REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (FIFTH SESSION)

ORDERS OF THE DAY

WEDNESDAY, AUGUST 5, 2026 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8. *MOTION – HON. DAVIDSON DNG NGIBUINI, MCA

Subject: ***Need for Nairobi City County Executive to settle accrued pending bills owed to suppliers and contractors.***

AWARE THAT Article 201 (a) of the Constitution of Kenya, 2010 dictates on the principles that guides on all aspects of Public Finance in the republic, which includes *inter-alias,* openness, accountability, prudent and responsible use of public funds; **FURTHER AWARE THAT** Section 104 of the Public Finance Management Act, 2012 and regulation 55(2)(b) of the County Public Finance Management Regulations made thereunder requires County Governments to prioritize the settlement of all eligible trade payables being the pending bills as **first charge** on the budget of a county government in its subsequent fiscal year which the liability is recognized; **DEEPLY CONCERNED THAT**, according to the Report of the Office of the Controller of Budget for the for the First Nine Months of the FY 2025/2026; Nairobi City County led in trade payables ageing, also referred as pending bills, at **Kshs.81.79 billion**, accounting for 53% of **ALL** County Governments' payables, and notably, **61.61 billion** out of the payables are debt that are over 3 years old, constituting 75% of the total trade payables ageing; **GREATLY DISTURBED THAT** the unresolved pending bills owed to contractors, suppliers and service providers by the County Government of

…./8*Cont.

Nairobi City has continued to accumulate over successive fiscal years, consequently exposing the county to litigation, penalties, interest charges, auctions and undermining the confidence of private sector in doing business with the County; **FURTHER DISTURBED THAT** the delayed payables have adversely affected contractors, suppliers and service providers, many of whom are Small and Medium Enterprises (SMEs) leading to cash-flow constrains, business closure, loss of employment and irreversible financial distress in some cases; **COGNIZANT THAT** the County Government ought to embrace and work towards the "zero pending bills" policy direction enforced by the National Treasury towards eliminating outstanding government arrears; **NOW THEREFORE,** this Assembly **RESOLVES** that the County Government of Nairobi;-

i) Undertakes immediate and comprehensive verification and validation of all pending bills owed to contractors, suppliers and other service providers, and where necessary, with independent auditors to ascertain authenticity, accuracy and amounts claimed;

ii) Prioritizes and treats the verified pending bills as a first charge against the County budget for the current and subsequent fiscal years and in strict adherence to the Public Finance Management Act, 2012 and its regulations;

iii) Develops and publishes a clear payment plan and timelines **within 90 days** of adoption of this substantive motion and copy of the plan shared with County Assembly;

iv) Submits quarterly reports on to the Assembly through the County Executive Committee Member for Finance and Economic Planning Sector on the status of the pending bills, amount settled, outstanding and reasons thereof; and

v) Administrative controls to be instituted including disciplinary measures against any officers found to have to have contributed to irregular accumulation of pending bills and non- adherence to the laid-down procurement process and procedures.

…./Notices

N O T I C E S

I. The Assembly resolved on Wednesday, 17th February, 2026 as follows: -

a) **THAT,** each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

*** Denotes Orders of the Day***

NOTICE PAPER I

Tentative business for Thursday, 6th August, 2026 at 2.30 p.m.

(Published pursuant to Standing Order 41(1))

IT IS NOTIFIED that the Assembly Business Committee, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday, 6th August, 2026 at 2.30 p.m.: -

1. *MOTION – HON. ANTONY MARAGU, MCA

Subject: *Restoration of public infrastructure damaged by public and public construction works*

THAT, aware that paragraph 5 (a) of Part II of the Constitution of Kenya provides for County Roads as a function of County Governments and that Paragraph 18 of Part II provides for National roads as a function of National Government; **Further aware** that Section 50 of the Kenya Roads Act, 2007 provides that the owner of a vehicle is liable for damages on a road by reason of vehicle passing over it in contravention of rules made by the relevant authority under the Act; **Noting that** Section 41 (8) of the Nairobi City County Transport Act, 2020 requires that utility companies that have been granted permission to carry out works shall ensure that the road and its facilities are reinstated to appropriate standards; **cognizant that** construction companies carrying out projects on real estate, roads and other sites are bound to use heavy equipment and machinery that use public roads and other public facilities; further cognizant that in executive their works, the mobility of these heavy equipment and machinery cause damage to public roads near the sites since their tonnage may be higher than the roads may tolerate; **deeply concerned** that the resulting poor condition of the road riddled with deep potholes and stagnant water cause profound inconvenience to other road users and accelerated wear and tear to vehicles of reasonable sizes, further, the ambition to reduce time spent on the road during movement of goods and services becomes greatly hampered; further concerned that should this trend be left to persist and National and County regulations unenforced in light of many construction works that are ongoing in the County, many roads that the County and National Governments have spent resources to construct will be left impassible forcing the allocation of fresh resources for their repair and maintenance. Now therefore, in order to curb reckless damage to public infrastructure, especially roads, the Assembly urges the County Executive Committee Member to urgently formulate and submit Regulations to Nairobi City County Transport Act, 2020 to provide for procedures, rules, offenses and sanctions on damage to public infrastructure in the course of any public or private construction works.