

# NAIROBI CITY COUNTY ASSEMBLY



SECOND ASSEMBLY – THIRD SESSION

---

THE SECTORAL COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES

REPORT  
ON THE

---

EXAMINATION OF THE ENVIRONMENT AND NATURAL  
RESOURCES SUB-SECTOR'S PROGRESS

Clerk's Chambers,  
CITY HALL,  
NAIROBI.

March 2019



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## TABLE OF FIGURES

NUMBER	CAPTION
Figure 1	Budget Process's legal underpinning
Figure 2	2Typical Composition of Local Revenue (2015/16)
Figure 3	Part of Uhuru Highway under the Beautification program
Figure 4	Reclaimed river bank encroached and heavily polluted
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## 1.0 Preface

The Sectoral Committee on Environment and Natural Resources for the Second Assembly was established on 5<sup>th</sup> October 2017 in the floor of the House pursuant to provisions of Standing Order 203.

The Committee's mandate pursuant to the provision of Standing Order 203 –Third Schedule is, amongst others, to investigate, inquire into and report on all matters relating to; ***“Implementation of specific national government policies on natural resources, environmental conservation, including soil and water conservation and forestry and control of air population, noise population, other public nuisances and refuse removal, refuse dumps and solid waste disposal.”***

The Committee exercises its oversight mandate over the Environment and Natural Resources Sub-Sector in the County Executive.

## 1.1 Background

The Committee in its 2<sup>nd</sup> Quarter set out part of its program to build its Members' capacity on the Budget making process, procedures and to enhance the Committee's oversight and scrutiny skills on its sub-sectors budget implementation.

In the above regard, the Committee at its meeting held on Tuesday, 27<sup>th</sup> November 2018, resolved to undertake the said workshop retreat at Pride Inn Beach Hotel, Mombasa County from 6<sup>th</sup> to 9<sup>th</sup> December 2018.

The objective of the exercise was to amongst other things; -

- a) To build Members capacity on the Budget Making process in the County;
- b) To enable Members understand the statutory requirements and procedures in place when considering the CIDP, ADP, CFSP, Budget Estimates, Supplementary Estimates;
- c) To enable the Members to gain skills on consideration and scrutinize the Budget Documents committed to the Committee;
- d) To enable Member conduct effective oversight on the respective executive sector's progress against the passed budget.

## 1.2 Committee Members

The Select Committee on Implementation comprises of the following Members;



- i. Hon. John Kamau, MCA – Chairperson
- ii. Hon. Fredrick Onyango Okeyo – Vice-Chairperson
- iii. Hon. Jeremiah Themendu, MCA
- iv. Hon. James Mwangi Wambui, MCA
- v. Hon. Peter Wahinya Njau, MCA
- vi. Hon. Laura Mwende, MCA
- vii. Hon. John Kamangu, MCA
- viii. Hon. Joyce Muthoni, MCA
- ix. Hon. Mwaura Samora, MCA
- x. Hon. Muchene Kabiru, MCA
- xi. Hon. Susan Makungu, MCA
- xii. Hon. Silas Ongwae, MCA
- xiii. Hon. Peter Anyule Imwatok, MCA
- xiv. Hon. Emily Wanjiku Waithaka, MCA
- xv. Hon. Rose Masitsa Shitote, MCA
- xvi. Hon. Jared Ondieki Akama, MCA
- xvii. Hon. Francis Otieno Ngesa, MCA
- xviii. Hon. Solomon Magembe, MCA
- xix. Hon. Jairus Amukhoye Omayo, MCA

#### **Committee Secretariat**

- i. Ms. Hellen Mutie – Clerk Assistant.
- ii. Mr. Adam Kibet Kibwana – Clerk Assistant.

### **1.3 Methodology;**

For the Committee to effectively achieve the aforementioned objectives, the Committee was furnished with the following records; - Adopted County Integrated Development Plan 2017-2022, Annual Development Plan 2018-2019, County Fiscal Strategy Paper 2018-2019, Supplementary Estimates 2018-2019 of the Environment and Natural Resources Sub-Sectors.

Sectors progress reports on the implementation of the approved programs and projects and performance on revenue collections was also scrutinized by the Committee.




#### 1.4 Acknowledgement;

**Hon. Speaker Sir,** I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the support extended to it in the execution of its mandate.

I also thank the Secretariats for their input and valuable contribution and advisory where required during the session.

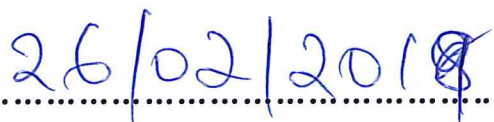
Finally, much thanks to the Members of the Sectoral Committee on Environment and Natural Resources for their dedication, untiring commitment and valuable contributions which has enabled the Committee to effectively accomplish its Legislative, Oversight and Representation role.

**Mr. Speaker Sir,** it is therefore my pleasant duty and privilege, on behalf of the Committee on Environment and Natural Resources to present the Committee's Report on the capacity building and examination of the Environment and Natural Resources subsector's progress on the implementation of the Budget.

Signed.....

**Hon. John Kamau, MCA**

**Chairperson, Sectoral Committee on Environment and Natural Resources**

Date .....

SECRETARY GENERAL







### 1.5 COMMITTEE ADOPTION SHEET

Table 1: Signing sheet for the adoption of the Committee Report (by a simple Majority of Members) – Standing Order No. 191 (4)

No.	Name	Signature
1.	John Kamau	
2.	Joyce Muthoni Kamau	
3.	PETER N. NJABU	
4.	MWAURA SAMORA	
5.	Francis Otieno Ngess	
6.	JAMES AKAMA	
7.	Rosemary Masitsa	
8.	Emily Waitthaka	
9.	Muchene Kabiru	
10.	Charles Omayia	
11.	John Kamau	
12.	Solomon Makhembe	
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## 2.0 OVERVIEW OF THE BUDGET MAKING PROCESS.

Mr. Joash Kosiba, an officer at the Kenya National Assembly, Budget Office, took the Committee through the Budget Making process and its legal underpinnings.

This was as illustrated below:-

### 2.1 Legal Underpinning;

In consideration and examination of any budget process, the following statutory provisions are to be adhered to the latter. These includes:-

Fig 1: Budget Process' Legal Framework

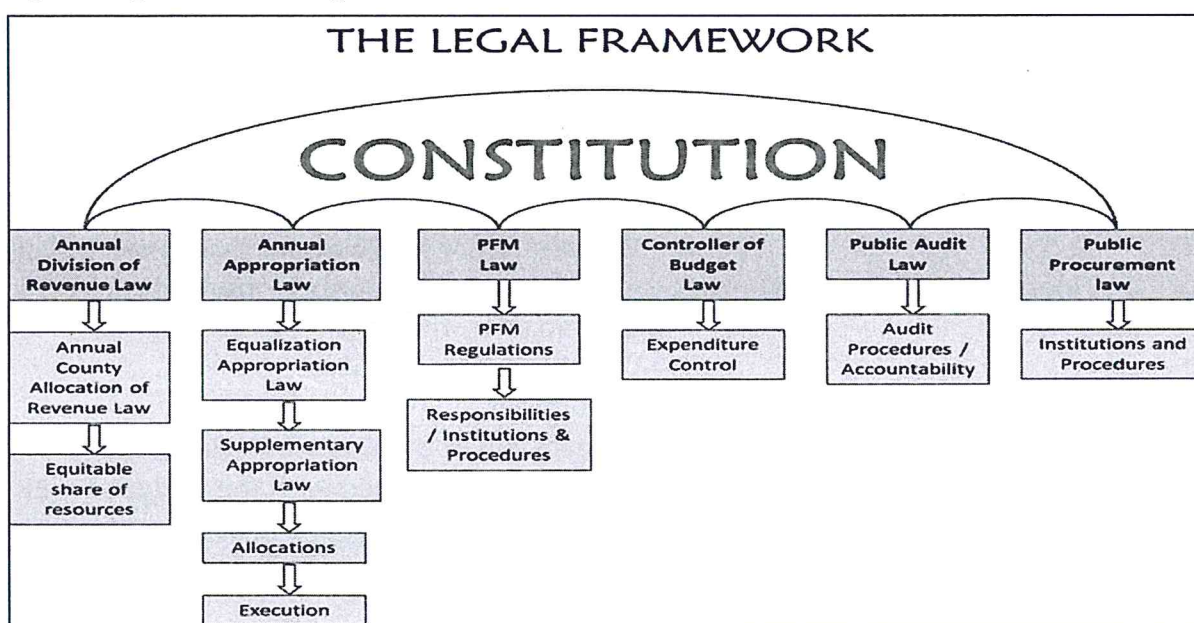


Table 1: Statutory Provisions

Statutory provisions on the County Budget making process and County Revenue		
No.	Statute	Provisions
1.	Chapter 12 of the Constitution of Kenya, 2010	<p>PUBLIC FINANCES</p> <p>Part 1: Principles and framework of Public Finance;</p> <p>Part 2: Other Public Funds</p> <p>Part 3: Revenue raising powers and the Public debt;</p> <p>Part 4: Revenue Allocation;</p> <p>Part 5: Budgets and Spending;</p> <p>Part 6: Control of Public Money; and,</p> <p>Part 7: Financial Officers and Institutions.</p>





2.	Article 202 (1) and 203 (2) of the Constitution of Kenya, 2010	Equitable sharing of at least 15% of most recently audited revenues raised nationally.
3.	Article 202(2) of the Constitution of Kenya, 2010.	Additional conditional and unconditional grants from the National Government's share of revenue
4.	Article 204 of the Constitution of Kenya, 2010	Equalization Fund based on half of one percent of revenue raised nationally
5.	Section 125 of the Public Finance Management Act, 2012 & Public Finance Management Regulations, 2015	Provides for the Budget Making Process at the County level.
6.	Section 104 of the County Government Act, 2012	Preparation of the <b>County Integrated Development Plan –CIDP</b> ( a five year plan that informs Annual Development Plan -ADP)
7.	Section 126 of the Public Finance Management Act, 2012	Preparation of the <b>Annual Development Plan – ADP</b> – contains County's priorities, to be submitted by the CECM- planning to the County Assembly, not late than 1 <sup>st</sup> September.
5.	Section 117 of the Public Finance Management Act, 2012	Preparation of the <b>County Fiscal Strategy Paper – CFSP</b> (aligned with the Budget Policy Statement submitted to the County Assembly not later than 28 <sup>th</sup> February)

## 2.2 County Integrated Development Plan –CIDP;

Section 108 (1) of the County Government Act, 2012 provides that there shall be a five year integrated development plan for each County which shall have;-

- (a) Clear goals and objectives;
- (b) An implementation plan with clear outcomes;
- (c) Provisions for monitoring and evaluation; and
- (d) Clear reporting mechanisms.

### 2.2.1 The Nairobi City County Integrated Development Plan- CIDP 2018-2022

The County Integrated Development Plan 2018-2022 for the Nairobi City County was laid in the Table of the Assembly on 31<sup>st</sup> October 2017 for its subsequent Committal to the relevant Sectoral Committee pursuant to provisions of Standing Order no. 2019 of the Nairobi City County Assembly Standing Orders.





The final CIDP was adopted by the Nairobi City County Assembly of Nairobi on 29<sup>th</sup> March 2018.

With respect to the Environment and Natural Resources sub-sectors, the following projects and programs had been factored in the County Integrated Development Plan 2018-2022. This is as tabulated below:-

Table 2 – Sectors Projects and Programs in the CIDP 2018 -2022.

SNO	OBJECTIVES	OUTCOMES	INDICATORS
1.	Develop and maintain roads and storm water drainage to standards	Increased efficient transportation of people, goods and services Reduced episodes or damages associated with storm water and floods	% of motorable and passable roads within the city % reduction to exposure of city residents and property to storm water related-losses
2.	Develop and maintain institutional facilities	Increased Safety and hygienic living / working environment	% of institutional buildings maintained
3.	Facilitate private developments through approval and Inspection of submitted designs that satisfies the technical, design, planning and other Requirements.	Increased structural safety	Time taken to approve private developments

Table 3: Sector's Development Programs / Interventions.

No	Development Outcomes	Program/Interventions
1	Increase efficiency for the transport of people, goods and services	-Expand storm water drainage -Paving and graveling of existing earth roads
2	Reduce exposure to damages caused by storm water and floods	-Develop a service duct



3	Increase public safety and security for improved economic activity	<ul style="list-style-type: none"> <li>-Roll-out of bus rapid transport</li> <li>-carryout road safety audits</li> <li>-construct foot bridges, walkways &amp; footpaths</li> <li>-Install traffic signals, parking information system</li> <li>-Improve road marking &amp; guard rails</li> </ul>
4	Increase Safety and hygienic living / working environment	<ul style="list-style-type: none"> <li>-Acquisition and implementation of a data and design system for developing safe designs</li> <li>-Integration of county structural designs</li> </ul>
5	Increase vehicular and pedestrian passage connections	<ul style="list-style-type: none"> <li>- Operationalize an electrical lights, plant &amp; equipment maintenance System</li> <li>-Conduct Scheduled and unscheduled inspections of electrical installations developments</li> <li>- Ensure efficient and maintenance of electrical systems, plant and equipment</li> <li>- Install street and public lighting</li> </ul>
6	Increase travel mobility and accessibility to safe transportation system	<ul style="list-style-type: none"> <li>- Installations/Fabrications/Constructions works</li> </ul>
7	Increase availability and safety of the County mechanical assets and fleet	<ul style="list-style-type: none"> <li>-Installations/Fabrications/Constructions works</li> </ul>

### 2.3 County Annual Development Plan – ADP 2018/2019;

Section 126 (1) of the Public Finance Management Act, 2012 provides that every county government shall prepare a development plan in accordance with Article 220(2) of the Constitution, that includes;-

- strategic priorities for the medium term that reflect the county government's priorities and plans;





- (b) a description of how the county government is responding to changes in the financial and economic environment;
- (c) Programmes to be delivered with details for each programme of;
  - the strategic priorities to which the programme will contribute;
  - the services or goods to be provided;
  - measurable indicators of performance;
  - where feasible; and,
  - the budget allocated to the programme;
- (d) Payments to be made on behalf of the county government, including details of any grants, benefits and subsidies that are to be paid
- (e) a description of significant capital developments;
- (f) a detailed description of proposals with respect to the development of physical, intellectual, human and other resources of the county, including measurable indicators where those are feasible;
- (g) a summary budget in the format required by regulations; and
- (h) such other matters as may be required by the Constitution or this Act.

### **2.3.1 The Nairobi City County Annual Development Plan- ADP 2019-2020;**

The Nairobi City County Annual Development Plan – **ADP 2019/2020** for the Nairobi City County was laid in the table of the Assembly on 3<sup>rd</sup> October 2018 and subsequently committed to the relevant Sectoral Committees for scrutiny and reporting.

### **2.3.2 Sector's Strategic Objectives;**

The Environment and Natural Resources sub-sectors identified the following strategies for consideration in the Annual Development Plan 2019/2020. These includes;-

- i. To improve solid waste management in the City;
- ii. To protect Nairobians from environmental pollution;
- iii. To manage County Public recreational parks and improve aesthetic value of the environment;
- iv. To improve access to water and sanitation; and,
- v. Increased use of clean and renewable energy.

## **3.0 SECTOR'S ACHIEVEMENTS**

The Environment and Natural Resources sub-sectors recorded the following achievements during the (previous) **2017/2018** financial year, THAT;-





- i. The Environment and Natural Resources in the financial year 2017/2018, collected 48% of the targeted revenue;
- ii. Customer satisfaction was enhanced through implementation of the franchise system in waste collection and transportation;
- iii. The sub-sectors continue to implement projects identified in the County Integrated Development Plan 2018-2022;
- iv. 328,500 tons of solid waste, translating to 900 tons per day were collected the Environment Sub-Sector, with fleet consisting 60 refuse collection tracks and 2 supervisory vehicles;
- v. A total of 345,000 trees were planted in selected areas in all sub-counties with establishment of 7 distinct gardens;
- vi. Operation machinery including; 13 brush cutters, 3 ride on Mowers, 3 Gyro Mowers, 1 tractor trailer, 1 Water bowser, 2 Power saws were procured for use;
- vii. 5 No. of recreation grounds were maintained and 33 bookings of the parks were secured on a “first come, first served” basis;
- viii. Beautification was initiated for most major transport corridors in the city, including; Uhuru Highway, Mombasa road, Langata road, 12 no. Citywide clean-ups were undertaken; and,
- ix. 63 public toilets were inspected including 17 public toilets in the Central Business District;
- x. On corruption eradication, the sector instituted disciplinary measure against three employees found to have engaged in corrupt practices;
- xi. The Sector recorded 800 arrests, 100 inspection reports submitted, 400 complaints were resolved, 12 environmental for a were organized where 6,000 people were reached and 2 environmental analysis report were submitted;
- xii. 60 tons of waste has been removed from the rivers and river banks. 80 illegal discharge points have been blocked and 10 kilometers of riparian land recovered;
- xiii. Development of John Osogo Road providing access to Dandora Dumpsite, completion at 40% as at the reporting time (October 2018).

### **3.1 Sector's Revenue Performance;**

For implementation of the 2017/2018 and subsequent budgets, sectors are required to ensure realization of the projected and targeted revenues. Though such realization,



sectors are able to initiate and complete projects, programs and initiatives in a timely manner.

The Environment and Natural Resources Sub-Sector, recorded its revenue performance as tabulated below;-

*Table 4: Environment and Natural Resources Sub-Sector's Revenue Performance*

ITEMS	Kshs
Court Bail –Environment	240,000
Site for toilet/septic tank construction	1,452,000
Waste Collection Permit	1,463,000
Policy Documents(PSP in SWM)	3,204,050
Incinerator	220,000
Recycling Permit	540,000
Transportation of Soil from construction site	6,940,000
Waste Policy Mngt/Cert	1,050,370
TIP Charges	852,350
Landscaping fees (Environment)	325,000
Sales of Flowers, Plants, Firewood, Produce, etc.	4,200
Boating Fees (Lease) -Uhuru Park	1,044,698
Hire of Uhuru Park	2,886,450
Hire of Jeevanjee Garden	18,000
Tree Cutting	1,569,750
Hire of City Park - Video Shooting	103,755
Garbage Dumping Fee	38,818,455
Hire of City Park - Video Shooting	8,700
<b>Total</b>	<b>60,740,778</b>

### **3.2 Nairobi City County previous revenue collected;**

The revenue source for the County Government of Nairobi City for the previous three years is as tabulated below.

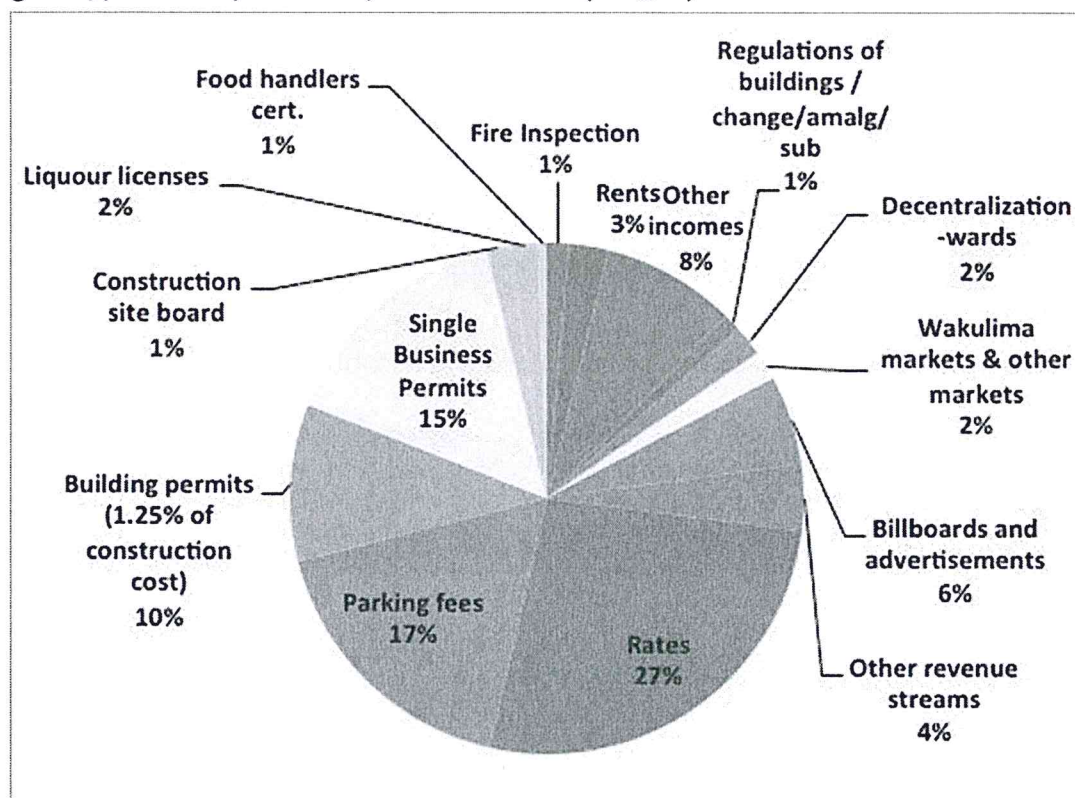
*Table 5: Sources of revenue over the last 3 FY years.*

SOURCE OF REVENUE	2013/14	2014/15	2015/16
<b>Figures in Kshs. millions unless indicated otherwise</b>			
Own source revenue	30,533	36,532	37,629
Transfers from National Treasury	187,239	225,650	260,709



Transfers from other government agencies	3,137	1,009	10,278
Proceeds from domestic borrowings	1,856	298	862
Proceeds from domestic & foreign grants	8	256	269
Reimbursements & refunds	7	994	118
Grants received from other levels of government	0	36	100
Social security contributions	0	26	42
Proceeds from foreign borrowings	0	12	-
Proceeds from sale of assets	7	11	-
<b>Grand Total</b>	<b>222,788</b>	<b>264,825</b>	<b>310,008</b>
<b>OSR as % of TOTAL REVENUE</b>	<b>13.7%</b>	<b>13.7%</b>	<b>12.1%</b>
<b>Data Source: National Treasury</b>			

Fig. 2: Typical Composition of Local Revenue (2015/16)



Source: Nairobi County Budget Review and Outlook Paper 2016



#### **4.0 CHALLENGES FACED BY THE SECTOR**

The Sector pointed out the following challenges as a hindrance to its performance. This includes;-

##### **4.1 Under solid waste;**

- i. Inadequate refuse trucks and frequent breakdown of the same;
- ii. Rampant illegal dumping of solid waste;
- iii. Unsatisfactory state of repairs at Dandora dumpsite;
- iv. Delayed payments to contractors leading frequent withdrawal of trucks and heavy machinery;
- v. Prolonged procurement procedures; and,
- vi. On-going court case challenging franchising system of waste management.

##### **4.2 Under beautification, recreation and greening services;**

- i. Adverse weather conditions hence tree planting programme is affected;
- ii. Tedious and long procurement procedures in tree seedling purchasing; and,
- iii. Negative attitude in environmental conservation among the public.

##### **4.3 Environmental Monitoring Compliance and Enforcement;**

- i. Wide spread noise pollution;
- ii. Lack of sufficient transport;
- iii. Inadequate personnel to carry out patrols on a daily basis;
- iv. Inadequate deterrence in our courts;
- v. Interference in the court systems;
- vi. Inadequate public awareness;
- vii. Delayed procurement processes;
- viii. Court cases on public toilets management contracts; and,
- ix. Court cases on Solid Waste Management contracts.

#### **5.0 OBSERVATIONS**

Upon examination and deliberation of the reports and its findings, the Committee made the following observations, THAT;-







### **5.1 Under solid waste;**

- i. Despite the numerous campaigns on solid waste management, illegal dumping remains a major challenge faced by the sector;
- ii. Unsatisfactory state of repairs at Dandora dumpsite;
- iii. Delayed payments to contractors leading frequent withdrawal of trucks and heavy machinery;
- iv. Prolonged procurement procedures; and,
- v. On-going court case challenging franchising system of waste management.

### **5.2 Under beautification, recreation and greening services;**

- i. The Sector performed dismally on revenue collections especially in the selling of seedlings;
- ii. Negative attitude in environmental conservation among the public.

### **5.3 Environmental Monitoring Compliance and Enforcement;**

- i. The sector is yet to develop a noise pollution policy and a legislative proposal/bill on the same for consideration by the Assembly;
- ii. Lack of sufficient transport;
- iii. Inadequate personnel to carry out patrols on a daily basis;
- iv. Inadequate deterrence in our courts;
- v. Interference in the court systems;
- vi. Inadequate public awareness;
- vii. Delayed procurement processes;
- viii. Court cases on public toilets management contracts; and,
- ix. Court cases on Solid Waste Management contracts.

*Fig. 3: Part of Uhuru Highway under the Beautification program*







*Fig. 4: Reclaimed river bank encroached and heavily polluted*



*Fig. 5: Demolished property earlier developed in a riparian land (Along mbagathi-langata road round about)*



## **6.0 RECOMMENDATIONS**

On the foregoing, the Committee recommends as flows, THAT;-

### **6.1 On Solid Waste Management;**

- i. The County Executive to ensure timely maintenance and repair of refuse trucks by ensuring there is an effective and operational maintenance unit;
- ii. The County Executive to forward Environmental policies and legislative proposals for consideration by the Assembly;
- iii. The County Executive to ensure procurement of equipment's and facilities for the sector's use is done in a timely manner;







- iv. The Sector to ensure solid waste transportation contractors and other partners are paid in good time to avoid disruptions in normal operations;

#### **6.2 On beautification, recreation and greening services;**

- i. The Sector to consider upscaling the current nursery plant and decentralizing the same to sub-county level; and,
- ii. The sector to explore ways of embracing modern and cost effective irrigation techniques will minimize excess use and misuse of limited water supply.

#### **6.3 On Environmental Monitoring Compliance and Enforcement;**

- i. The sector to develop a policy framework and forward proposed legislation that will address noise pollution to be used as a basis of fining noncompliance; and,
- ii. The sector to engage and sensitize the general public on environmental responsibility;

**MINUTES OF THE 8<sup>TH</sup> SITTING OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON 26<sup>TH</sup> FEBRUARY, 2019 AT 11.00 A.M IN COMMITTEE ROOM 3**

**PRESENT**

- |                                     |             |
|-------------------------------------|-------------|
| 1. Hon. John Kamau, MCA             | Chairperson |
| 2. Hon. Joyce Muthoni, MCA          |             |
| 3. Hon. Francis Otieno Ngesa, MCA   |             |
| 4. Hon. Solomon Magembe, MCA        |             |
| 5. Hon. Jairus Amukhoye Omay, MCA   |             |
| 6. Hon. Emily Wanjiku Waithaka, MCA |             |
| 7. Hon. Peter Imwatok, MCA          |             |
| 8. Hon. Jeremiah Themendu, MCA      |             |
| 9. Hon. Peter Wahinya Njau, MCA     |             |
| 10. Hon. Jared Ondieki Akama, MCA   |             |
| 11. Hon. Rosemary Masitsa, MCA      |             |
| 12. Hon. Silas Ongwae, MCA          |             |
| 13. Hon. John Kamangu, MCA          |             |
| 14. Hon. James Mwangi Wambui, MCA   |             |
| 15. Hon. Susan Makungu, MCA         |             |

**ABSENT**

- |                                     |                  |
|-------------------------------------|------------------|
| 1. Hon. Fredrick Onyango Okeyo, MCA | Vice-Chairperson |
| 2. Hon. Muchene Kabiru, MCA         |                  |
| 3. Hon. Mwaura Samora, MCA          |                  |
| 4. Hon. Laura Mwende, MCA           |                  |

**SECRETARIAT**

Ms. Hellen Mutie

**– COUNTY ASSEMBLY**

– Committee Clerk

**Agenda**

- I. Preliminaries (prayers & adoption of the Agenda)
2. **Consideration and adoption of the 2nd Quarter Committee workshop report (held from 6th to 9th Dec, 2018)**
3. Any Other Business
4. Adjournment

**Min. No.031/e&nw /Feb/2019: Preliminaries**

The Chair called the meeting to order at 11.22 am and Hon. Joyce Muthoni said the opening prayer. The day's agenda was adopted on proposal by the Chair and seconded by the Hon. Solomon Magembe.

**Min. No.032/e&nw /Feb/2019: Consideration and adoption of the 2nd Quarter Committee workshop report (held from 6th to 9th Dec, 2018)**

Hon. Joyce Muthoni took the Committee through the above mentioned report. The Committee deliberated on the report and was adopted on proposal by the Hon. Jairus Omay and seconded by the Hon. Francis Ngesa.


**Min. No.033/e&nw /Feb/2019: Any Other Business**

None



Min. No.034/e&nw /Feb/2019: Adjournment and date of next meeting

The meeting adjourned at 12.14 pm. The next meeting would be held on Wednesday 27<sup>th</sup> February, 2019 at 11.00 am in Committee Room 3, City Hall Building.

SIGNATURE ..........  
(CHAIRPERSON)

DATE .....27/02/2019.....