



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Wednesday 9th November 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

UPDATE ON THE SITUATION REGARDING THE PARKING LOT FOR MEMBERS

Hon. Speaker: Honorable Members, Good afternoon, I have a partial communication in regard to the parking lot adjacent to the Supreme Court. Just as a matter of concern, we are on the issue. We have had a successful meeting at the Supreme Court with the relevant organs. But we are still in consultation and we will make a conclusive communication over the same. So, let us wait patiently as we find a lasting solution to the issue because it seems there are a lot of correspondences which we were not privy to, but now we want to get to understand how it happened.

What has come out clear is that the Assembly was never involved, and things moved very fast during the period of the campaigns. There were indications of some consultations with the National Government, but now we will get to the full details of the issue and communicate in good time. Thank you, honorable Members.

STATEMENTS

REQUEST FOR STATEMENT REGARDING REVENUE COLLECTION AND MANAGEMENT SYSTEM

Hon. Speaker: The Hon. Imwatak? Who is sitting in for the honorable Member? He is supposed to request a Statement from the Chairperson of the Select Committee on County Finance, Budget and Appropriations regarding the revenue collection and management system in the County. Honorable Deputy Speaker, please.

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Hon. Paul Kados: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on County Finance, Budget and Appropriations regarding the revenue collection and management system in the County.

Hon. Speaker, following the expiry of the Deed of Transfer of functions to the National Government, which established the Nairobi Metropolitan Services, where the Kenya Revenue Authority was mandated to collect revenue for the County the function was reverted back to the County at the end of August 2022.

Hon. Speaker, the County Government is known to be prone to loss of revenue due to leakages and loopholes in revenue collection and management systems at the County Executive. Accordingly, there is a need to develop a robust system that will improve revenue collection and management, which should translate to good service delivery to the residents across the County

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

- i. The current system the County Executive is using to collect and manage revenue across the County, and how much the platform charges in terms of Agency fees;
- ii. Procedures and factors are taken into account in the determination of the relevant current collection platform;
- iii. The efficiency and effectiveness of the current system used in revenue collection and management since the expiry of the Kenya Revenue Authority contract; and
- iv. Measures the County Executive is taking to seal perennial loopholes and leakages in revenue collection and management across the County.

Hon. Speaker: Thank you. Honorable Members, by leave of the Speaker, I have approved the sitting of the Committee of Budget and Appropriation alongside the plenary. So, maybe we might be challenged to get a Member. You can take the undertaking?

Hon. Clarence Munga: Yes.

Hon. Speaker: Okay, please, Hon. Clarence Munga. I wanted to commit the statement to the Budget and appropriation Committee but now they are not in the Assembly. Any Chair of the Liaison Committee.

Hon. Clarence Munga: Thank you, Hon. Speaker. On behalf of the Chairperson Budget and Appropriation the response will be ready possibly in two weeks.

Hon. Speaker: Thank you, you are a Member of which committee?

Hon. Clarence Munga: I am the Chairperson of Culture and Community Services.

Hon. Speaker. Okay, thank you. Hon. Hashim Kamau, you are next. Let us bypass No. (ii). Hon. Mwaura Samora.

Hon Samora Mwaura: Thank you, Mr. Speaker, I have two requests for statements.

REQUEST FOR STATEMENT REGARDING STATUS OF LOADING ZONES

Hon. Samora Mwaura: Hon. Speaker Pursuant to Standing Order 47(2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the status of loading zones across the County

Hon. Speaker, the County has various designated loading zones across the County, where people with businesses are allocated for the purpose of the smooth operation of their businesses.

However, some of these loading zones are not well-marked, thus accountability in terms of revenue generation may be near to impossible.

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

- i. The number of loading zones across the County;
- ii. Whether the zones generate any revenue to the County and the total annual collection;
- iii. The management and maintenance of the loading zones across the County;
- iv. Criteria and procedures used in the allocation of the loading zones to traders; and
- v. Measures the County Executive is taking to ensure there are visible areas designated as loading zones across the County.

My second response to Statement---

Hon. Speaker: Hon Member, hold a bit. We commit the Statement to the Committee on Roads, Transport and Public Works. Who is the Chair of Transport? Honorable Member for Pipeline Ward.

Hon. Musango Maithya: Mr. Speaker, I request to be given 21 days to come up with the report. Thank you.

Hon. Speaker: Okay, we may proceed. Hon. Samora, you had two statements? I have only one here. Is it approved?

Hon Samora Mwaura: Yes.

Hon. Speaker: For the purposes of record, you need to do some amendments on the Order Paper, but you may proceed.

REQUEST FOR STATEMENT REGARDING YELLOW FEVER VACCINATION, VACCINE AND PREMISES

Hon. Samora Mwaura: Thank you, Mr. Speaker. For my second request of Statement pursuant to Standing Order 47 (2) (c), I wish to request a statement from the Chairperson of the Sectoral Committee on Health Services regarding the yellow fever vaccination, vaccine and premises across the County.

Hon. Speaker, it is a requirement by the Ministry of Health across most nations worldwide for every person to be vaccinated against yellow fever. It is also a requirement that the vaccination be done at the gazetted health centers and premises.

Hon. Speaker, the Constitution of Kenya, 2010 provides for the right to the highest attainable standard of health including the right to health care services. Unfortunately, Nairobi residents cannot access vaccines including yellow fever at the County Inoculation Centre due to lack of vaccines.

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

- i. The number of gazetted vaccination centers and premises across the County and those that are issuing international travel vaccine certificates;
- ii. The legal framework governing the issuance of vaccine certificates in the County;
- iii. Whether the charges and tariffs levelled are anchored on any law or regulation;
- iv. Whether gazetted vaccination centers and premises generate any revenue to the County and the total annual collection for the past years;
- v. The management and maintenance of the vaccination centers and premises across the County;

- vi. Reasons for the delay in supplying the necessary vaccines at the vaccination centers and the Inoculation Centre at City Hall;
- vii. Whether the said center has a budget to operate on; and
- viii. Measures the County Executive is taking to ensure the County gazette vaccination centers and premises are supplied with vaccines and other equipment necessary for seamless operation.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Honorable Member. Who is the Chairman of the Health Committee?

Hon. Maurice Ochieng: Thank you, Mr. Speaker. 21 days are enough for the Committee to bring the report back.

Hon. Speaker: Honorable Members, as you may be aware we had bypassed No. (ii), but he is now ready. Hon. Hashim Kamau.

REQUEST FOR STATEMENT REGARDING LACK OF MEDICAL INSURANCE FOR COUNTY STAFF OF
NAIROBI COUNTY EXECUTIVE

Hon. Hashim Kamau: Thank you, Mr. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the lack of medical insurance for County Staff of Nairobi County Executive.

Hon. Speaker, it is of great concern that for some time now, County staff of Nairobi County Executive have not been benefiting from medical cover, as provided for in the Human Resource Manual. Moreover, under Section 34 of the Employment Act, an employer is obliged to provide medical treatment to his employees during the time of service, and if possible medical attendance during serious illness. As a result, the employer should provide medical insurance cover for employees.

Hon. Speaker, in view of the foregoing, the Staff of the Nairobi County Executive expect to be provided with uninterrupted insurance medical cover for them to work efficiently and deliver to the people of the Nairobi City County. However, this has not been the case.

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

- i. Why the County staff have not had their medical cover;
- ii. When will the medical cover be renewed;
- iii. Whether the County has plans to compensate the staff who have paid for their own medical expenses from their pockets; and
- iv. If it is possible for all County staff to access some hospitals and medical services regardless of their job groups.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you honorable Member. Do we have the Chairperson of Labour and Social Welfare Committee in the House?

Hon. Allan Gathuku: Mr. Speaker, we beg for 21 days.

Hon. Speaker: I hope it is not by design for all the chairpersons of committees to make the commitment.

REQUEST FOR STATEMENT REGARDING THE BLOCKAGE OF PROF. WANGARI MAATHAI ROAD

Hon. Speaker: Hon. Paul Ndungu to make request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the blockage of Prof. Wangari Mathai Road. Is the Member in the House?

Hon. Hashim Kamau: He has delegated to me, Mr. Speaker.

Hon. Speaker: Okay, you may proceed.

Hon. Hashim Kamau: Thank you, Hon. Speaker. On behalf of Hon. Paul Ndungu, pursuant to Standing Order 47 (2) (c), he wishes to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the blockage of Prof. Wangari Maathai Road.

Hon. Speaker, in the year 2017, the National Assembly passed the National Transport and Safety Authority (NTSA) School Transportation Safety Guidelines. The said guidelines provide among other things that school-going children are dropped off and picked up at safe stages to ensure their safety from accidents.

Hon. Speaker, the Premier School located in Nairobi has been causing traffic snarl-up, especially in the early morning and late evening hours due to picking up and dropping off school-going children along the Prof. Wangai Mathaai Road. This poses a significant threat to children and other road users.

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

- i. Reasons as to why Premier School has not allocated a drop-off and pick up point in the school compound; and
- ii. Whether the County Executive is aware of the said menace and what measures they have put in place to ensure that each school within the County allocates a stage for pick up and drop off.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you Hon. Hashim on behalf of Hon. Paul Ndungu. The Chairperson of Transport and Public Works, please!

Hon. Musango Maithya: Mr. Speaker, I request 14 days so that I can come up with the report.

Hon. Speaker: The request for statement number five from Hon. Wilfred Odalo is not in the House. Okay, you may proceed.

REQUEST FOR STATEMENT REGARDING ALLEGED EVICTIONS, SUBDIVISION AND ALLOCATION OF LAND LR. NO. 209/7260/189

Hon. Clarence Munga: Thank you, Mr. Speaker. On behalf of Hon. Wilfred Odalo, Chairman for Budget, I would like to request for a Statement.

Mr. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Urban Planning and Housing regarding the alleged evictions, subdivision and allocation of land LR. No. 209/7260/189, formerly known as ES Eastleigh Sewerage Depot in Eastleigh Ward.

Hon. Speaker, Article 61 (1) of the Constitution of Kenya, 2010 presupposes that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as Individuals. Further, the

Nairobi City County Evictions, Resettlement and Demolition Act, 2016 provides for the procedures for evictions, demolition and resettlement in the County.

Hon. Speaker, the said land belonged to Nairobi City Water and Sewage Company and houses their respective staffers working in Eastleigh Ward. However, there was an alleged illegal eviction of residents from Nairobi City County Staff Housing Units by private developer in the year 2021.

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

- i. The history of ownership of Land LR. No. 209/7260/189;
- ii. A comprehensive report indicating the name/names of the private developers, and if there was any legal document from the County Government authorizing the demolition of the said property; and
- iii. Measures the County Executive has put in place to control irregular and/or forceful acquisition of private property in the County.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Honorable Member the Chairperson for Lands and Urban Planning.

Hon. Alvin Palapala: Thank you, Mr. Speaker. This is a committee that is very vibrant and with honorable Members who are very active and as such we will not ask for 21 days but 14 days.

Hon. Speaker: Thank you, Chairperson. Hon. Diana Katile.

REQUEST FOR STATEMENT REGARDING OPERATIONALIZATION OF UMOJA II HEALTH CENTER

Hon. Diana Mwangangi: Thank you, Hon. Speaker. Pursuant to Standing Order 42 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the operationalization of Umoja II Health Center in Embakasi West, which was developed by the Nairobi Metropolitan Services.

Hon Speaker, Article 43 (1) (a) of the Constitution of Kenya, 2010 provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care. Further, the Constitution under Article 53 (1) provides that every child has the right to basic nutrition, shelter and health care.

Hon Speaker, health is a devolved function, meaning counties have a primary mandate of ensuring local communities can access essential medical services at affordable cost as part of the national Universal Health Coverage agenda.

Hon. Speaker, in the financial year 2020/2021, the Nairobi Metropolitan Services commissioned the construction and rehabilitation of 28 healthcare centers in the County, Umoja II Health Center being part of the health centers that were constructed. However, the health center has not been in operation since completion and therefore not serving the people of Umoja II and its environs as had been conceived.

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

- i. Reasons occasioning the delayed operationalization of the health facility and the plans that the County Executive has put in place to equip and operationalize the Health Center; and
- ii. A report on the services that will be provided at the facility, and whether the County Executive is experiencing any challenges in ensuring that the health center becomes operational.

Thank you.

Hon. Speaker: Thank you, Hon. Katile. We commit this to the Committee of Health Services. Honorable Chairperson, please.

Hon. Maurice Ochieng: Thank you, Speaker. Give us one month to bring the report due to the following reasons; we are yet to put in place the CECs. Also, we are going on a recess for 10 days and we have other statements.

Hon. Speaker: It makes a lot of sense, honorable Member, thank you.

(Applause)

Hon. Stazo Omung'ala.

REQUEST FOR STATEMENT REGARDING THE ALLOCATION OF PICK-UP AND DROP-OFF POINTS

Hon. Stazo Omung'ala: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the allocation of pick-up and drop-off points in the County.

Hon. Speaker, the Nairobi City County Transport Act 25 (1), provides that the County Executive Committee Member shall designate public transport vehicle terminals in the County. Section 27 further provides that a public service vehicle shall only pick up and drop passengers at a designated bus stops.

Hon. Speaker, the data relayed by the National Transport and Safety Authority (NTSA) has revealed that there are only 272 number registered SACCOs operating in Nairobi against a figure of 692 number of SACCOs as indicated by City Hall records. This translates to the high number of illegal drop offs and pick up points in the County, resulting in unnecessary traffic jams in the City.

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

- i. A report on the approved drop offs and pick up stages in the County;
- ii. Whether the matatu SACCOs are compliant with the transport regulations; and
- iii. Plans the County Executive has put in place to curb the rising numbers of illegal pick-ups and drop off points.

Hon. Speaker: Chairperson of Transport Committee.

Hon. Musango Maithya: Mr. Speaker, this is the same question as the earlier one that we were requested to bring a report on. I asked for 21 days to bring back the report.

Hon. Speaker: Okay. Hon. Omung'ala

Hon. Stazo Omung'ala: Mr. Speaker, what is the reason behind the Chairperson saying that the Statement is the same?

Hon. Musango Maithya: It is the same question.

Hon. Speaker: You will deal with it at the committee level honorable Chairperson. Hon. Jared Akama.

REQUEST FOR STATEMENT REGARDING OUTSTANDING PAYMENTS TO GARBAGE CONTRACTORS

Hon. Jared Ondieki: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding outstanding payments to garbage contractors in the County.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 provides every person the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of the present and future generations. To achieve this, the County engages contractors to collect and dispose of garbage from across the County. However, there is undue delay in the release of payment to these contractors.

Further, Hon. Speaker, there are allegations that whenever there is cash flow in the County, these contractors are subject to selective payments despite all of them delivering on their terms.

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

- i. The list of contractors paid during the financial year 2021/2022 and those with pending payments;
- ii. Reasons the County Executive has not paid all garbage contractors who have rendered their services to the County; and
- iii. Measures the County Executive is putting in place to ensure county creditors are paid on time.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Jared. The Chairperson Environment Committee, please.

Hon. Silas Matara: Thank you, Hon. Speaker. We have heard the Member, and together with the Committee, we are going to give him a response promptly in 14 days.

Hon. Speaker: I am sorry. I did not get you right.

Hon. Silas Matara: Thank you, Hon. Speaker. I was telling my colleague that I have heard him correctly and that together with my Committee, we are committing to give him a response within 14 days.

Hon. Speaker: Thank you, honorable Member. We proceed to no. (x). Hon. DNG

REQUEST FOR STATEMENT REGARDING PERENNIAL LACK OF WATER IN WOODLEY KENYATTA GOLF COURSE WARD

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding perennial lack of water in Woodley Kenyatta Golf Course Ward.

Hon. Speaker, Article 43 (d) of the Constitution of the Republic of Kenya, 2010 provides every person the right to clean and safe water in adequate quantities. Nairobi Water and Sewerage Company is a whole subsidiary of Nairobi City County, with the main responsibility of providing and managing water and sewerage services in Nairobi, while the asset holding body, Athi Water Works Development Agencies is charged with the responsibility of developing key water and sewerage infrastructure.

Hon. Speaker, water-vending cartels are allegedly causing artificial water shortages in order to force residents to buy water from them from their private water bowsers, and from those selling water in *mitungis* being ferried on *mikokotenis*.

Hon. Speaker, Woodley Kenyatta Golf Course Ward and its environs have constantly lacked the supply of water---

Hon. Speaker: Hon. Member, you will have 15 minutes to build your Motion. This is just a request of statement. Are you through with the request?

Hon. Davidson Ngibuini: I am not yet done.

Hon. Speaker: Okay.

Hon. Davidson Ngibuini: This is what I filed to your office and was received and stamped.

Hon. Speaker: You are supposed to read the original script.

Hon. Davidson Ngibuini: That is what I am reading, and I believe that you have a copy. Allow me to pick up from where I left.

Woodley Kenyatta Golf Course Ward and its environs have constantly lacked the supply of water despite numerous complaints to the relevant authorities.

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

- i. When the County Government intends to restore water supply in Woodley Kenyatta Golf Course Ward;
- ii. Measures the County Executive is taking to ensure Nairobi residents receive clean and safe water in adequate quantities;
- iii. Whether the County Government in conjunction with the Nairobi City Water and Sewerage company has put in place proper water and sewerage infrastructure; and
- iv. Measures the County Executive is taking to ensure private water vendors operate fairly without causing any artificial shortages.

That marks the end of my request for statement. Thank you for your time, Hon. Speaker.

Hon. Speaker: Thank you, honorable Member. Chairperson Water? Vice Chairperson? Any Member of the Committee?

Hon. James Karanja: Mr. Speaker, Sir, I am James Kuria Karanja, Member of Water Committee. We ask for 14 days

Hon. Speaker: Thank you, honorable Member.

We are done with Statements, and before we proceed to Order No. 8, I have a communication to make in regards to an invitation to a breakfast meeting.

COMMUNICATION FROM THE CHAIR

INVITATION TO A BREAKFAST MEETING

Hon. Speaker: Honorable Members, I have the following communication to convey:

I am in receipt of a letter dated 4th November 2022 from Local Authorities Provident Fund (LAPFUND), inviting all Members of the County Assembly to a breakfast meeting to be held tomorrow, Wednesday 10th November 2022 starting at 7:30AM at Sarova Stanley Hotel.

Accordingly, honorable Members, I wish to inform you of this invitation and request that you attend the said meeting as per the invitation. Thank you, honorable Members.

Looks like the person who wrote the letter did not notice the mistake.

Hon. Anthony Ngaruiya: I think that we need to confirm from the Clerk whether the meeting is tomorrow because matters to do with pension and gratuity are so important that nobody should miss.

Hon. Speaker: Okay. Thank you, honorable Minority Leader. With due respect, let us pick on the subject matter which is tomorrow and the date indicated as 10th. Is date 10th Wednesday or Thursday? Therefore, let us go with tomorrow being date 10th.

PROCEDURAL MOTION

Hon. Speaker: Honorable Minority Leader, please.

APPOINTMENT OF MEMBERS TO CHAIRPERSON'S PANEL

Hon. Anthony Karanja: THAT, pursuant to the provision of Standing Orders 19 (1), this Assembly approves the appointment of the following Members to the Chairperson's Panel:

1. The Hon. Malyun Ali Abdi, MCA – First Chairperson of Committees
2. The Hon. Anthony Kimemia, MCA – Second Chairperson of Committees
3. The Hon. Doreen Mugambi, MCA – Third Chairperson of Committees
4. The Hon. Diana Katile, MCA – Fourth Chairperson of Committees

I beg to move.

Hon. Speaker: Can you get a Member to second?

Hon. Anthony Karanja: I would like to ask Hon. Stazo Omung'ala to second.

Hon. Stazo Omung'ala: Mr. Speaker, I beg to second.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Chege Mwaura, have you placed a request? You may proceed.

Hon. Chege Mwaura: Thank you, Mr. Speaker, I rise to support the Motion. It is important that Members understand that the panelists are usually of equal number from both sides. These are Members who have the heart of the Speaker because in the event that the Speaker is absent, then they chair the House sittings. I have no doubt that the Members proposed are equal to the task. Hon. Kimemia served in the same position in the last Assembly and he is equal to the task, so is Hon. Malyun, Hon. Diana Katile and Hon. Doreen Mugambi, who have also showed tremendous capacity in the position. I support.

Hon. Speaker: Thank you. Hon. Hashim Kamau.

Hon. Hashim Kamau: Thank you, Mr. Speaker, I rise to support the Motion. I have noted that the two third gender rule has been observed and also the regional and ethnic diversity.

Hon. Speaker: Maurice Ochieng.

Hon. Maurice Ochieng: Thank you, Mr. Speaker, I rise to support the Members' appointment to the Speaker's Panel.

Hon. Speaker: May the mover proceed and reply. Honorable Minority Leader, please.

Hon. Anthony Karanja: Hon. Speaker, I am happy that they are all in support of these Members. I hope that they understand and will be able to deliver as expected. We want to make this Assembly very

vibrant. I know the three nominees and not so much on Hon. Malyun. We are relying on them. I thank you, Members.

Hon. Speaker: Thank you.

(Question put and agreed to)

APPOINTMENT OF MEMBERS TO COMMITTEE ON ASSEMBLY BUSINESS

Hon. Speaker: Honorable Minority Leader.

Hon. Anthony Karanja: THAT, pursuant to the provision of Standing Orders 167 (1), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business:

1. The Hon. Nicholas Juma, MCA
2. The Hon. Malyun Abdi, MCA
3. The Hon. Eutyclus Mukiri, MCA
4. The Hon. Susan Makungu, MCA

Hon. Speaker, I would like to ask the Deputy Majority Whip to second.

Hon. Stazo Omung'ala: Hon. Speaker, I beg to second the Motion.

(Question proposed)

Hon. Speaker: Hon. Thuo.

Hon. Kamau Fiunifu: Mr. Speaker, I support.

Hon. Speaker: Hon. Malyun Abdi.

Hon. Malyun Abdi: Thank you, Mr. Speaker, Sir. I do not know if I am supposed to---

Hon. Speaker: Excuse me, you are out of order. Please, get seated.

Hon. Malyun Abdi: Thank you.

Hon. Speaker: You are the subject matter here.

Hon. Stazo Omung'ala: Hon. Speaker, allow me to---

Hon. Speaker: You have just seconded the Motion, but you can still build on it.

Hon. Stazo Omung'ala: My remark is that all these Members are qualified to serve in the said Committee. Having worked with Hon. Malyun in the ODM Youth League, I believe that she is competent.

(Point of Order)

Hon. Speaker: Order granted.

Hon. Kennedy Oyugi: Mr. Speaker, the honorable Deputy Majority Whip has just seconded the Motion, which means he has already debated. You cannot debate twice on a singular Motion. Therefore, Mr. Speaker, I want you to declare the Deputy Majority Whip out of Order

Hon. Speaker: Thank you, honorable Member. By leave of the Speaker, it is proper. Hon. Emmy?

Hon. Chege Mwaura: Point of Order.

Hon. Speaker: Declined, Hon. Chege. Be seated, the Member is on the floor.

(Hon. Chege Mwaura spoke off the record)

Hon. Emmy Isalambo: Thank you, Mr. Speaker. Protect me. Having known Hon. Malyun for quite some time as a youth wing representing us as amicus, she is up to the task. In your absence, she will deliver and do marvelous.

Hon. Speaker: Thank you. The mover to reply, please.

Hon. Antony Karanja: Thank you, Hon. Speaker. I am suspecting that all these Members are qualified and I hope that they prove me right. I beg to reply.

Hon. Speaker: Thank you.

(Question put and agreed to)

Hon. Member: Point of order

Hon. Speaker: You are out of Order, honorable Member. The debate on the Motion has been concluded.

(A Member spoke off-record)

Hon. Speaker: Declined.

MOTION

Hon. Speaker: Honorable Members, as I take leave may the first Member of the Chairperson's Panel take warmth of the seat and guide you accordingly.

(Hon. Speaker left the Chair)

(Hon. Temporary Deputy Speaker (Ms. Malyun Abdi) took the Chair)

COMPLETION AND PAYMENT OF WARD DEVELOPMENT FUND PROJECTS

Hon. Temporary Deputy Speaker: Honorable Members, I call upon Hon. Jeremiah Themendu to move the Motion.

Hon. Jeremiah Themendu: Thank you, Madam Speaker. I beg to move the following Motion;

THAT, aware that the County Assembly has been appropriating budgets for execution of projects since 2015/2016 financial year including the Wards Development Fund; concerned that despite the allocation of funds, the said capital projects have suffered slowed implementation by the County Executive and thus affected the effective delivery of services to Nairobi residents; noting that the biggest impediment to implementation of projects, including Wards Development Fund projects remains endless delays in the procurement process and payment of contractors; realizing that there are numerous projects from the preceding financial years that are yet to be completed, while the Assembly has moved ahead to allocate additional monies for FY 2022/2023; further noting that several projects have been repetitively factored in the budget in every financial year for the last seven years; further realizing that most contractors have lost their investments and properties to the banks due to loans borrowed to fund the County projects; further concerned that lack of payments of contractors has contributed to the growing pending bills in the County, this Assembly resolves that the County Executive to prioritize implementation of all pending or incomplete Ward Development Fund projects from FY 2017/18 to FY 2022/2023 including capital projects and ensure payment of completed and certified Ward Development Fund projects and other capital projects across the County.

Madam Speaker, the County Assembly diligently appropriates budgets for execution of projects in every financial year, including the Wards Development Fund with the aim of seeing such projects implemented to change the lives of many residents in this great city. The importance of budgeting in an organization include attraction of investors who want to see that a company has its dollars accounted for. Budgets help in maintaining stability and control over government's finances and are means of providing accountability through financial reporting.

Madam Speaker, several contractors have abandoned the project sites due to non-payment of work done. Some contractors have lost their properties to banks and other lending institutions due to non-payment of loans borrowed to fund the County projects. It is prudent for the County Executive to prioritize implementation of all pending incomplete Ward Development Fund from the year 2017/2018 to 2022/2023, including capital projects and ensure payment is completed.

Madam Speaker, I request this Assembly to approve this important Motion for prioritizing implementation of all pending or incomplete Ward Development Fund projects for the financial year 2017/2018 to financial year 2022/2023, including capital projects and ensure payment is completed and certified ward development projects and other capital projects across the County.

Madam Speaker, I call upon Hon. Akama to second the Motion.

Hon. Temporary Deputy Speaker: Hon. Themendu, please call your seconder.

Hon. Jeremiah Themendu: Madam Speaker, I have already called upon Hon. Akama

Hon. Jared Ondieki: Thank you, Madam Speaker for this opportunity. I rise to second this important Motion. However, my colleague has ambushed me probably because of the passion and the zeal we had during those times when championing for the Ward Development Fund. I want to tell my colleague, Hon. Themendu that my passion has diminished to around 20% because of what this WDF has subjected some of us to, including the contractors who were awarded these works.

I agree with my honorable Member that this is a very important Motion because if you happened to meet some of these contractors, you will be very much sympathetic due to the frustrations they have gone through. It is true that we have continuously and obediently given budget to this fund, but there has been no goodwill on implementation. We need the goodwill so that we can save lives of these contractors, Madam Speaker. Some of them have given up on life, there is even a case where one of them committed suicide because of nonpayment.

Madam Speaker, this is very important and we hope that this Assembly will rise to the occasion. This is to the elected Members of this House, whenever WDF is mentioned, we get excited. The excitement must translate into action in such a way that we are able to diagnose and prescribe where the problem is so that we do not subject them to being awarded tenders and in the end they contemplate suicide. I urge that we rise to the occasion.

This is a very important Motion, Madam Speaker. Let me underline that even in this financial year, I know that we have allocated funds to this fund. The only thing that is required is for this House is to ensure the implementation. Imagine if each ward gets one project for five years, that translates to 485 projects which can change lives of Nairobians. Anybody out there who is sabotaging this important fund, should be declared an enemy of this House.

Madam Speaker, I second and support this important Motion. Thank you.

(Question Proposed)

Hon. Emmy Isalambo: Thank you, Madam Speaker. I would like first to congratulate you on your appointment today. We all know that what a man can do, a woman can do better. We pray and believe that you are going to do better, and we know that you are going to deliver.

On the Motion, it is important that as the contractors borrow loans and use their savings to do projects for the County, the Assembly should make sure that these contractors get paid as they have families to cater for. I have seen a case where one contractor supplied medical supplies but now, he has nothing to look after his family. For the new tenders and new projects in our wards, let us try to push this Motion so that the old loopholes are sealed and the contractors get paid on time. I support the Motion, thank you, Madam Speaker.

Hon. Gerald Mukuru: Thank you, Madam Speaker, I am rising to support this Motion. This is a very important Motion to us. I support it because I have three projects in my ward that are incomplete because the contractors have not been paid. I urge honorable Members to support this Motion by Hon. Themendu.

Madam Speaker, I can say that when some of these projects have not been completed and the contractors have not been paid, our electorates think that we have stolen the money. Like in my ward, the former MCA was accused of using the money for these projects. I kindly urge Members to support this Motion so that by the end of the five-year term, these projects will be complete so that my electorates do not accuse me of using money meant for projects and contractors are paid. Thank you, Madam Speaker.

Hon. Shadrack Machanje: Thank you, Madam Speaker, I rise to support this Motion by Hon. Jeremiah Themendu. There are so many incomplete projects in the wards because of nonpayment of contractors, this makes development to lag behind. The County Executive should move with speed to pay contractors so that these projects can be completed on time. For example, in my ward, there are some roads which have never commenced and the contractors have never been paid. If you ask the contractor, he tells you to go and ask the County Executive about the payment of the project so that they can start working.

There are boreholes which are supposed to be dug in my ward but have never been done. There is also a health center which has not been completed and residents are asking why these projects have never been completed. When you try to explain to the residents why they have not been completed, they say that you as the area MCA has diverted the money given to you for these projects for personal use.

I strongly support and urge Members to support the Motion by Hon. Jeremiah Themendu. Thank you, Madam Speaker.

Hon. Anthony Gathumbi: Shukrani sana, Bi Spika kwa fursa hii ambayo umenipa kuzungumzia Mswada huu. Kwanza, nakupongeza kwa kuchaguliwa kwa Speakers' Panel – First Chairperson. Najua utafanya kazi nzuri. Mimi pia nimeteuliwa katika ofisi hiyo na utafanya kazi pamoja.

Nataka pia nimshukuru Mheshimiwa Themendu kwa Mswada huu ambao ni muhimu sana. WDF ndio uti wa mgongo wa MCA yeyote ambaye amechaguliwa. Wenzangu wamezungumzia ya kwamba kila pahali uendapo upate jambo halijafanyika, hiyo lawama huja kwa MCA kwamba amehongwa ama ametumia pesa hizo kwa mambo mengine. Hiyo si kweli, kilichoko ni kwamba, wale wenye kandarasi hawajalipwa, wanalipwa pole pole sana.

Kwa wodi yangu ya Harambee, niko na *project* ya mwaka wa 2021-2022 lakini haijaanza kwa sababu *contractor* anaogopa anaweza kosa kulipwa. Hii iliniletea shida wakati wa uchaguzi nikijaribu kuwaambia wananchi ya kwamba hio *project* itafanywa, ni vile hakuna pesa pesa ya kumlipa *contractor*. *Contractors* nao wanapata shida nyingi, wanachukua loan kwa benki na inabidi wauze magari yao, na wanakuja kwetu tuwasaidie walipwe. Gavana wetu aweke mikakati ya kuhakikisha pesa ziko za kuwalipa hawa *contractors*.

Ofisi ya WDF ni hewa, haipo na haitambuliki na Katiba ya Kenya. Gavana mwenyewe anafaa afuate na kuhakikisha kuwa MCAs na yeye mwenyewe pia wanaonekana wanafanya kazi.

Namshukuru sana Mheshimiwa Themendu, najua mimi na wewe tumeumia sana wakati uliopita tukijaribu kukimbiza malipo ya *contractors*.

Shukrani sana, Bi. Spika. Asanteni, naunga mkono.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Kimemia.

Hon. Sospeter Mumbi: I begin by thanking you for this opportunity. Secondly, I want to congratulate you on your appointment to the Speaker's Panel. Let me also acknowledge the efforts put by Hon. Jeremiah Themendu in putting together this Motion.

I support the Motion because I feel it is the only kitty that equalizes all of us. It offers equality because every ward is going to receive that kitty. When you come to the structure of the other committees, we are not going to benefit collectively in the 85 wards. Every ward is going to get WDF and therefore equalizes.

Number two, this fund enables us to address the various issues independently as MCAs. By this, I mean when you come to Roysambu, its needs may vary from those of Landi Mawe or Kibera, but using the WDF in a way that every MCA will have a bargaining power or an upper hand to decide which area to address in line with specifications given under the WDF.

The other thing is that we need to ask ourselves; in the Motion we have seen that there are projects that have been factored in repetitively for the last seven years. The other thing is lack of prioritization of WDF. We need to ask ourselves what has caused all these delays so that as we move forward to request WDF what are the underlying issue that have caused the delay of this fund. If it is about the allocation of funds, has it been factored in the budget so that if there is laxity in the Procurement Department? We will know because we have it in the budget, so it means when it comes to procurement, we already have funds.

When we talk about pending bills, right now I do not know how much is required for the pending bills and the WDF. We are hastening to capture the pending bills in the budget so that we will be able to trace it in the budget. We need to have the facts in terms of how much is for the pending bills and pending projects. We need to ask ourselves where are those projects that were prioritized under WDF.

This Motion is talking about seven years back, perhaps something which was quoted seven years back might not be a priority right now. A review of the various projects that had been fronted need to be done in order to help us to know we need to continue with all the projects that had been highlighted or we need to do a review of these projects. These are the things that I would urge the mover to consider moving forward. Thank you very much, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Honorable Members, there is no other request. I request the mover, Hon. Themendu to reply.

Hon. Jeremiah Themendu: Thank you Madam Speaker. I register my gratitude to all the Members of this Assembly for the support of this Motion, particularly Hon. Jared Akama, Hon. Emmy, Hon. Kiogora. Hon. Shadrack, Hon. Kimemia, Hon. Sospeter and all the Members of this Assembly for supporting the Motion.

Before I conclude, Madam Speaker, our most important agenda for this Assembly is development, and if we do not achieve this, then we are being paid for doing nothing. I think to return Nairobi to its lost glory, we need to prioritize on the projects being done in our wards.

Let me answer Hon. Sospeter, the projects you heard me mention, from 2015 to 2016, 2022-2023, some projects are being completed but have not yet been paid. That is why the County has huge amounts of pending bills.

As I conclude, I urge the Chairperson of Implementation to double his efforts in following up on the implementation of the Motion. With those few remarks, I beg to reply, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the House stands adjourned until tomorrow, Thursday 10th November 2022 at 2.30 p.m.

The House rose at 4.20 p.m.