



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

5TH SESSION

NBI CA. PLC. 2017 / (065)

29th June, 2017

PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Thursday 29th June, 2017.

THE REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION ON MEETING
WITH THE COUNTRERPART COMMITTEE OF THE COUNTY ASSEMBLY OF
MOMBASA HELD ON 30TH AND 31ST MARCH, 2017 AT MOMBASA COUNTY
ASSEMBLY PRECINCTS

(Chairperson, Select Committee on Implementation)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

g/l/

Approved.
Hon Speaker
R. M. Mwangi
29/6/17

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Peter Lari on 29/06/17 by Hon. David Kiti
NAIROBI CITY COUNTY GOVERNMENT



NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY – FIFTH SESSION

REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION

**ON
MEETING WITH COUNTERPART COMMITTEE OF THE COUNTY ASSEMBLY
OF MOMBASA HELD ON 30TH AND 31ST MARCH, 2017 AT MOMBASA
COUNTY ASSEMBLY PRECINCTS**

**Office of the Clerk,
Nairobi City County Assembly
City Hall Building
NAIROBI.**

JUNE, 2017

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1.0. PREFACE

1.1. PREFACE

The Select Committee on Implementation is established under Standing Order No. 189 and its mandate as outlined in Standing Order 189 (2), amongst others, *“to scrutinize the resolutions of the County Assembly (including adopted committee reports, petitions and the undertakings given by the County Executive Committee and examine-*

Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary; and Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization, has taken place within the minimum time necessary.

The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

1.2. Committee Membership

The Committee on Implementation was constituted by the Assembly on Tuesday 28th May, 2013 and comprises the following Members:-

1. Hon. Elias Otieno Okumu, MCA – Chairman
2. Hon. Abdi Ibrahim Hassan, MCA – Vice Chairman
3. Hon. Alvin Olando Palapala, MCA
4. Hon. Maxwell Ochieng Ochar, MCA
5. Hon. Boniface David Kitavi, MCA
6. Hon. David Njilithia Mberia, MCA
7. Hon. Mike Obonyo Guoro, MCA
8. Hon. Peter Oluoch Oweru, MCA
9. Hon. John Waweru Kinuthia, MCA
10. Hon. James Kinuthia Waminja, MCA
11. Hon. Amos Mbuthia Mukami, MCA

12. Hon. Pius Mwaura Mbono, MCA
13. Hon. Susan Karimi Njue, MCA
14. Hon. Magdalene Mwendwa Mbogori, MCA
15. Hon. Celestine Ongere Owino, MCA
16. Hon. Anthony Kiragu Karanja, MCA
17. Hon. Imelda Nafula Wanjala, MCA
18. Hon. Ruth Njeri Nyambura, MCA
19. Hon. Marion Njeri Githinji, MCA

Mr. Speaker, Sir,

Pursuant to the provisions of Chapter Eleven of the Constitution, on devolved Government, which gave birth to 47 County Governments. The legislative authority of a County Government is vested in the County Assembly pursuant to Article 185 of the Constitution. The Constitution further bestows County Assemblies with the powers to exercise oversight over the County Executive Committee and any other county executive organs.

The Select Committee on Implementation being mandated to scrutinize and examine the implementation of the County Assembly resolutions by the County Executive, has devised several ways to ensure it achieve its mandate.

The Committee having scrutinized and examined the implementation of various County Assembly resolutions since May 2013 to February 2017 resolved to undertake a benchmarking study to Mombasa County Assembly.

The Select Committee on Implementation conducted a study visit to the County Assembly of Mombasa from 29th March to 1st April, 2017. The objective of the study was to enable the Committee benchmark their roles, study and share achievements, challenges experiences, with its counterpart Committee.

1.3. Acknowledgement

The Committee is thankful to the Office of the Speaker and the Office of the Clerk for the services and facilities extended to the Members which enabled this study visit a reality.

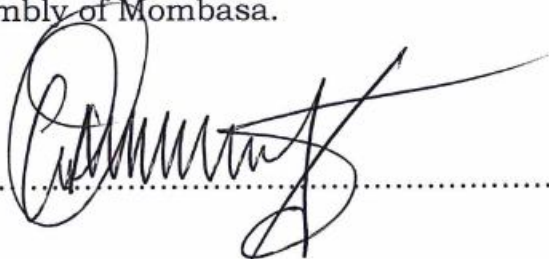
Mr. Speaker Sir,

On behalf of the Committee, it is my pleasant duty and utmost privilege to present to the Assembly the Committee's report on the benchmarking visit to the County Assembly of Mombasa.

Thank You.

X

SIGNED




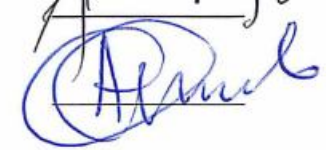
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29/06/17


HON. ELIAS OTIENO OKUMU, MCA (CHAIRPERSON)


COMMITTEE MEMBERS

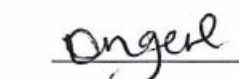
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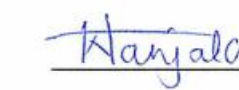
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Executive Summary

This report documents the deliberations from the meeting of the Select Committee on Implementation with its counterpart Committee of the County Assembly of Mombasa. The meeting was held on Thursday 30th March, 2017, 2016 at 10 a.m. Twelve (12) members of the Mombasa County Assembly Select Committee on Implementation alongside thirteen (13) attended the meeting. The Committee had a privilege to attend a plenary sitting at 2.30 pm where the Assembly considering the Mombasa County Supplementary Appropriation 2017.

On Friday 31st April, 2017 at 10.30 a.m, the Committee visited Tononoka ECDE Center at Tom Mboya Primary School which is a Public School. the Committee noted that the County Government of Mombasa had converted on of its social Halls at Tononoka Ward into a modern Early Childhood Education Centre, this was done in partnership with non-governmental organizations such as Aga Khan Foundation.

2.0. INTRODUCTION

Mombasa County is one of the 47 Counties established under the constitution of Kenya 2010. The County is the successor of the defunct City Council of Mombasa, and operates under the County Governments Act, 2012 and other statutes. The County has a total of 43 Members of County Assembly (MCAs) – 30 elected and 13 nominated in accordance with Article 177 of the Constitution. It was noted that all Members were from the one political coalition.

The Mombasa County Assembly Select Committee on Implementation was established under Standing Order No. 189 of the Mombasa County Assembly Standing Orders.

The Nairobi City County Assembly Select Committee on Implementation met its counterpart on the first day of the study visit (Thursday 30th March, 2017) from 10.00am to 12.30 pm. the Committee had a privilege to attend the plenary sitting at 2.30 pm.

On the second day of the study visit, the Committee had an opportunity to visit Tom Mboya primary school in Tononoka Ward where the ECDE Centre is located. Thereafter, the Committee visited a defunct Social Hall which was converted into an ECDE Centre and revamped it to a modern centre. This was done in conjunction with non-governmental organizations. The Committee made some observations and conclusions as detailed below.

3.0. DETAILS OF THE STUDY VISIT

3.1. Meeting with the counterpart Committee on Implementation

The Committee is established under Standing Order No. 189 of the Mombasa County Assembly Standing Orders.

The Committee was taken through a brief presentation by the Chairman, Hon. Nazir Rashid on the Committee's achievements and challenges as follows:

3.2. Implementation of resolutions

The Chairperson of the Mombasa County Assembly Select Committee on Implementation informed that the Committee had a good working relationship with the County Executive therefore implementation of Assembly resolutions was

excellent as most of the resolutions had been implemented. However, he informed that sometimes the County Executive fails to honor the Committee meetings when invited.

He further informed that Mombasa County being one party County they didn't have Members from Opposition therefore the Assembly was able to pass critical resolutions without interference from Opposition. He further informed that those who oppose the County Executive are threatened and denied of their privileges such as spearheading development in their Wards. Some members had decamped to other Parties as a result.

3.3. Achievements

The Chairperson of the Mombasa County Assembly Select Committee on Implementation informed that the Committee has steered the operationalization of the Early Childhood Education Act which provides for construction of Early Childhood Education Centres where the priority was given to the Sub-Counties in a five (5) year plan. He added that the most Centres were to be constructed in public schools; in addition the County Government implements the provision of free milk feeding programme for pupils from nursery to standard three. This is done in conjunction with the respective school management.

The Government of Mombasa County has also invested in polytechnics as it supports students from lower economic areas by paying 70 percent of fees for polytechnics.

In the Health Sector, the County Government of Mombasa has invested in the refurbishment of the Coast General Hospital for the residents to have quality health services as required by Article 41 (1) (a) of the Constitution of Kenya 2010. The Committee has followed up on the implementation of the same.

The Mombasa County Assembly Select Committee on Implementation has followed up on the implementation of the use of Tuk tuks as ambulances and firefighting tools for informal settlements which are inaccessible by normal firefighting vehicles.

The County was implementing others resolutions such as seafood festival, e-payment portal for single business permit and a proposal for each Sub-County to have a football pitch.

3.4. Challenges

- a) the County Government of Mombasa has a challenge on the operationalization of the Port Health Bill as the Port is under the management of the National Government;
- b) Insignificant implementation of the projects by Mombasa County Executive
- c) Delay or lack of Implementation of some of the Assembly resolutions by the County Executive;
- d) Lack of good will between the County Assembly and the County Executive.
- e) Lack of prudent management of resources allocated by the Commission of Revenue Allocation (CRA) to the County Executive thus hampering the implementation of some resolutions of the County Assembly;
- f) The County has inadequate human resource which affects the operations of the County this forced the Members to act as Ward administrators at some point;

3.5. Brief from the Presiding Chairperson of the Nairobi City County Select Committee on Implementation

Having heard from their counterpart, the Presiding Chairperson of the Nairobi City County Assembly Select Committee on Implementation highlighted the Committee's achievements and challenges as follows;

- The presiding Chairperson stated that the Committee had scrutinized several Acts of the County Assembly and had ensured that the Acts were being implemented by the relevant Sector within the given timeline.

The following Acts are being implemented:-

- a) The Regularization of Developments Act, 2015
- b) The Urban Agriculture Promotion and Regulation Act, 2015
- c) The Community and Neighborhood Association Engagement Act, 2015
- d) The Solid Waste Management Act, 2015

- The presiding Chairperson stated the challenges bedeviling the Committee in its cue to achieve its mandate. this include;
 - County Executive prolonged procurement processes; Elongated procurement procedures stalls the sub-sectors approved projects and the passed Assembly resolutions;
 - Delay or lack of Implementation of Assembly resolutions due to lack of funds as some resolutions had financial implications thus lackluster implementation of such resolutions by the County Executive;

4.0. COMMITTEE OBSERVATIONS

Following the study visit to the Mombasa County Assembly and more so the Early Childhood Education Centre in Tononoka Ward which was held on the second day of the visit; the Committee observed the following;

That the County Government of Mombasa works in conjunction with public primary schools to provide early childhood education to the pupils where the ECDE centre is located in the primary school compound;

That County Government converted a Social Hall into an Early Childhood Education Centre and furbished it the modern standards. This was done in partnership with non-governmental organizations such as Madrasa Early Childhood Programme Kenya; Aga Khan Foundation; Foreign Affairs, Trade and Development Canada among others;

That the partnership between the County Government of Mombasa and non-governmental organizations especially those from Asia, who are interested in children by funding the projects directly through provision of necessary materials and training of ECD staff. This is done to avoid misappropriation of funds and ensure transparency.

5.0. COMMITTEE RECOMMENDATIONS

Following the study visit to the Mombasa County Assembly, the Committee urges this Assembly to resolve as follows;

1. That County Executive do convert some Social Halls at the Sub-County into an Early Childhood Education Centre and furbish them to the modern standards. This will save the cost of purchasing land which is skyrocketing in the County;
2. that County Executive to work in conjunction with public primary schools to provide early childhood education to the pupils by constructing ECDE centres in the primary school compound; and
3. That the County Executive should work in partnership with non-governmental organizations who are interested in the County projects. This should be done by direct provision of necessary materials and/or human resource enrichment and not cash funding to avoid misappropriation of funds and ensure transparency.

COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 23RD MAY, 2017 AT 11.30

A.M. AT CHARTER HALL, CITY HALL BUILDINGS.

PRESENT:-

1. Hon. Maxwell Ochar, MCA – Chairing
2. Hon. Amos Mbuthia, MCA
3. Hon. Alvin Palapala, MCA
4. Hon. Imeldah Wanjala, MCA
5. Hon. Susan Karimi, MCA
6. Hon. James Kinuthia, MCA
7. Hon. Celestyn Ongere, MCA
8. Hon. John Kinuthia Waweru, MCA
9. Hon. Ruth Njeri, MCA
10. Hon. Peter Owera, MCA

ABSENT:-

1. Hon. Elias O. Okumu, MCA – Chairman
2. Hon. Abdi I. Hassan, MCA – Vice-Chairman
3. Hon. David Kitavi, MCA
4. Hon. Anthony Kiragu Karanja, MCA
5. Hon. Marion Githinji, MCA
6. Hon. Magdalene Mbogori, MCA
7. Hon. Mike Obonyo Guoro, MCA
8. Hon. Pius Mbono, MCA
9. Hon. David Mberia, MCA

SECRETARIAT:-

1. Mr. Kevin Wasike – Clerk Assistant
2. Ms. Jolinda Wangui – Clerk Assistant

MIN. 077/NCCA/COI/19/MAY, 2017

– Preliminaries

Hon. Maxwell Ochar called the meeting to order at thirty minutes past Eleven O'clock and said the opening prayers. He then welcomed the Members present and read the agenda of the meeting which was adopted for discussion as proposed by Hon. Alvin Palapala and seconded by Hon. Celestyn Ongere.

MIN. 078/NCCA/COI/20/MAY, 2017– Consideration of the report on
the benchmark study to Mombasa County Assembly

Hon. Palapala took the Members through the report of the Committee on the benchmark study to Mombasa County assembly held on 29th March to 1st April, 2017. The Committee deliberated on the report and adopted it as proposed by Hon. Imeldah Wanjala and seconded by Hon. James Kinuthia.

MIN. 079/NCCA/COI/20/MAY, 2017– Consideration of the report on
the workshop to take stock of the progress made by the Committee for the last four
years ahead of the impending conclusion of the First Assembly

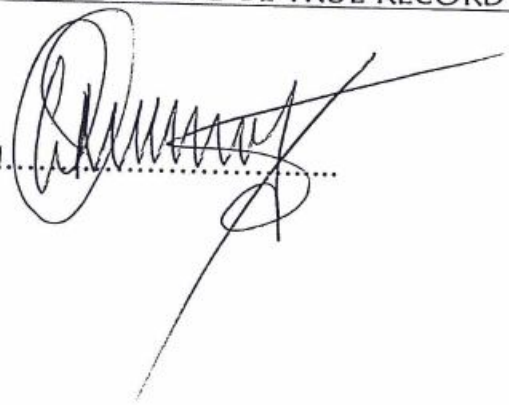
Hon. Njeri took the Members through the report on the workshop to take stock of the progress made by the Committee for the last four years ahead of the impending conclusion of the First Assembly. The Committee considered the report and adopted it as proposed by Hon. John Waweru Kinuthia and seconded by Hon. Amos Mbuthia.

MIN. 080/NCCA/COI/20/MAY, 2017– A.o.B

There was no other business

MIN. 081/NCCA/COI/20/MAY, 2017– Adjournment

There being no other business, the meeting was adjourned at four minutes to Twelve O'clock. The next meeting was scheduled for Wednesday 24th May, 2017.

CONFIRMED TO BE TRUE RECORD OF THE PROCEEDINGSCHAIRPERSON.....

DATE..13/06/2017.....

MIN. 102/NCCA/COI/024/JUNE, 2017 – Confirmation of Minutes

The minutes of the 19th sitting held on 24th May, 2017 were read by Hon. Kitavi. the minutes were confirmed to be the true record of the proceedings as proposed by Hon. Ruth Njeri and seconded by Hon. Alvin Palapala.

Hon. Alvin Palapala took the Members through the minutes of the 20th sitting held on 24th May, 2017. confirmation of the minutes was proposed by Hon. Imeldah Wanjala and seconded by Hon. Celestyn Ongere and confirmed the same to be the true record of the proceedings.

MIN. 103/NCCA/COI/024/JUNE, 2017 – Matters Arising

None

MIN. 104/NCCA/COI/024/JUNE, 2017 – Consideration and Adoption of the Progress Report for the Period 2013-2017

Hon. David Kitavi took the Members through the report of the Committee on progress report for the period 2013-2017. The Committee deliberated on the report and noted that some motions had not been fully implemented. The Committee resolved to review the motions and have site visits to ascertain the implementation of the said motions.

MIN. 105/NCCA/COI/024/JUNE, 2017 – A.o.B

None

MIN. 106/NCCA/COI/024/JUNE, 2017 – Adjournment

There being no other business, the meeting was adjourned at 12.06 p.m. The next meeting was scheduled for Wednesday 14th June, 2017 at 11.30 am.

CONFIRMED TO BE TRUE RECORD OF THE PROCEEDINGS

CHAIRPERSON



DATE.....

20/06/2017

A.M. IN CHARTER HALL, CITY HALL BUILDINGS

PRESENT:-

1. Hon. David Kitavi, MCA – Chairing
2. Hon. Alvin Palapala, MCA
3. Hon. Susan Karimi, MCA
4. Hon. Celestine Ongere, MCA
5. Hon. Ruth Njeri, MCA
6. Hon. Imeldah Wanjala, MCA
7. Hon. John Waweru Kinuthia, MCA
8. Hon. James Kinuthia, MCA
9. Hon. Maxwell Ochar, MCA

ABSENT:-

1. Hon. Elias O. Okumu, MCA – Chairman
2. Hon. Abdi I. Hassan, MCA – Vice-Chairman
3. Hon. Magdalene Mbogori, MCA
4. Hon. Amos Mbuthia, MCA
5. Hon. Marion Githinji, MCA
6. Hon. Anthony Karanja Kiragu, MCA
7. Hon. Peter Oluoch Oweru, MCA
8. Hon. Mike Obonyo Guoro, MCA
9. Hon. Pius Mwaura Mbono, MCA
10. Hon. David N. Mberia, MCA

SECRETARIAT:-

Mr. Kevin Wasike – Clerk Assistant

MIN.101/NCCA/COI/024/JUNE, 2017 – Preliminaries

Hon. David Kitavi called the meeting to order at 11.30 am and said the opening prayers. He then read the agenda of the meeting which was adopted for discussion as proposed by Hon. Ruth Njeri and seconded by Hon. James Kinuthia as follows:-

1. *Prayers*
2. *Adoption of Agenda*