



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Thursday 29th July 2021

The House met at 2.30 P.m.

[Hon. Deputy Speaker (Mr. Geophrey Majiwa) in the Chair]

PRAYER

NOTICES OF MOTION

Hon. Deputy Speaker: Is Hon. Benson Mwangi online? Clerk, next order!

STATEMENTS

Hon. Mark Mugambi: Hon. Speaker, I think Hon. Oyugi had a Notice of Motion.

Hon. Deputy Speaker: Carry on with your please.

Hon. Kennedy Oyugi: Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Oyugi, is it a Motion or?

Hon. Kennedy Oyugi: Mine is a Motion and not a Notice.

Hon. Deputy Speaker: Hold on.

Hon. Kennedy Oyugi: So I hold, alright.

Hon. Deputy Speaker: Hon. Mugambi, you were supposed to read a Statement?

REQUEST FOR STATEMENT REGARDING THE HARASSMENT OF SMALL SCALE TRADERS BY THE KENYA REVENUE, COUNTY COMPLIANCE AND ENFORCEMENT OFFICERS PARTICULARLY IN UMOJA I WARD

Hon. Mark Mugambi: Sorry Hon. Speaker for that confusion. Hon. Speaker, pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the select Committee on Finance, Budget and Appropriations regarding the harassment of small scale traders by the Kenya Revenue, County compliance and enforcement officers particularly in Umoja I ward.

Hon. Speaker, there has been substantial uncertainty about the impact of the Covid 19 pandemic on the lives and livelihoods of residents of Nairobi even as the curfew and lockdown are being effected as part of containment measures.

Small scale traders continue to be scotched in the sun to ensure that they support their households during this unprecedented economic down turn.

Hon. Speaker, owing to the fact that parents are now faced with the burden of taking children to school, it would be appropriate for the traders to be given a two months' grace period to pay such licenses and cess.

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

1. Efforts that the County Executive has put in place to have traders pay licenses and cess in instalments so as to allow them to continue with their operations without harassment; and
2. Measures that the County Executive is putting in place to ensure sustained harmony between the traders, revenue compliance and enforcement officers in the county.

Thank you Mr. Speaker.

Hon. Deputy Speaker; Chairman Budget and Appropriations? Is there any Member?

Hon. Kennedy Oyugi; Thank you Mr. Speaker. As a Member of the Budget and Appropriations Committee, there has been a transition that has already been set in the House, and so I will get to the Chairman and in two weeks the Member will get the appropriate response.

Hon. Deputy Speaker; Hon. Mugambi, are you okay with that?

Hon. Mark Mugambi; Thank you Mr. Speaker. I would like to humbly request the Hon. Member owing to the fact that children are going back to school this week, if they can expedite it within a week so that the harassments can stop. I am requesting that they create a plan on how these traders can pay licenses and cess in instalments due to the pandemic, monthly bills and school fees. I humbly request them for a week. Thank you Mr. Speaker.

Hon. Deputy Speaker; Hon. Oyugi, can that communication pass to the Chairman?

Hon. Kennedy Oyugi; Mr. Speaker, the communication will be passed to the Chairman but owing to the fact that I am not aware of where he is - whether he is in the country or not, kindly Hon. Mugambi let us go with our tradition of two weeks, it is not much. I do not want to commit myself for one week because I have not communicated with my Chair.

Hon. Deputy Speaker; Is it okay Hon. Mugambi? Bear with him because he does not know where the Chairman is. Let us allow him two weeks. Thank you, next order Clerk!

MOTION

RE-INTRODUCTION OF DISBURSEMENT OF BURSARIES THROUGH CHEQUES

Hon. Kennedy Oyugi; Once more thank you Mr. Speaker. That, aware that since the establishment of the county governments in 2013, the Nairobi City County Government has set aside a certain amount of money in the budgets to help the needy and yet bright students to access education through the bursary programmes, where such students apply for this bursaries and they are disbursed to their schools' accounts by the County Government, this has enabled many students to access education across the County; further aware that the County Government resolved to use Electronic Fund Transfer in disbursing bursaries instead

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of using cheques with the view to address the problems experienced in the past where funds meant for needy students went into wrong hands; concerned that introduction of vouchers in disbursement of bursaries has faced a series of challenges where monies deposited in various schools' accounts could not be verified by the County Accounts Department due to the discrepancies between the vouchers and the electronic transfer system; further concerned that various Schools have received the County monies without clear accountability records, this Assembly urges the County Executive to reintroduce the use of cheques in disbursement of funds which is reliable and dependable compared to the voucher system.

Mr. Speaker, we are all aware of the challenges that have been faced through the voucher system. Currently, I have over 100 vouchers which I could not trace the owners and remember this voucher are lying in my office but the monies are in various schools' accounts.

Therefore, in essence, what am saying is these are monies that cannot be traced and these monies can be used or rather I do not want to use embezzled but because they are lying idle in various school accounts it will be at the discretion of those schools to use this money.

As opposed to the cheque system if for example, I have fifty uncollected cheques this will ensure that the money will not be used hence the county will not lose a penny.

Therefore, Mr. Speaker, I am urging our colleagues that we revert to the cheque system. I want to believe the cheque is more accountable as opposed to the voucher system. The voucher system was tried and to my understanding, it has completely failed.

Therefore, Mr. Speaker, I want to urge my colleagues to bear with me including you where you are seated and I want to believe you are also facing the same challenges. Therefore, I beg to move and ask Hon. Mugambi to second. Thank you.

Hon. Mark Mugambi: Thank you once more, Hon. Speaker and I thank the Hon. Member of High-rise Hon. Oyugi, because this was a case of jumping from the frying pan into the fire. This is because, as he has alluded, I also have vouchers worth around Kshs 400,000 lying in my office and I cannot trace their owners and I believe that is the situation across the whole county in the 85 wards.

I understand some people somewhere removed some names from our lists and put theirs that is the main reasons we cannot ascertain the owners of these vouchers, yet the money has already been transferred to the institutions. That means that we cannot get back the monies that were transferred. Therefore, the vouchers that are lying in our office we count as lost and especially the vouchers that are lying to my office have denied other needy students that could have benefited in the ward.

Secondly, Hon. Speaker, it is as if we have created a scheme of bursars and some principals whereby the monies have already been wired into schools' accounts, but the bursars and the principals do not acknowledge receiving the same funds into their accounts.

When you come to the executive side in the educations finance side they cannot give you the actual date the monies were remitted. They just inform you that they wired a certain amount of money to the schools. I have cases where I have been forced to tell the parent to go to the school, which causes money to travel to the school twice so that the parent could make a call and connect me to the bursar so that I can acknowledge my money was indeed transmitted into their accounts.

Hon. Speaker, this same refuse to undertake in writing confirmation that they have not received. One had the audacity to telling me that they do not take vouchers; that their school is not a supermarket. You can

see the embarrassment that we honorable Members are subjected to due to this system. It was a bright idea but its actualization has failed.

Hon. Speaker, I strongly support together with the 84 other elected leaders behind me and I am sure those that are on virtual are also in agreement and also as a Member of the Education Committee I support whatever Hon. Kennedy has laid today as a Motion.

Hon. Speaker, it will go a long way in returning sanity within the bursary docket because previously the cheques that used to remain in your office uncollected you could arrange with the Executive on a way of transferring the same funds into other needy students due to their un-collection from different offices. With this Hon. Speaker, I beg to second this Motion thank you.

(Questions proposed)

Hon. Deputy Speaker: Is there any Member online, Hon. Themendu!

Hon. Jeremiah Themendu: Thank you very much Hon. Speaker for the chance. I rise to support the Motion because we have encountered many challenges when issuing bursaries. I think the person who came up with that idea thought that he was punishing Nairobi MCAs. But instead he was punishing the parents who have been selling even their only goat to pay school fees. The reason I am saying this is because the school are not acknowledging those vouchers. What they do is to blame MCAs.

I would like to say that they pay double because the head teachers remain with the money that has been paid through vouchers and then parents pay again through selling the only items that they have. Hon. Speaker, I would urge the Executive side particularly our able CECM Education, Madam Ouko to take immediate action and make sure that the bursary which shall be dispatched this year is through cheques.

Let me congratulate Hon. Oyugi for the Motion and urge all Members and especially the elected ones to support the Motion. Thank you Hon. Speaker.

Hon. Peter Wanyoike: Thank you very much Hon. Speaker. I rise to support this Motion. First let me thank Hon. Oyugi for coming up with this Motion. I support the introduction of cheques to our needy children. Reason being, I remember very well that we came up with the electric system so that we can safeguard the money for bursaries. But it has

Has come to our knowledge that when this money is electronically transferred – I have a case in my Ward where head teachers are colluding with the accountants or bursars in order to deny our needy students a right to get this money. When the money is being transferred the statements does not read the name of the beneficiary students for the bursaries. The head teachers cannot know the students who are to benefit from this money. This has brought a lot of problems and challenges in our offices.

Mr. Speaker, I remember the first time that we gave out vouchers through the electronic system and we lost half of the bursaries. This created fear to the public out there and they see like we are giving out fake vouchers. I support that we revert back to issuing cheques to our needy students so that as elected leaders we can follow up and if we cannot reach some of these needy students, we can be able to change the cheques to other needy children.

With that Mr. Speaker, I beg to support.

Hon. Deputy Speaker: Thank you.

Hon. Silvia Museiye: Thank you Mr. Speaker. I also rise to support this Motion. I remember when we joined this House in 2017, we were using the cheques system. At some point as a Member of Public

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Accounts Committee we had an audit query about the cheque system and money been diverted through cheques to non-existence schools. I think that is what formed the basis upon which we moved to the voucher system.

It is my opinion that we move from the frying pan to the fire. We have a system where previously City Hall officials were negligent and may be some money were lost, that is why audit queries came up. But now we have moved the theft from City Hall to every other school institution and a lot of money cannot be accounted for. Once you disburse money through the voucher system, it is up to the bursar of the school to honour and say that they have received money from Nairobi City County for certain number of students. (*Technical hitches*) ---than there was at the cheque system. Plus, it is more tiresome for Members of the County Assembly, for the parents, and even for the school. So, all things are considered.

I support the Motion by Hon. Oyugi. I am the Chairperson of the Committee of Education and he is my good Member. We discussed it at the Committee level before we decided that it is good that we bring it to attention of the whole House so that it is not a decision of few Members. All the Members can decide whether we refer back to the cheque system or continue with the voucher system so as to inform the decision for the next financial year allocation and disbursement.

I rise to support the Motion by Hon Oyugi as the Chair of the Committee. We are hoping that the disbursement for this financial year is soon coming because children have gone back to school within very difficult financial times for the parents. Thank you for the opportunity.

Hon. Deputy Speaker: Hon. Cecilia Ayot.

Hon. Cecilia Ayot: Thank you, Mr. Speaker for giving me an opportunity to contribute to this very important Motion. I stand guided, I think this is the only bottom up approach that is working because, Mr. Speaker, as a visionary leader, you can see all your Members including those who are in Zoom.

I wish to congratulate Hon. Kennedy Oyugi for thinking through this very important process. Our parents have been going through hell. We know the nature of the constituencies and wards we serve, most of the parents have to take their kids to rural areas because they cannot afford most of the good schools around. So, when we introduce a system that fails, parents are forced to make trips back and forth to verify. It does not make any economic sense and it is not logical. We give them Kshs. 5,000, but some of them have to go two or three times to verify with the bursars, who sometimes are uncooperative. We have gone through difficult moments with this voucher system.

We also know the bad name that is given to politicians. Any parent who experiences hiccups from the school management, thinks that the MCA has collided with people to rob them what belongs to them. So, they have even gone further to say that, "*Mimi nimepewa cheki lakini Mheshimiwa akapatia watu wengine.*" We also know well that we do not set any amount to empower parents on the voucher system. So, most believe that it is a cheque. Therefore, it is not working and it is giving us a lot of problems. We really wish we could go back to the cheque system.

As Hon. Moseiya has put it, we have transferred the thieving from a few Members to institutions where we cannot even follow up whatever money is lost. I beg to support. I now know why residents of Nyayo Highrise elected one, Hon. Kennedy Oyugi. Sound leadership is a magic bullet. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Mover.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. May I take the opportunity to once more congratulate the whole House for accepting the Motion. Indeed, it was a challenge to everyone. I want to believe that Executive will move with lightning speed to fulfil the wishes of the Members, hence the wishes of Nairobians. I beg to move.

(Question put and agreed to)

Hon. Deputy Speaker: Before I adjourn the Chamber, I want to reschedule the Notice of Motion and Statement of Hon. Mwangi to next sitting of Tuesday, 3rd August 2021.

ADJOURNMENT

Hon. Deputy Speaker: Hon Members, there being no any other business, the House stands adjourned to Tuesday, 3rd August 2021 at 9.30 a.m. Thank you, Members.

The House rose at 3.40 p.m.