



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, FEBRUARY 27, 2020 AT 2.30 P.M.**

1. The Assembly assembled at Thirty Minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

**QUORUM OF THE ASSEMBLY**

There being no quorum at the commencement of the sitting Hon. Speaker ordered the bell be rung for ten minutes.

There being a quorum at the expiry of the ten minutes, the Speaker called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR: -**

The Speaker conveyed the following communication: -

**“Honorable Members**, you will recall that during our special sitting held **9<sup>th</sup> January 2020**, convened to discuss matters of County importance, Members raised several issues regarding challenges that were affecting service delivery in the County. **Honourable Members**, based on the contributions by a majority of Members, I directed that the Nairobi City Regeneration Committee be revamped in order to address the challenges that Members had raised in their submissions. In particular, the said Committee was to address the following; *Water, Roads, Pending Bills, and Solid Waste Management*.

**Honorable Members**, you will also recall that yesterday, I delivered a Message from H.E. the Governor communicating that pursuant to Article 187 of the Constitution, the County Government had agreed to transfer implementation of the following functions to the National Government: -

- a) *County Health Services;*
- b) *County Transport Services;*
- c) *County Planning and Development Services; and*
- d) *County Public Works, Utilities and Ancillary services.*

**Honorable Members**, the afore-said actions affirms what this House had already foreseen during its special sitting of **9<sup>th</sup> January 2020**. It also

implies that despite the new developments, you will appreciate that the Assembly had initiated stakeholder engagement on the Nairobi regeneration concept. Equally, it also demonstrates that **H.E. President, Uhuru Kenyatta** means well for Nairobi and by extension, this County Assembly since he had an option of suspending/dissolving this County pursuant to Article 192 of the Constitution the effect of which could have been catastrophic.

**Honorable Members**, there have been many commentaries on the implication of the actions to transfer the said County functions especially on the very existence and the role of the County Government of Nairobi City which includes this Assembly. **Honourable Members**, I wish to remind you of the provisions of Article 187(2) (b) of the Constitution which provides:-

*“(b) Constitutional responsibility for the performance of the function or exercise of the power shall remain with the government to which it is assigned by the Fourth Schedule”.*

In essence, **Honourable Members**, the role of the County Assembly to oversight the implementation of the said functions has not been taken away. In fact, Members should be prepared for expanded roles as far as engagement with the National Government in implementation of the functions is concerned. I am sure that relevant state agencies will be providing further clarity on this precedent setting matter.

Consequently, **Honourable Members**, I commit the **Deed of Transfer of Functions from the Nairobi City County Government to the National Government** to an *Ad-hoc* Committee that shall be established by this County Assembly pursuant to the Standing Orders to undertake and report on the following issues: -

- i) Study the said Deed of Transfer of Functions and un-pack its contents and implications;*
- ii) The role of the County Assembly as far as implementation of the Deed is concerned;*
- iii) The impact of the transfer of functions on the Budget making process for the FY 2020/2021 since we have already commenced the process; and*
- iv) Propose areas that require legislation either by the Senate or the County Assembly.*

I also direct, **Honourable Members**, that since we have limited time before the commencement date of the agreement, the Majority and Minority Whips presents the names of Members to be part of the Committee during the next sitting on **Tuesday, 4<sup>th</sup> March, 2020**. While tabling the names, the Whips should ensure that the Membership comprise of the Speaker as the Chairperson, Majority Leader as the Vice Chairperson, Minority Leader and

Six (6) members from the Majority Party and Five (5) Members from the Minority Coalition. Accordingly, **Honorable Members**, the said Committee will have fourteen days from the date of its establishment to dispense off with its business and table its report. The Committee should meet all stakeholders affected by these actions. For avoidance of doubt, the Committee must engage the County Secretary, the State Law Office, Commission on Revenue Allocation, the Ministry of Devolution and the Senate amongst others.

As I conclude, **Honorable Members**, let me remind you that we are living in interesting times and the task ahead is enormous. This Assembly has the key to unlock many challenges currently facing the County Government. As you are all aware, the County does not have a Deputy Governor, a substantive County Secretary and most of the Chief Officers are serving in an acting capacity. It is therefore upon us as to exercise our constitutional mandate of oversight and address these matters before it is late.

It is so directed!

I thank you Honorable Members.”

#### **4. PAPERS LAID: -**

The following papers were laid on the Table on the Assembly: -

- i. THE REPORT OF THE CONTROLLER OF BUDGET ON THE 1<sup>ST</sup> QUARTER COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR THE FY 2019/20;

***(Hon. June Ndegwa on behalf of the Leader of Majority Party)***

- ii. THE REPORT OF THE SECTORAL COMMITTEE ON ENERGY, INFORMATION, COMMUNICATION AND TECHNOLOGY ON THE WORKSHOP TO CONSIDER STRATEGIC PLAN DEVELOPMENT HELD FROM THURSDAY 26<sup>TH</sup> TO SUNDAY 29<sup>TH</sup> SEPTEMBER, 2019 AT PRIDE INN PARADISE HOTEL, MOMBASA COUNTY;

***(The Chairperson, Sectoral Committee on Energy and ICT)***

- iii. THE REPORT OF THE SELECT COMMITTEE ON LIAISON ON THE CONSIDERATION OF THE BI-ANNUAL REPORTS OF ALL COMMITTEES;

***(The Chairperson, Select Committee on Liaison)***

- iv. THE REPORT OF THE SELECT COMMITTEE ON LIAISON ON THE WORKSHOP ON STRATEGIC PLANNING HELD FROM 16<sup>TH</sup> TO 20<sup>TH</sup> MAY, 2018 AT PRIDE INN HOTEL, MOMBASA

***(The Chairperson, Select Committee on Liaison)***

**5. MOTION – ESTABLISHMENT OF COUNTY OMBUDSMAN**

Motion made and Question proposed;

**THAT**, aware that the Constitution of Kenya (2010) grants the citizens of this republic comprehensive rights and fundamental freedoms; further aware that all over the world governments are established by society in order to deliver public goods, works and services and to administer policies and laws that are necessary and beneficial to society, where the government is required to provide one form or other of public service in order for the rights and/or liberties contained in the Bill of Rights to be realized; and to develop policies, laws and institutions, or undertake programmes to promote, protect or fulfil these Rights; concerned that recent years have witnessed increased cases of arbitrary arrests, harassment and extortions of traders and other members of the public by the City Inspectorate and Revenue Collection Employees thus infringing on rights and fundamental freedoms of the residents; further concerned that some of the officers who engage in such heartless acts do not face the full force of the law due to lack of effective complaints handling mechanisms in the County; noting that huge loss of revenue has been incurred by the County Government due to extortions by such employees at the expense to service delivery to residents of the County; acknowledging that effective complaints handling is a crucial part of quality service delivery in any institution as it helps identify weak areas and create the motivation for continual improvement, provides an opportunity for the organization to understand its customers and ensure that the issues they raise are quickly resolved, improves the reputation and image of the institution and provide management with information on how its staff treat customers, thus promoting accountability for both the institution and its staff; this Assembly urges the County Executive to development a policy that provides for the establishment of the office of County Ombudsman to receive and process complaints with a view to fostering a performanceoriented culture that seeks to revamp the process through which the County Government operates, in order to increase efficiency and effectiveness, and to inculcate a culture of client-oriented, mission-driven, and quality-enhanced management in the County

*(Hon. Kabiro Mbugua, MCA)*

Debate ensued;

Mover replied;

Question put and **Agreed to.**

There being no other business and the time being forty-seven minutes past three O'clock, the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

6. ASSEMBLY ROSE-

at Fifteen Minutes to Four O'clock.

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MEMORANDUM

The Speaker will take the Chair on  
Tuesday, March 3<sup>rd</sup>, 2020

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