



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Third Session

Tuesday 10<sup>th</sup> December 2019

The House met at 2.30 p.m.

*[Hon. Speaker (Ms Beatrice Elachi) in the Chair]*

#### PRAYERS

#### PAPER

**Hon. Speaker:** Majority Whip?

**Hon. June Ndegwa:** Thank you, Madam Speaker. I beg to lay the following paper on the Table of the Assembly today, Tuesday 10<sup>th</sup> December 2019:

The report of the Presidential Taskforce on the Building Bridges Initiative.

Hon. Speaker, I beg to lay.

*(The paper was laid on the table)*

**Hon. Speaker:** Thank you. I ask the Clerk to ensure that the members get copies of the report. It is a report of the Committee of the Whole House.

#### PROCEDURAL MOTION

**Hon. Speaker:** Hon. Majority Leader?

#### REDUCTION OF PUBLICATION PERIOD

**Hon. Charles Thuo:** Thank you, Hon. Speaker. I wish to move the following procedural motion.

THAT, notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period of the Nairobi City County Pop-Up Markets and Street Vendors Bill, 2019 (Assembly Bill No. 9 of 2019) and the Nairobi City County Transport Bill, 2019 (Assembly Bill No. 10 of 2019) from fourteen (14) days to six (6) days respectively.

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**Hon. Speaker:** Thank you. As the wish of the Government side, we agree with that. Majority Leader, for purposes of making the process in a proper way of law, I think you move it and get a seconder to second it. You can speak about the reasons and the need of what you have presented.

**Hon. Charles Thuo:** Thank you, Hon. Speaker. I stand guided, I will repeat everything.

THAT, notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period of the Nairobi City County Pop-Up Markets and Street Vendors Bill, 2019 (Assembly Bill No. 9 of 2019) and the Nairobi City County Transport Bill, 2019 (Assembly Bill No. 10 of 2019) from fourteen (14) days to six (6) days respectively.

I call upon Hon. Kados Kiguathi to second the motion.

**Hon. Paul Kados:** Thank you, Madam Speaker, I stand to second.

*(Question proposed)*

**Hon. Charles Thuo:** Thank you, Hon Speaker. I thank the House for supporting the procedural motion.

**Hon. Speaker:** Hon Members, these are important bills that will transform Nairobi, therefore let us be very critical in terms of public participation and also looking at it critically.

*(Question put and agreed to)*

## BILLS

### *First Readings*

THE NAIROBI CITY COUNTY POP UP MARKETS AND STREET VENDORS BILL, 2019 (ASSEMBLY BILL 9 OF 2019)

A Bill for an Act of County Assembly of Nairobi to create a legal framework for establishment, regulation and recognition of pop up markets and street vending in Nairobi County and for identification of minimum standards for pop markets and street vendors and for related purposes

THE NAIROBI CITY COUNTY TRANSPORT BILL 2019 (ASSEMBLY BILL 10 OF 2019)

A Bill for an Act of the County Assembly of Nairobi City County to provide for administration of county transport to make provisions for county roads, public road transport, traffic management, parking, street lighting and for connected purposes

## MOTION

**Hon. Speaker:** Is Hon Silas Matara in the House? Is Hon James Mwangi around?

Hon. Members, I will use Standing Order no. 41 (2) to change the business sequence and go back to Communication from the Chair and statements. Before that, two bills are already subjected to the relevant committees. The Transport Committee Chair and Trade Committee Chair, kindly follow up and just know that we have refused the days. So, it is important for the committees to work around the time we have given.

## COMMUNICATION FROM THE CHAIR

### FAMILIARIZATION OF MEMBER WITH THE BUILDING BRIDGES INITIATIVE REPORT

Hon. Members, I have the following Communication to convey:

Hon. Members, as you may all be aware, the Building Bridges Initiative - BBI in Kenya was initiated on 9<sup>th</sup> March 2018 after H.E the President Uhuru Kenyatta and his closest competitor in the 2017 presidential election, H.E Raila Odinga, decided to shake hands and unite the country that was at the brink of war. What is now commonly referred to as the Handshake in Kenya.

Subsequently Hon. Members, a team of individuals was thereafter formed who held public participation forums across the 47 counties in Kenya to collect views on what changes Kenyans would want to see from the provided 9 agendas, being:

- i. How to end ethnic division;
- ii. Inclusivity;
- iii. How to solve polarizing elections;
- iv. Safety and Security;
- v. How to deal with corruption;
- vi. How to deal with lack of national ethos;
- vii. Responsibility and rights
- viii. Shared prosperity; and,
- ix. Enhancing devolution

Hon. Members, it is also worth appreciating that the technical team launched its report containing recommendations and general suggestions for constitution amendments as contemplated in Article 257 of the Constitution of Kenya, 2010.

Hon. Members, whereas Article 257 (5) of the same provides that; *“If the Independent Electoral and Boundaries Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each county assembly for consideration within three months after the date it was submitted by the Commission.”* While in anticipation for the said, there is need for the Members of the Assembly to familiarize themselves with the Building Bridges Initiative Report for the interest of your electorates especially during the long recess.

Hon. Members, you will note with appreciation, the provision of Article 196 (1) of the Constitution of Kenya, 2010, which provides that the Assembly shall:

- (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- (b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

As the people’s representatives, it is prudent that when time come for you to exercise your legislative authority, you will be in a position to debate from an informed point of view.

### CHANGE IN COMMITTEES LEADERSHIP

Hon. Members, the County Assembly Sectoral Committee on Transport and Public Works resolved to elect a new Chairperson of the Committee following a vote of no confidence in the former Chairperson, Hon. James Mwangi Wambui, MCA.

Consequently, Hon. Members, I wish to recognize the elections of Hon. Joyce Muthoni Kamau, MCA, as the new Chairperson of the Sectoral Committee on Transport and Public Works. I wish to thank the former Chairperson of the Committee for leading the committee for the last two and a half years and request the new Chairperson to steer for the betterment of the County.

Additionally, Hon. Members, my office is aware of the resolution of Sectoral Committee on Planning and Housing on the vote of no confidence in its Chairperson.

Furthermore, the Leader of Majority Party has this afternoon tendered his resignation as the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives.

Therefore, Hon. Members, I wish to direct that the members of the Sectoral Committee on Planning and Housing and Trade, Tourism and Cooperatives respectively to converge for a meeting of the election for their Chairperson in accordance with provisions of Standing in Order 171.

Hon. Members, I urge you to cooperate with your chairpersons in various Committees to ensure that you execute your mandates in the committees effectively for the betterment of the County Government.

### STATEMENT

**Hon. Speaker:** Hon. Chair of Public Accounts Committee?

#### REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENT OF NAIROBI CITY WATER SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30 JUNE 2018

**Hon. Kennedy Obuya:** Thank you, Madam Speaker. The report of the Auditor General on the Financial Statement of Nairobi City Water Sewerage Company limited for the year ended 30 June 2018. The report was tabled on the floor of the Assembly and thereafter committed to the Public Investment Committee pursuant to Article 229 (8) of the Constitution of Kenya for scrutiny and reporting to the County Assembly within 90 days.

However, Madam Speaker the committee has not finalized on some of the queries raised on the said report. The Committee is still having meetings with stakeholders particularly Nairobi Water over the investigation of the audit queries pursuant to its mandates.

In this regard on behalf of the Committee, I kindly request that you grant us an extension until 11 February 2020 for us to be able to table our report. This will enable us finalize on the report writing. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Chair, I will give you up to 20 February 2020. You realize that you will be having two months within the budgeting process. I therefore, hope that time we will just table the report so that we will allow them to deal with Audit queries and ensure they finalize with the Auditor as they move to the processing of the budget.

### ADJOURNMENT

Hon. Members, there being no any other business, this Assembly adjourns tomorrow, 11 December 2019 at 2.30 p.m. The House business meets after this.

*The House rose at 3.20 p.m.*