by the National Treasury for settling pending bills since 2019.

I have another statement.

Hon. Temporary Deputy Speaker: On the same?

Hon. Paul Kados: On a different matter but maybe they are related Hon. Speaker.

Hon. Temporary Deputy Speaker: Hon. Kados let me guide you. I think the response should come first from the chair from that particular committee that is Budget.

Hon. Paul Kados: Sorry Hon. Speaker

Hon. Temporary Deputy Speaker: Chair Budget Committee or any Member from that particular Committee?

Hon. Daniel Ngengi: Thank you Hon. Speaker. I would like to take this opportunity to congratulate you on your election in the Speaker's Panel. Hon. Speaker two weeks. Thank you.

Hon. Paul Kados: Hon. Speaker, I think all the documents are around, I do not think why we should take two weeks. The NMS is just across the road here, and we have the Chief Officers here. These pending bills are records, which are here in the county. Madam Speaker I would like to request for 7 days.

(Point of order)

Hon. Peter Imwatok: Thank you Majority whip that is a very good and tremendous important statement for this County and Madam Speaker I do not expect the Chair for Budget or the Member from Budget to play around with it.

I am also aware as my colleague is saying that there is a problem in the issue of pending bills. The President gave a decree where he issued Kshs 1.3 billion and as we are talking now it is lying on Treasury. Simply because there is one or two officers who have failed to transmit vouchers to Treasury for NMS to pay this poor business people.

Therefore, Madam Speaker, I request the Member, who is now, the Chair for Trade, to be very serious. If he cannot take a question on behalf of the Majority whip he should give the Deputy Majority Leader to lead the committee on this so that within seven days...

Hon. Temporary Deputy Speaker: Order! I think Hon. Adow this is not a debate!

Hon. Osman Adow: Yes, It is not a debate. I wanted to inform that I am also a Member of Budget Committee. We sat yesterday with the Members of NMS on issues of budget and as Member of that committee we already have like seven items, which we need to dispatch very quickly like the budget, Finance Bill, the Annual Development Plan and others. Therefore, two weeks is appropriate for us to be able to answer that question. Thank you.

Hon. Temporary Deputy Speaker: Hon. Kados are you contented.

Hon. Paul Kados: Hon. Speaker with due respect I think what Hon. Adow is talking is about the Appropriation Bill and this is about contractors whose funds are lying in the Treasury. So what I am requesting is only facilitation because this monies are there, it is only records which are needed to show and calling officers and releasing vouchers as simply as that for those funds to be released to the contractors. That does not need a rocket science.

Hon. Temporary Deputy Speaker: Hon. Members, I will give them 10 days as per the law so that instead of the seven days that you are requesting - for even for them to comply and have their papers ready. Is that in order Hon. Kados?

Hon. Members who are in Zoom I kindly request you to click the 'raise hand' [icon] on the right side of the gadget that you are using so that I am able to see you, for me to give you the platform to contribute on whatever we are discussing here. Thank you.

STATEMENT REQUEST REGARDING THE PAYMENT OF CONTRACTORS FOR ONGOING WORKS/PROJECTS AND THE STATUS OF ALL ON GOING COUNTY PROJECTS WITHIN THE TRANSFERRED FUNCTIONS

Hon. Paul Kados: Hon. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on County Finance, Budget and Appropriations and the Sectoral Committee on Transport and Public Works regarding the payment of contractors for ongoing works/projects and the status of all on going county projects within the transferred functions.

Hon. Speaker, the transfer of functions to the National Government and their exercise through NMS has occasioned delays in the handling of ongoing prior County Projects. This is primarily because the County Government is yet to formally hand over existing projects falling within the transferred functions. This state of affairs has left contractors unpaid and several projects stalled, despite budgetary allocations for said projects.

The Chairperson should inquire into and report on:

1. All ongoing county projects launched by the County Executive within the transferred functions prior to the transfer;
2. Measures put in place by the County Executive and the NMS for formerly transferring the ongoing projects within the transferred functions to expedite their completion;
3. When the County Executive and NMS plan to enable the resumption of works on ongoing projects which have stalled as a result of the prevailing state of affairs and measures being taken to make this possible; and
4. Status of contractual payment to affected contractors for the ongoing projects whether stalled or alive before and since the NMS took over the transferred functions.

Madam Speaker, that is the end of the statement.

Hon. Temporary Deputy Speaker: Chairperson Budget, any member from that committee? Yes, Hon. Ariviza.

Hon. Mary Mwami: I beg to correct you Madam Speaker. I think from what Hon. Kados has read is for the Transport Committee, is that right?

Hon. Temporary Deputy Speaker: It is both Budget and Transport Committees.

Hon. Mary Mwami: Okay. Can you give us two weeks please?

Hon. Temporary Deputy Speaker: Hon. Kados, is two weeks okay?

Hon. Paul Kados: It is okay Madam Speaker but I have not heard from the Budget Committee.

Hon. Temporary Deputy Speaker: Any member from Budget Committee?

Hon. Osman Adow: Thank you Madam Speaker. I think we can give both the statements at the same time since they are similar; I think 14 days will be appropriate.

Hon. Temporary Deputy Speaker: Much in order.

STATEMENT REQUEST REGARDING THE USAGE OF BURSARY FUNDS FOR THE FINANCIAL YEAR
2019/2020

Hon. Moses Ogeto: Thank you Hon. Speaker. Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the usage of bursary funds for the financial year 2019-2020.

Hon. Speaker Nairobi County established the important intervention of bursary programme. This mechanism helps to ensure to help the academic progression of pupils and students in the county goes on uninterrupted. Over the time, the County Assembly has been appropriating funds towards ensuring that this programme runs effectively and efficiently. It has in the past benefitted many residents of Nairobi since 2013.

However, Hon. Speaker, the oversight role of the County Assembly is never unending one. This includes demanding for answers from the responsible entities on the implementation of the noble initiative on the use of public funds. Hon. Speaker, in the statement the Chairperson should inquire into and report on:

1. Provide the status report on the disbursement of bursary cheques/vouchers for the financial year 2019-2020; and
2. Steps being taken by the County Executive to ensure that the budgetary allocation for financial year 2019-2020 was efficiently utilized since the government intend to reopen the schools from the month of October 2020.

It has been alleged that Kshs.297,500,000 was requested by the County Secretary from the Controller of Budget and they have been given this money which is meant for bursary but has been channeled to pay contractors for garbage collection, lawyers and others. I have raised this concern because the schools are reopening in the next few days. I am requesting the Chairperson to give me a response on this statement.

Hon. Temporary Deputy Speaker: That is a critical statement and as an assembly we know that our children are about to go back to school. I want to get a good response on this. Chair Education or any member from that committee?

Hon. Mary Mwami: Thank you Madam Speaker. This is an ongoing discussion and this is adding weight to it; if you give us ten days that will be good.

Hon. Temporary Deputy Speaker: Hon. Ogeto, are you contented with ten days?

Hon. Moses Ogeto: Hon. Speaker, as you are aware the government has instructed the teachers to start going to school as from Monday. The ten days are for knowing where the money is, if it is with the county or it has been reallocated somewhere else. I am standing on behalf of the 85 Members of the County Assembly especially the elected who gave out bursary forms in December last year. I am talking about a whole calendar year because the students are going back in one week's time. It is prudent for Hon. Ariviza to give seven days so that we can know whether the money was reallocated to pay contractors and so that we can prepare parents and tell them there is no money; that they will have to wait for another financial year.

Hon. Speaker, let us not play politics with this....

Hon. Osman Adow: *(The Member spoke off-record)*

Hon. Moses Ogeto: I am explaining why I need this statement in seven days. I am not debating but requesting the Chairperson of that committee. Hon. Speaker protect me from this heckler from Canada.

Hon. Temporary Deputy Speaker: Order Hon. Ogeto! A member from the Education Committee?

Hon. Waithera Chege: Thank you Madam Speaker. I want to help Hon. Ariviza because she is also a member of Education Committee. The same was actually requested last week and we met the CEC and she is coming back on Tuesday. I can confirm that Hon. Ogeto will get his response by Thursday latest. Thank you.

Hon. Moses Ogeto: Hon. Speaker that is why I like my colleague the Deputy Majority Whip. Next week is appropriate. Thank you so much I appreciate.

STATEMENT REQUEST REGARDING IMPLEMENTATION OF WARD DEVELOPMENT PROJECTS IN
THE COUNTY

Hon. David Ayo: Thank you Madam. Speaker. I would like to take this opportunity to congratulate you and my party ODM for having faith in you and also observing the gender rule. Thank you so much. Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Ward Development Fund regarding the implementation of Ward Development projects in the County.

Hon. Speaker, the Ward Development Act 2014 provides for a mechanism for identifications and submission of priority projects for implementation under the Act. As the representatives of the people in the County Assembly, Hon. Members are key stakeholders in this process ensuring that through the oversight function, the projects funding and implementation is efficient, effective and demonstrates value for money.

Hon. Speaker, during the 2020/2021 financial year, projects were submitted to the Management Committee from the Wards, for instance, Loresho Ridge Road. However, a good number of them are yet to be rolled out in the Wards, yet new projects are to be submitted in the current financial year.

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

1. Present status report on the status of implementation of projects for the financial year 2020/2021;
2. Reasons for the delayed implementation and measures that the Management Committee is putting in place to ensure that projects are completed in time.

Thank you Madam Speaker.

Hon. Patricia Mutheu: Thank you Madam Speaker. I take this opportunity to congratulate you for being appointed to represent us and I thank the ODM Party for respecting the two thirds gender rule. I think it will take us three weeks. Is that in order?

Hon. David Ayo: Madam Speaker, I am not satisfied with two weeks. This is an urgent issue and needs to be responded to, urgently.

Hon. Patricia Mutheu: We will make it a maximum of fourteen days then.

Hon. Temporary Deputy Speaker: Are you okay with that?

Hon. David Ayo: Madam Speaker, kindly I would like at most ten days.

Hon. Patricia Mutheu: I said ‘maximum’ you can give me an allowance of four days considering we are still experiencing serious observation of COVID-19 rules and physical meetings are still banned; so let’s wait for the President’s directive, so if everything opens up then ten days will be appropriate. However, for now at least give me a maximum of fourteen days.

Hon. Temporary Deputy Speaker: [Hon]Ayo!

Hon. Patricia Mutheu: Madam Speaker I think people ought to respect the floor of the House because I can see the Majority Whip and Deputy Majority Whip are having their own conversation, and I don’t think that is in order; that is disrespect of other Members. They are not consulting in low tones.

Hon. Temporary Deputy Speaker: So let’s go back to the statement. Is that in order, [Hon] Ayo?

Hon. David Ayo: Madam Speaker, I think ... You can get seated for a while, kindly, I need to inform you something.

As Chair of Select Committee on Ward Development Fund, you are an elected member like me and you know the only thing that is required here is that we need the resident engineers of this projects, because everything is already over, you only need the resident engineers to go on site; that is the only thing you should be following up, not telling us about fourteen days. To do what? It is just to inform those people to tell their resident engineers to go on the ground for the projects to start. I think you’ve been informed well.

Hon. Patricia Mutheu: I would like to remind [the Member] again, this is a select committee not sectoral committee.

I choose not to argue with you Hon. Member of Makongeni but rather tackle this serious issue that all *waheshimiwa* are going through. That has been taken care of and I am aware of all those challenges that we are all going through. You have to understand that we have some of the functions which were transferred and WDP falls under public works so this is something that we have to settle and definitely that’s why I told you I need a maximum of fourteen days because we have so many stakeholders that need to be incorporated for me to give you a comprehensive report. So kindly give me fourteen days maximum. Thank you.

Hon. Temporary Deputy Speaker: [Hon]Ayo, are you okay with that so that we don’t dilly dally on the same issue.

Hon. David Ayo: Madam Speaker I think that is fair because if that is what she needs, she needs more time so that she can actually expedite this, then am pretty sure that everything will be okay. Thank you.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON LOANS MANAGEMENT

Hon. Temporary Deputy Speaker: Chairperson select committee on Loans and Mortgage. Go ahead.

Hon. Peter Wanyoike: Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: You are not audible enough.

Hon. Peter Wanyoike: I would like to take this opportunity for being given the opportunity to serve this House. Madam Speaker I beg to move a Procedural Motion.

That pursuant to provisions of section 6 of the Public Finance Management, Nairobi City County Assembly Loans and Mortgage Scheme Fund, Regulations 2017, this Assembly approves the appointment of the following Members to the Select Committee on Loans Management.

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|-------------------------------------|-----------------|
| 1. Hon. Abdi Ibrahim Hassan, MCA | Majority Leader |
| 2. Hon. Michael Ogada Okumu, MCA | Minority Leader |
| 3. Hon. Paul Kados Kaguathi, MCA | Majority Whip |
| 4. Hon. Peter Anyule Imwatok, MCA | Minority Whip |
| 5. Hon. Peter Wanyoike, MCA | |
| 6. Hon. Mary Njambi Njuguna, MCA | |
| 7. Hon. Benson Mwangi Macharia, MCA | |
| 8. Hon. Mary Arivisa Mwami, MCA | |

Madam speaker I want to call upon my leader and elder of this house, the Hon. Elias Otieno to second.

Hon. Elias Otieno: Thank you Madam Speaker. I think it is just a privilege for Hon. Wanyoike to give me this opportunity to second the Motion after so many months. It is just like a year now since the former Deputy Speaker chased me out of this House.

Madam Speaker there are some things in the bible which says what goes around, comes around. During that time the former Deputy Speaker sat on that seat and I came and he saw me clearly that I was here, but when I was called to the Powers and Privilege committee and I told those people 'just ask Deputy Speaker', and he refused to tell those people I was here.

Even the person who brought my name here to be sent out because of these small seats like Board Member, nowadays he's no longer there. So Madam Speaker this thing is just going round like that and you should always accept that if you are on top of everything, one day you will come down.

Even they told me we are going to use a lot of '*uwongo kufukuza wewe*'. Where are they nowadays? Okay Madam Speaker, I hereby second the Motion. You know Madam Speaker it is good sometimes to tell the truth, because now this former Deputy Speaker is a 'former' like me now. Thank you Madam Speaker. I beg to second.

(Applause)

Hon. Temporary Deputy Speaker: Thank you Hon. Elias, welcome back.

(Question proposed)

Hon. Mellab Atemah: Thank you Madam Speaker. I would like to congratulate you for the opportunity to serve us. You've started on a good note. Am standing here to support this Motion and my cry is that this committee can sit and make sure that there are members here who never received the loans ever since they got in this House. They are also devastated and wondering what will happen if they are not going to do something soon. So I really urge the House and the people concerned, and these able Members that you move very fast because from what I hear there is money being held somewhere for the loans. Let the money be facilitated to Members so that they can use it for the appropriate issues they have. I support this Motion Madam Speaker.

Hon. Temporary Deputy Speaker: Any other member, because I can't see anyone requesting here. Members on Zoom there is a problem with the IT department. Any other Member? Mover?

Hon. Peter Wanyoike: Thank you very much Madam Speaker. Let me take this opportunity to thank the House for the support of this Motion, especially those who have supported it. Madam Speaker, I beg to reply.

(Question put and agreed to)

MOTION

Hon. Temporary Deputy Speaker: Hon. Members, due to a technicality hitch in the system for the members on Zoom, I want to defer Motion number 9 to the next Sitting.

Hon. Waithera Chege: Thank you Madam Speaker. I know and I respect Standing Order No. 1, however I was kindly requesting because I really had to hold quite a good number of people here, that if you don't mind we proceed with this Motion.

Hon. Temporary Deputy Speaker: Let me guide you, because I understand most Members wanted to also put their input in that Motion and we can't just cut it off because we are only few Members, it's an entire House Motion, so let's wait on Tuesday.

Hon. Waithera Chege: Okay I stand guided.

(Motion deferred)

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business the Assembly adjourns till Tuesday, 29th September 2020.

The House rose at 3:50 p.m.