



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Fourth Session

Wednesday 18<sup>th</sup> June 2025

The House met at 2.30 p.m.

*[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]*

#### PRAYER

**Hon. Temporary Speaker:** Hon. Members, be seated.

#### QUORUM

**Hon. Temporary Speaker:** Clerk, confirm if we have quorum both in virtual and physical.

*(Clerk-at-the-Table confirmed there was quorum)*

Order, Hon. Members! The House is properly Constituted. Online, we have 27 Members plus around 19 Members in the House. Clerk, proceed.

#### PAPER

##### NAIROBI CITY COUNTY SUPPLEMENTARY II EXPENDITURE AND REVENUE ESTIMATES FOR FY 2024-2025

**Hon. Peter Imwatok:** Hon. Speaker, it is unfortunate that I have to rise at this particular moment before this House. I just saw the issue of Supplementary Budget, but as the Leader of Government I think it is time I stamp authority on what come before the Assembly.

Hon. Members, you are aware that I have said time and again that this House must be respected. For that reason, I may not be able today to Table this Supplementary Budget until proper consultation between my office and the Finance Sector, led by the CECM, in regards to two issues: The payment of Ward Development Fund, and the Assembly funding.

*(Applause)*

I therefore decline until I have a consultation. I don't want to bring an agenda in this House that will bring me shame and the Government. I beg to withdraw until further notice.

*(Paper withdrawn)*

*(Applause)*

## STATEMENTS

### REQUEST FOR STATEMENT REGARDING STALLED CONSTRUCTION OF A BOREHOLE AND SEWER LINE IN NGEI WARD

**Hon. Temporary Speaker:** Hon. Redson Onyango?

**Hon. Redson Onyango:** 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 the stalled construction of a borehole and sewer line in Ngei Ward.

Hon. Speaker, in the financial year 2024/2024, the County Executive advertised and awarded two contracts to two different contractors for construction of a borehole and installation of sewer lines in Ngei Ward.

Hon. Speaker, the contractors were duly awarded the contracts, however at the end of the agreed timeline, no meaningful progress has been made. The projects have since remained incomplete and no signs of progress on the site.

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

1. Measures the County Executive has taken to ensure that the contractor fulfills its contractual obligations;
2. Whether the contractors have provided any justifiable reasons for the delay, and if so, has the County Executive issued any termination letter; and
3. Considering the time already lost, what steps can the County Executive do to terminate the contract and re-advertise the tender to ensure that work resumes without further delay.

**Hon. Temporary Speaker:** Chairperson, Water and Sanitations? The Vice Chair?

**Hon. Peter Imwatok:** Hon. Speaker, I request Hon Redson to give us two weeks. I will convey the same to the Chair.

**Hon. Redson Onyango:** Hon. Speaker, that is okay but I just wanted to complain to the House Leadership that we have one Chief Officer by the name Oscar Omoke who doesn't pick calls. Even I was not supposed to bring this Statement to the floor of the House. You remember...

**Hon. Temporary Speaker:** Hon Member, you are out of order. You have already presented your Statement...

**Hon. Redson Onyango:** Now, this is a personal Statement, kindly.

**Hon. Temporary Speaker:** You can't mention a person without a substantive Motion, Hon. Member.

**Hon. Redson Onyango:** Kindly.

**Hon. Temporary Speaker:** We understand, but let us wait for the response in two weeks' time.

**Hon. Redson Onyango:** Hon. Speaker, I am okay. I just wanted to tell the House Leadership my frustrations.

**Hon. Temporary Speaker:** You will be called by the Committee as a witness.

**Hon. Redson Onyango:** Majority Leader, this Chief Officer is really frustrating...

**Hon. Temporary Speaker:** Hon. Member, please address the Chair.

**Hon. Redson Onyango:** I wanted the Leadership to take up this matter. I even complained to Majority Leader and he was called. But up to this moment, no action has been taken.

**Hon. Temporary Speaker:** Hon. Member, there are procedures to be followed. You have put your Statement and there was undertaking given by the Majority Leader. Are you okay with the two weeks or you still need some more time?

**Hon. Redson Onyango:** Two weeks is okay.

**Hon. Temporary Speaker:** Thank you.

**Hon. Kamau Fiunifiu:** On Standing Order 47...

**Hon. Temporary Speaker:** I have a guide here; I will still call you if you are in the...

**Hon. Kamau Fiunifiu:** I am not listed but I want to inquire on a Statement that...

**Hon. Temporary Speaker:** You cannot inquire since I don't have a signed document from the Speaker.

**Hon. Kamau Fiunifiu:** Hon Speaker, if you look at Standing Order...

**Hon. Temporary Speaker:** Order! Take your seat, Hon. Member. Hon. DNG? Hon. Silas Matara?

#### REQUEST FOR STATEMENT REGARDING OWNERSHIP AND OPERATIONS OF TOW VEHICLES IN THE COUNTY

**Hon. Silas Matara:** I would like to request a statement premise on regulation and operation of breakdown vehicles.

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 ownership and operations of breakdown (tow) vehicles within Nairobi City County.

Hon. Speaker, the use of breakdown vehicles in the Central Business District (CBD) often used for towing away vehicles involved in; obstruction in parking bays and other parking violations; accidents; as well as other traffic offences, has continued to raise serious concerns among Nairobi residents. There have been numerous reports and complaints ranging from misconduct by breakdown operators, damaged bumpers, theft of vehicle parts during towing to lack of transparency in how these services are procured and managed.

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

1. Whether there are existing guidelines and procedures guiding the operations and pricing of the breakdown services operating in the County;

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2. Whether the County has any existing Service Level Agreement (SLA) between the County Government and the owners of the breakdown vehicles used during official operations in Nairobi County;
3. Any efforts made by the County to standardize, regulate, brand and formalize the operations of the breakdown vehicles in the County;
4. Details of the procedure and protocol required before towing of a vehicle in the absence of the owners;
5. Database of all the breakdown vehicles operating in the County and their respective routes and the qualifications of the operators in automobile handling; and
6. Measures the County Executive has taken to address complaints of misconduct by the operators and by motorists whose vehicles are damaged during the process of clamping and towing.

Thank you, Hon. Speaker.

**Hon. Temporary Speaker:** Thank you. Chairperson, Transport and Public Works. Chairperson? The Vice Chair? Any Member? Yes, Hon. Magoba, Member for Lower Savannah Ward.

**Hon. David Odhiambo:** Thank you, Madam Speaker. On behalf of the Chairman, let me give the undertaking of two weeks.

**Hon. Temporary Speaker:** Hon. Matara?

**Hon. Silas Matara:** Most obliged, Hon. Speaker.

**Hon. Temporary Speaker:** Thank you.

**Hon. Silas Matara:** Hon. Speaker, I had five statements that I had signed and forwarded to your office, so I would like to know where the other four are.

**Hon. Temporary Speaker:** Hon. Matara, they are yet to be approved by the Speaker, but once it has been approved, it will come to the Assembly. Clerk!

## MOTIONS

### ADOPTION OF REPORT OF AUDITOR-GENERAL ON PUBLIC PARTICIPATION IN NAIROBI CITY COUNTY BUDGET MAKING PROCESS FOR FY 2021/2022

**Hon. Temporary Speaker:** Chairperson, Public Accounts Committee.

**Hon. Chege Mwaura:** Madam Speaker, I thank you for the opportunity to rise before the House and move two motions. But before I do so, it is important that I mention that just before I came in, the other Speaker, Hon. Kimemia, had called me regarding evictions in Buruburu. That is why he was not able to come.

Madam Speaker, the County has turned rogue. Personally, I have taken the County to court on this matter, and we have court orders barring the County from evicting tenants, specifically in Kariakor, Old Ngara, and New Ngara estates. Despite the court orders barring them from evicting tenants, they still go and do the same with full disregard. If we are going to be in contempt of a court order, and then I bring that particular issue to the floor of the House, I hope that committee will not be giving me two weeks. I hope we should just go ahead and censure that particular Chief

Officer. In my view, this Government has chosen to deal with goons. It is a rogue government. I can see the mood is boiling nicely. But that is a matter for next week.

Before you advise me to go to the specific issue, I beg to move the following Motion:

THAT, this Assembly adopts the Report of the Select Committee on Public Accounts on consideration of the Report of Auditor-General on Public Participation in Nairobi City County Budget Making Process for financial year 2021/2022, laid on the Table of the Assembly on Thursday, 19th September, 2024.

Madam Speaker, pursuant to the provisions of Standing Order 203, the primary mandate of the Committee is to oversight the expenditure of public funds by the Nairobi City-County entity to ensure value for money and adherence to government financial regulations and procedures. The Committee further aimed to ensure that Nairobi City County public funds are prudently and efficiently being utilized. The Committee executes its mandate on the basis of annual and audit reports prepared by the Office of the Auditor General.

Article 201 of the Constitution enables the fundamental principles aimed at guiding all aspects of public finance in the republic. Again, the Committee also considers the constitutional legal provisions as the basis for holding accounting officers and public officers directly and personally liable for any loss of public funds.

Madam Speaker, the Auditor General conducted a special audit on this particular item, and the report was submitted to the County Assembly and committed to the Committee of Public Accounts. The Committee has interrogated the queries and raised a special audit report and submitted it to the management, and made recommendations for the adoption by this Assembly.

Madam Speaker, I beg that the Assembly adopts this report and the recommendations therein. Just to take Members through, every year before a budget-making process, we go and do public participation. Because it has a financial implication for the County, we usually have a special audit to see if it works. And so, the Committee of Public Accounts has interrogated and has put some recommendations in this report. I hope the reports are available for Members to peruse and see what we have been able to do.

Finally, Madam Speaker, before I get my Member to second, I would like to request my colleagues of the Public Accounts Committee who are here and the ones on Zoom to raise their hands. The ones who are here maybe can stand.

*(Members of Public Accounts Committee stood in their places)*

Madam Speaker, I do not wish to look like the only person who works in that Committee. This team did a splendid job of ensuring that we never lack quorum, and that we are able to execute the mandate that has been given by the Assembly. With that, Madam Speaker, I thank you. I will ask the Hon. Emmy to second.

**Hon. Emmy Isalambo:** Thank you, my super Chairman, Hon. Speaker, I am delighted to stand up as a Public Accounts Committee Member. We sat in the Committee and interrogated the report. We have recommendations that the Committee came up with, and we hope the relevant

sector will follow them. The county has to run well in the spirit of the people of Nairobi. Thank you so much, Hon. Speaker. I second.

**Hon. Temporary Speaker:** Thank you, Hon. Emmy Khatemeshi.

*(Question proposed)*

**Hon. Temporary Speaker:** Hon. Members, you may now debate. Hon. Jeremiah Themendu.

**Hon. Jeremiah Themendu:** Thank you, Madam Speaker. I thank the Committee on Public Accounts and its Chairman, Hon. Chege Mwaura, for the good work that they have done making sure our money is going in the right direction in helping Nairobians with issues concerning development and other matters. I think the report that they have brought in this assembly is a comprehensive. They have said they had no challenges when the concerned officers had to submit all the requirements in the Committee. For that reason, I support the report. Thank you.

**Hon. Temporary Speaker:** Thank you, Hon. Jeremiah Themendu. My screen is clear. Any other Member by show of hands? Fiunifiu, concerning the Motion or any...

**Hon. Kamau Fiunifiu:** Thank you, Hon. Speaker. I don't know why you are not eager to give me an opportunity to speak on this Motion.

Firstly, I commend the Chairman of the Public Accounts Committee, the Hon. Member for Ngara Ward. He is one of the most progressive chairpersons that we have in this County Assembly. I have always said that a committee is as good as its chairperson. I can't say much about other chairpersons.

Hon. Speaker, public participation is captured in a lot in our Constitution and in particular Article 10. I am very happy that today they have done recommendations on how public participation can be meaningful. Most of the time public participations have been just an exercise in futility and cosmetic. People have been doing public participation because it is a requirement of the law. As much as we are having physical public participations, we should also have a digital way of doing public participation. This should be considered going forward.

Lastly, this Assembly in 2015 enacted the Nairobi City County Public Participation Act, 2015. It has not been operationalized fully. It is incumbent upon the CEC in charge of Public Participation and Inclusivity to come up with the regulations for the same and also capture the digital way of doing public participation because people must be heard. I must also add that when people protest, it is public participation, and they must be allowed to protest in peace in this city because it is a physical way of doing public participation.

With those few remarks, Hon. Speaker, I fully support this report, and I hope the Implementation Committee will look into this. Thank you.

**Hon. Temporary Speaker:** Thank you Hon. Fiunifiu. Any other Member? The Mover to reply.

**Hon. Chege Mwaura:** Thank you, Madam Speaker. I guess the mood of the House including yours is to pass this report the way it is. I want to thank Members for not raising



objections but supporting it. I hope they will get a chance to review what the Committee has recommended. Madam Speaker, I beg to reply. Thank you.

**Hon. Temporary Speaker:** Thank you, Hon. Chair.

*(Question put and agreed to)*

ADOPTION OF REPORT OF AUDITOR-GENERAL ON  
COVID 19 VACCINE ROLL OUT FOR THE COUNTY

**Hon. Chege Mwaura:** Madam Speaker. I come again to move the following Motion:

THAT, the Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on COVID 19 roll out for the Nairobi City County, laid on the Table of this House on Thursday 19<sup>th</sup> September 2024.

Pursuant to the provisions of Standing Order No. 203, the primary mandate of the Committee is to oversight the expenditure of public funds by the Nairobi City County entities to ensure value for money and adherence to County Government Financial Regulations. The Committee further aims at ensuring Nairobi City County Public funds are prudently and efficiently utilized. The Committee executes its mandate on the basis of annual and audited reports prepared by the Office of the Auditor General.

The Office of the Auditor General conducted a special audit on COVID 19 Vaccine for the Nairobi City County Government. The report was submitted to this County Assembly and committed to the Committee.

The committee interrogated the queries raised by the special audit report and has submitted some management recommendations to be adopted by this August Assembly. Madam Speaker, we mentioned that everyone was around during the COVID 19 time. The County Government allocated some money, and there was a special audit on the usage of that money. As I reply, this report explains and expounds where we went wrong and the misses we had, and recommends better ways of looking at such issues when they appear.

**Hon. Temporary Speaker:** Hon. Chair you are not replying but...

**Hon. Chege Mwaura:** I am not replying; I am just moving the Motion. I said reply? Sorry. As I beg to move this report, I wish that Members should also look into the recommendations as brought by the Committee.

Madam Speaker, based on that, I would like to request Hon. Martin to second the motion.

**Hon. Martin Mbugua:** Thank you, Madam Speaker. I want to thank our Chair for leading us in doing the work that we were doing. The Chair always reminds us that when we do the work of Public Accounts, we are not only doing to catch thieves or punish anyone, we are doing it to ensure accountability and also ensure that the County has the best systems for future of this County. We have done our work, Madam Speaker. I second.

**Hon. Temporary Speaker:** Thank you, Hon. Member for Mutu-ini Ward.

*(Question proposed)*

**Hon. Temporary Speaker:** Hon. Members you may now debate. My screen is clear, may be by show of hands? Hon. Chair for Culture?

**Hon. Clarence Munga:** Thank you, Madam Speaker. Allow me to congratulate the Public Accounts Committee for coming up with a good report. I have not had time to go through it but I have seen the work they have done on both the report on the vaccines and the one for public participation. I would like to thank the Chair of the Committee for guiding the Committee well.

On the public participation, bearing in mind that I oversight the issues of public participation, looking at the recommendations by the Committee, it is important for us as a County to rethink how we do public participation. It is not just taking the public through and not even understanding the feedback from the public. Madam Speaker, we have a department for public participation that is totally unfunded by the county. If you look at the budget, every sector is allocating money for public participation and...

**Hon. Temporary Speaker:** Hon. Member, we are on Order No. 9.

**Hon. Clarence Munga:** I know, but this was just by the way because it passed me when I wanted to make those recommendations. It is important for the sector to be allocated enough resources because it has the experts and people who know how to carry out public participation. After the public participation, the public is supposed to be informed of the decision made after the exercise. I thank the Public Accounts Committee for highlighting some of those issues. Kudos to the Chair and the Committee. I support. Thank you.

**Hon. Temporary Speaker:** Fiunifiu.

**Hon. Kamau Fiunifiu:** Thank you, Hon. Speaker. When I look at the recommendations herein, I am happy by the work that this Committee is doing. If you look at the recommendations on Table 13 Section 5, on the irregularities or weaknesses from No. 1-8, you will be shocked.

Health as a devolved function, if we go by the report that has been submitted here by the Public Accounts Committee, is in disaster in the County. Recommendation No. 6 reads, “*failure to record expired, damaged and wasted vaccines...*” Is it that we are vaccinating our residents with expired vaccines? You rather not vaccinate Nairobians than give them vaccinations that are expired. This is sad, and I hope that the media does not get a piece of this recommendation. As the Chairman responds, I hope that he tells us whether he visited some of these facilities. I want to hear that.

Lastly, Hon. Speaker, on the vaccination of dogs, I believe that should be looked into. We pride ourselves as a City County, the home of United Nations, the home of all International NGOs in the world, and the Capital City of East Africa yet we do not even have a programme of vaccinating dogs, and when done, it is not comprehensive. We must rethink as leaders about this County. All is not well in this County Government.

Hon. Speaker, allow me to invite Hon. Chege for a cup of tea as he has done a very comprehensive report, and I pray that the Implementation Committee will look into this. Thank you, Hon. Speaker.

Hon. Speaker, allow me to also thank the Committee Members like Hon. Emmy and Hon. Mbugua, who are seasoned politicians and writers. I acknowledge all the Committee Members and



appreciate you. Let us continue doing our oversight role. I can see the Chair for Implementation, Hon. Majiwa. I urge him not to drop the ball, as it is on his court.

**Hon. Temporary Speaker:** Thank you, Hon. Member. Jeremiah Themendu.

**Hon. Jeremiah Themendu:** Thank you, Hon. Speaker for giving me this chance to say something concerning the same. The years 2021, 2022 were sad years for our country, and the problems we are facing now are attributed with how we disposed expired vaccines. I think this is in bad faith because the officers who were administering the same were aware that the vaccines were expired but continued to inject citizens.

Hon. Speaker, I wish to applaud the Committee for doing a good job. As we have seen here, many institutions of government, be it national and county, lack public goodwill. God helped us overcome. But on the part of the institutions, they didn't perform well. I thank the Chairman, Committee and all officers involved for the job well done. Madam Speaker, I support the adoption of the report. Thank you.

**Hon. Temporary Speaker:** My screen is still clear. The mover to reply.

**Hon. Chege Mwaura:** Madam Speaker, I want to thank you for being gracious and allowing Members to ventilate on this issue. I also want to thank the Members who have contributed and the ones who are also in agreement with the proposal of the Committee.

There was a specific issue that Hon. Fiunifui wanted me to respond to, but I see Hon. Majiwa taking leave. I wish to mention that he has been part of this Committee before, together with Hon. Agnes Njeri and Hon. Kimani. Mine is to congratulate them for taking part in the glory of having this report here. As I said, we work as a team.

Hon. Fiunifui asked whether we made visits to the facilities. Yes, we made visits to some of these sites. Because of the recommendations we have been making, the Auditor General became better in oversight in that now all the Level IV and V hospitals have their own specific reports.

Madam Speaker, Members of the Public Accounts Committee will shock you at what we found at Mama Lucy and Mbagathi hospitals. This understanding on how the County operates help us make these recommendations. For example, we found out that Mama Lucy hospital does not have the jurisdiction to procure things their hospital needs such as linen, bedsheets or even build an ICU unit as everything is done from the City Hall. We need these hospitals to be given full operations so as to operate.

I also heard Hon. Fiunifui talk about the media getting a hold of this information. We want them to get a hold of this so that we are not duped again.

Finally, on his request to have a cup of tea, I am letting my Member know that I will not come alone but with my team. I hope that he has a bigger budget as we want to have tea with you as we hold discussions on this.

Madam Speaker, these engagements are good as we all get to know what happens. If you look at the figures the County inputs for these processes and the ones that go to waste because of negligence, we think that money could have gone to strengthening these hospitals and their capacity to be able to do much more. Another hospital is Mbagathi, which we found out has a three phase that needs about Kshs. 2 million for it to be connected yet the County has not done it. As a

result, they keep on having power fluctuations, and this is what we have captured in the hopes that it will help the County improve. Madam Speaker, I beg to reply

**Hon. Temporary Speaker:** Thank you, Hon. Chair, your concerns have been noted.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Temporary Speaker:** Hon. Members, there being no any other business, the House stands adjourned till tomorrow, Thursday 19<sup>th</sup> June 2025 at 2:30 p.m. Thank you so much, and congratulations to all of you.

*The House rose at 3:38 p.m.*