



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 28th July 2020

The House met at 9.30 a.m.

[Hon. Speaker, Ms. Beatrice Elachi, in the Chair]

PRAYERS

Hon. Speaker: Seargent-at-Arms can you look for [Hon Samora] because he is the mover of the Motion. Clerks, because of social distancing, can a few of you spread on the desk. Can the HANSARD team ensure that the Members are able to login in.?

(Several Hon. Members on virtual platform requested for the Sitting to proceed)

We have not started Hon. Members; we are waiting for quorum and for other Members to login in. We need eight more Members to login in and I have given enough time because it was a technical issue whereby the ICT should tell us; whether they have decided to sabotage us today.

Hon. Members can you hear me know.

Hon. Jeremiah Themendu: *[The Hon Member spoke via virtual link]* We can here you loud and clear.

Hon. Speaker: Thank you. I am waiting for few more Members to login in so that we can start. The Minority and Majority Whips, can you confirm for us now [the quorum]. We can now proceed because we have enough quorum. We have 40 participants on virtual and we have four participants in the chamber. Proceed, Clerk.

MOTION

NAIROBI METROPOLITAN SERVICES TO REQUEST DOCUMENTATION FROM CONTRACTORS
ON ALL CAPITAL PROJECTS UNDER THE TRANSFERRED FUNCTIONS

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Hon. Samora Mwaure: Thank you Madam Speaker, I would like to move the following Motion that aware that Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 provides for the transfer of functions and powers from one level of Government to another;

Further, aware that on 25th February, 2020, the Governor signed a memorandum transferring some of the County Government functions such as health services, transport services and public works services to the National Government as provided for in the Constitution which took effect from 17th March, 2020 and for twenty-four (24) months subject to renewal;

Acknowledging, that in execution of the Transfer Deed, His Excellency the President established the Nairobi Metropolitan Services Office to spearhead the implementation of the transferred functions;

Concerned that, the ongoing lack of consensus between the County Executive and the Nairobi Metropolitan Services on the implementation of various projects which are under the transferred functions has brought angst among some contractors who had commenced works before the transfer of functions was effected, as the County Executive is unyielding to handover some of the capital projects which are under the transferred functions to the Nairobi Metropolitan Services,

This Assembly urges the Nairobi Metropolitan Services to request for all the necessary documentation from the contractors on the existing contracts on all capital projects under the transferred functions with a view of ensuring the contractors complete the projects in timely manner and avoid stalling of such projects.

Madam Speaker, I believe this is a very weighty issue. This is a motion that is going to solve one of the biggest gridlocks since the creation of NMS. I will give an example of my Ward, where there is a project which is 75% done. It is a road project and it was advertised and the contractor bid competitively and he was awarded the contract. He has all the relevant documentation but the contract has stalled because of one signature. Somebody somewhere is sitting on documentation for reasons better known to them.

This is just one of the projects. We have very many capital projects that have stalled in this nature. This is a travesty of justice in two fronts; one, the people of Nairobi that deserves to be served through government resources. And two, to the contractors who bid competitively and they are yet to go to the ground because of some unexplained situations. I urge this assembly to adopt the motion so that the Nairobi Metropolitan Services can engage those contractors directly because these contracts fall under the four transferred functions. There is no substantive reason to have the projects stalled and to have Nairobians not enjoying the full services and the full benefit from their taxes just because of some vested interests somewhere.

With that, I beg Hon. Ogeto to second this motion. Thank you Madam Speaker.

Hon. Moses Ogeto: Thank you Hon. Speaker. I stand here to second this motion. There has been no proper communication between the Executive and the Nairobi Metropolitan Services. It is very disheartening that the elected Hon. Members in the 85 Wards are unable to supervise the projects which are under the Ward Development Fund. It is also disheartening that the Nairobians who elected us are not able to get services because somebody does not want to take their responsibility.

Hon. Speaker, I believe Ward Development Fund was under roads and public works. Now that the Executive has failed to give the documentation, what is important is for the contractors to give the

documentation that they signed with the county so that we do not have white elephant projects. When you look at the magnitude of the contractors and the money that allocated to the Ward Development Fund Hon. Speaker, it is around Kshs 1.4 billion. It is very sad that this amount is underutilized by one of the officers by not submitting the documentation which are under public works.

Hon. Speaker, for example in my Ward, the contractor who is on site is supposed to do drainage but he left the site because he does not know who is going to pay him. There were capital projects that were transferred like a road in Hurlingham has stalled because they don't know who to report to and how they are going to be paid. It is very sad that people are mismanaging the resources collected from the *Wanjiku*. Hon. Speaker, with that, I beg to second my colleague Hon. Samora's motion.

Hon. Speaker: I need the Table office to tell me whether the Hon. Members are online or not. I believe we are back. Hon. Members who are online can you hear me? Internet is a bit low and I want to propose the question. Is the ICT team working on it? What is wrong with the internet? I have given them a few minutes to work on it before I propose the question. If we are able to do committees, and not just one, you cannot tell me now when we are in the plenary is when we are having problems with the internet.

Are we back Hon. Members? Can we make them hear us so that I can propose the question? Hon. Members, can you hear me?

(Question proposed)

Hon. Speaker: Hon. Deputy Majority Leader, kindly use the mic.

Hon. Millicent Mugadi: Madam Speaker, I rise to support the Motion. With this kind of a Motion we are going to have relieved Nairobian and contractors a lot of stress. We know very well we assigned specific functions to the National Government and to avoid a lot of confusion so that Nairobian can be able to get services and the contractors to be paid, I fully support that we transfer all contracts to the NMS and the National Government. They will be able to supervise and ensure that Nairobian get quality services compared to what we have been seeing before. We are now in a position to ensure that Nairobian get quality services and contractors are paid on time.

We know that NMS has money and we will save contractors a lot of stress from coming to get their money. They will run up and down knowing very well when they finish their work they will be paid by NMS. I would like to thank Hon. Samora for this motion.

Madam Speaker our Ward Development Fund which fall under transport sector should also be considered and be fast-tracked so that all those contractors who signed their contracts this year can get on the ground and do their work quickly so that we can have something to show Nairobian. I fully support the NMS and all the transferred functions which were transferred to NMS. So far so good. We are doing a good job, Madam Speaker. Thank you.

Hon. Mary Mwami: *[The Member spoke via virtual link]* Madam Speaker I stand to support the Motion that the Nairobi Metropolitan Services take over the contracts. I am for instance in two committees that are crucial and this includes Transport and Infrastructure that has not given the [contracts] Nairobi Metropolitan Services and therefore it has hampered the going on of services that were already in use. For example, the contracts that have been there from 2016 has been hampered because the files have not been handed over.

Recently we even called the County Attorney Madam Kwamboka and she clearly told us that she has not be able because H.E. the Governor has not given the okay. She had been told authoritatively that she should not hand over. It is very important and I agree that we support this Motion that all the transferred services should be handed over to the NMS so that they are handled expeditiously by the arm that they were transferred to.

If need be the National Government should come in including the Attorney General so that the handing over can be done. The way that the Governor handed over Nairobi County to the National Government at State House, they should come in and help Nairobi Metropolitan Services so that they can be able to take over these services and serve Nairobians.

It is very bad that somebody should go to hand over the services and then come back to tell us that he is unable to go on. We are at the point of no return and we cannot go out, we are going on with Nairobi Metropolitan Services and the Governor has to go on. Otherwise, if he doesn't go on with Nairobi Metropolitan Services, we need to pull him out. Thank you Madam Speaker, I support.

Hon. Speaker: Thank you Hon. Mary Ariviza, Hon. Majority Whip, June Ndegwa

Hon. Juliet Ndegwa: *[The Member spoke via virtual link]* It is indeed an honor to not be in our House because of this COVID 19 pandemic but still able to put in our work in the Assembly, Madam Speaker.

Madam Speaker I want to support this Motion *[Inaudible]* to the county that is very beneficial to Nairobians and also to elected leaders in this county *[Inaudible]* the capital city of Nairobi and Nairobi residents and even those who work in Nairobi, pay their taxes in Nairobi Madam, Speaker. So the question of the county to deny NMS the files and they are categorically not going to give the files, in fact *[Inaudible]*.

Hon. Speaker: Are you done, Majority Whip

Hon. Juliet Ndegwa: Yes, yes Madam Speaker I can hear you. I am saying we are not going to hesitate to forcefully take the files through the law from these people who are diminishing NMS, Madam Speaker. I can see people looking at me very badly but this is a fact.

(Laughter)

Madam Speaker we did not put a gun on the Governor's head to... *[Inaudible]*... the core functions, he actually begged and if he begged then he should make this process a very smooth process, not for his sake not for our sake but for the sake of the 800,000 votes that he brags about, Madam Speaker. So, I beg to support. Thank you.

Hon. Samora Mwaura: Thank you, Madam Speaker, I would like to take this opportunity to thank Members who have supported this very noble Motion and I believe if the proposals in this Motion are actually implemented we will actually see more Nairobians enjoying good services and a lot of stalled projects will be completed and wananchi will get value for their money. The contractors that had put their money and invested their money, some of them are paying loans, will be able to sort their financial problems.

So thank you very much Members especially the 85 Elected Members most of who are the ones who are affected by these stalled projects. Therefore, with that I thank you very much, Speaker.

Hon. Speaker: Hon. Members on virtual can you hear me.

Hon. Mary Mwami: Yes, we can hear you Madam Speaker; we can hear you loud and clear, Madam Speaker.

Hon. Speaker: Thank you, I want to put the question, I will pick your voice, and then I will pick the voice of those in the chamber

(Question put and agreed on)

ADJOURNMENT

Hon. Speaker: There being no any other business, this House adjourns to 2.30 p.m.

The House rose at 10.30 a.m.