



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

01/6

5TH SESSION

NBI CA. PLC. 2017 / (066)

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 THE TAKING STOCK OF THE PROGRESS MADE BY THE COMMITTEE FOR THE LAST FOUR YEARS AHEAD OF THE IMPENDING CONCLUSION OF THE FIRST ASSEMBLY

(Chairperson, Select Committee on Implementation)

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

Approved -
Speaker
[Signature]
29/6/17



NAIROBI CITY COUNTY GOVERNMENT



NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - FIFTH SESSION

REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION

ON THE TAKING STOCK OF THE PROGRESS MADE BY THE COMMITTEE FOR THE
LAST FOUR YEARS AHEAD OF THE IMPENDING CONCLUSION OF THE FIRST
ASSEMBLY.

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

JUNE, 2017

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1.0 PREFACE

Mr. Speaker Sir, The Committee on Implementation is established Pursuant to Standing Order 189, and is mandated;

- To scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine –
 - (a) 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
 - (b) 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.

Mr. Speaker, Sir,

The Select Committee on Implementation held a workshop at Sawela Lodge Hotel, Naivasha from 1st to 5th February, 2017. The objective of the workshop was to take stock of businesses pending before the Committee and mechanisms to dispense with them.

1.1 COMMITTEE MEMBERSHIP

Mr. Speaker Sir, 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. Maxwel 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 Owera, 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

1.2 ACKNOWLEDGEMENTS

The Committee wishes 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.

Mr. Speaker Sir, it is therefore my pleasant duty and privilege, on behalf of the Committee on Implementation to present the Committee's report on the taking stock of the progress made by the Committee for the last four years ahead of the impending conclusion of the First Assembly.

× DATE: 29/06/2017 SIGN: 

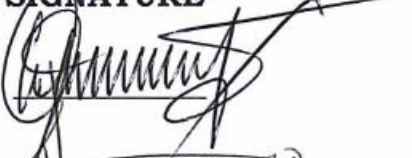
Hon. Elias O. Otieno, MCA

- The Chairman of the Committee

COMMITTEE MEMBERS

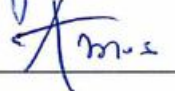
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8. Hon. Peter Oluoch Owera, MCA
9. Hon. John Waweru Kinuthia, MCA
10. Hon. James Kinuthia Waminja, MCA
11. Hon. Amos Mbuthia Mukami, MCA
12. Hon. Pius Mwaura Mbono, MCA
13. Hon. Susan Karimi Njue, MCA
14. Hon. Magdalene Mwendwa Mbogori, MCA
15. Hon. Celestyn Onger Owin, MCA
16. Hon. Anthony Kiragu Karanja, MCA
17. Hon. Imeldah Nafula Wanjala, MCA
18. Hon. Ruth Njeri Nyambura, MCA
19. Hon. Marion Njeri Githinji, MCA

SIGNATURE
















EXECUTIVE SUMMARY

1.3 Executive Summary

1. The workshop was held over a two-day period to allow adequate time to deliberate and dispense off its pending business. The workshop sessions were chaired by various Members of the Committee and led by Committee Chairperson.
2. the Committee took stock of the its performance for the last four Sessions by considered the Assembly resolutions including passed Bills, Motions, Petitions reports, other Committees' reports and statements. The Committee further considered and adopted pending reports and confirmed all pending minutes.
3. The Committee considered the submissions by the Nairobi City Water and Sewerage Company on the implementation status of the report by the Select Committee on Public Investment on the Auditor-General's report on the financial statement of the Company.
4. Participants included Members of the Committee from the Nairobi City County Assembly, one principal clerk assistant, two clerk assistants and one office assistant.

2.0 INTRODUCTION

The Workshop was officially opened by Hon. Elias O. Okumu, Chairperson of the Select Committee on Implementation. He noted with concern the poor attendance to the workshop by Members. He informed the Members that the Committee had a number of pending issues in the fourth session. He stated that the objective of the retreat was to dispense with all pending businesses before the Committee.

The Committee analyzed the implementation status for the Motions, Petitions and Bills tracker at several sittings of the Committee. The Committee further analyzed the submissions made by the Nairobi City Water and Sewerage Company regarding the implementation status of recommendations made by the Report of the Select Committee on Public Investment.

2.10 TAKING STOCK: PROGRESS MADE BY THE COMMITTEE DURING THE LAST FOUR YEARS

The Chairman highlighted the performance of the Committee for the last four sessions as follows;

2.11 Bills

The Chair mentioned that the A total of 4 Bills have been enacted by the County Assembly. Most of the enacted Bills are in operation. However, some of the Laws have been challenged in the Court thus hampering the operationalization of such Laws.

Committee had considered the implementation status of the following bills:-

- 1) The Nairobi City County Urban Agriculture Promotion and Regulation Act, 2015
- 2) The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014
- 3) The Betting, Lotteries and Gaming Act, 2014
- 4) The Nairobi City County Wards Development Fund (Amendment) Act, 2015.
- 5) The Nairobi City County Solid Waste Management Act, 2015
- 6) The Nairobi City County Disaster and Emergency Management Act, 2015
- 7) The Public Participation Act, 2015
- 8) The Nairobi City County Flag and Other Symbols Act, 2014
- 9) The Nairobi City County Regularization of Developments Act, 2015

The Committee was satisfied on the operationalization of some of the passed Bills, however, the Committee was dispirited by slow operationalization of some basic Acts such

as the Nairobi City County Flag and Other Symbols Act, 2014 as some of the County facilities still have the defunct City Council Symbols. The Committee deliberated on the lackluster by the Executive in implementing the Assembly resolutions.

2.12 Reports

The Chairman mentioned that during the period under review, the Committee produced and tabled the following reports;

Report Title	Session when tabled
1. Report on implementation status of substantive motions passed by the County Assembly	Third Session
2. Report on the Committee workshop held on 30 th June to 4 th July , 2016 at Royal City Hotel , Kisumu	Fourth Session

The Chair further highlighted pending reports to be considered, adopted by the Committee and tabled in the Assembly.

2.13 Statements

The Chair stated during the period under review, a total of eight (8) statements were directed to the Committee and all were considered and responded to. (See the attached list).

2.14 Committees' Reports on Petitions

The Chair mentioned that the Committee had considered several reports on public petitions during the period under review but the implementation status on all of them had not yet been conclusively given by the County Executive. The Committee deliberated on the issue and resolved to follow up on full implementation of all the reports on public petitions tabled in the Assembly before the term of the Assembly comes to an end.

2.15 Motions

The Chair informed the Committee that;

- A total of 20 motions including Committees' reports have been fully implemented by the County Executive during the period under review.
- A total estimated of 76 motions have been partially implemented by the County Executive during the period under review.
- A total estimate of 31 motions have not been implemented by the County Executive during the period under review. Most of these are recommendations from Committees' reports.

The Committee deliberated on motions passed by the County Assembly and resolved to follow up on the motions that had been partially implemented to be implemented conclusively. The Committee further resolved to review the Motions that had not been implemented for a resolution to be made.

2.0. CONSIDERATION AND ADOPTION OF THE PENDING COMMITTEE REPORTS

The Committee considered and adopted the following reports as follows:-

- Report on the Implementation status of the passed Bill, Motions and recommendations of the adopted Committee reports. The Committee deliberated on the report and adopted it proposal by Hon. James Kinuthia and seconded by Hon. Imelda Wanjala.
- Report on the Implementation status of the passed Motions from 2013 to 2016 The Committee deliberated on the report and adopted it as proposal by Hon. Celestyn Onger and seconded by Hon. Ruth Njeri.

4.0. CONSIDERATION OF THE SUBMISSIONS MADE BY NAIROBI CITY WATER AND SEWERAGE COMPANY (NCWSC).

Mr. Speaker Sir, the Committee considered the Implementation status report matrix submitted by Nairobi City Water and Sewerage Company. (See attached)

The Committee observed the following:-

- THAT, the NCWSC was operating without a Board therefore hindering the Implementation of the various resolutions stated in the Public Investment Committee report.
- THAT, there was a proposed new Water and Sanitation Bill which hasn't been submitted to the Nairobi City County Assembly yet.
- THAT, NCWSC had reviewed the Debt Management Policy which would assist in writing off debts.

The Committee resolved to hold a meeting with Nairobi City Water and Sewerage Company to deliberate on the pending resolutions that have not yet been implemented.

5.0. CONFIRMATION OF ALL PENDING MINUTES

The Committee considered all pending minutes and thereafter confirmed them as proposed and seconded by various Members detailed in the minutes of the day's sitting.

6.0. COMMITTEE CONCLUSION

1. Most of the reports on the implementation status of the substantive motions passed by the County Assembly forwarded to the Committee by the County Executive Members were shallow and not conclusive;
2. Most of the substantive motions passed by the County Assembly had financial obligations thus the delay in the implementation of the same;
3. The Committee resolved to meet various County Executive Committee Members to deliberate on the way forward on the implementation status of the passed Assembly resolutions under their respective departments.

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 PROCEEDINGS

CHAIRPERSON.....



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

MINUTES OF THE 19TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
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 Mbutia, MCA
3. Hon. Alvin Palapala, MCA
4. Hon. Imeldah Wanjala, MCA
5. Hon. Susan Karimi, MCA
6. Hon. James Kinuthia, MCA
7. Hon. Celestine Ongere, MCA
8. Hon. John Kinuthia Waweru, MCA
9. Hon. Ruth Njeri, MCA
10. Hon. Peter Oweru, 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. Celestine Ongere.

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*

MIN. 102/NCCA/COI/024/JUNE, 2017

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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. Celestynne Ongere and confirmed the same to be the true record of the proceedings.

MIN. 103/NCCA/COI/024/JUNE, 2017

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Matters Arising

None

MIN. 104/NCCA/COI/024/JUNE, 2017

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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