



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Sixth Session

Thursday 26<sup>th</sup> May 2022

The House met at 2.30 p.m.

*[Hon. Speaker (Mr Benson Mutura) in the Chair]*

PRAYERS

#### PAPERS LAID

THE COUNTY FISCAL STRATEGY PAPER FOR FY 2022/2023

**Hon. Speaker:** Chair Budget, is he online?

**Hon. Robert Mbatia:** Mr. Speaker, I wish to lay before the House the Report of the County Fiscal Strategy Paper for the Financial Year 2022-2023, I lay.

**Hon. Speaker:** Thank you, Hon. Kabiru, you can lay the Paper on behalf of the Chair since you are in the House. Chair, was there another Paper also for you to lay?

*(The Paper was laid on the Table of the Assembly)*

**Hon. Robert Mbatia:** Mr. Speaker that was the only document emanating from the Committee.

**Hon. Speaker:** I get you Chair. There is a report which was to be laid by the Majority Leader, have you been delegated to do so, Hon. Kabiro?

THE THIRD QUARTER REVENUE EXPENDITURE REPORTS FOR FY 2021/2022

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker Sir. Pursuant to Standing Order 166 of the Public Finance Management Act of 2012, I beg to lay the following Paper on the Table of this Assembly, this 26<sup>th</sup> day of May 2022: The Third Quarter Revenue Expenditure Reports for the Financial Year 2021-2022, I beg to lay.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you. Another paper?

PROPOSED AMENDMENTS OF THE NAIROBI COUNTY ASSEMBLY STANDING ORDERS

**Hon. Mbugua Kabiro:** Mr. Speaker, pursuant to Standing Order 246, I beg to lay the following Paper on the Table this Assembly, this 26<sup>th</sup> day of May 2022: The Report of the Sectoral Committee on Procedure and Rules on Proposed Amendments of the Nairobi City County Assembly Standing Orders. I beg to lay.

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*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you. Next order?

### NOTICES OF MOTION

ADOPTION OF THE REPORT ON THE NAIROBI CITY COUNTY FISCAL STRATEGY PAPER AND THE DEBT MANAGEMENT STRATEGY PAPER FOR FY 2022/2023

**Hon. Speaker:** Hon. Kabiro, do you have a Notice of Motion?

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker. I beg to give Notice of the following Motion: That this Assembly adopts the 38<sup>th</sup> report of the Select Committee on County Finance Budget and Appropriation on the Nairobi City County Fiscal Strategy Paper and the Debt Management Strategy Paper for the Financial Year 2022-2023 and over the Medium Term, laid on the table of this Assembly this 26<sup>th</sup> day of May 2022, on behalf of the Chair.

**Hon. Speaker:** Thank you. Chair Budget, I hope you are still online. I think there is confusion, Hon. Kabiro, which one have you given the Notice of Motion?

**Hon. Mbugua Kabiro:** Mr. Speaker Sir, I did a Notice of Motion on behalf of the Chair of Budget and I would like to do another.

**Hon. Speaker:** Then I think that is in order. You also have another one?

**Hon. Mbugua Kabiro:** I have two more

**Hon. Speaker:** Okay

ADOPTION OF REPORT ON THE PROPOSED AMENDMENTS TO THE NAIROBI COUNTY ASSEMBLY STANDING ORDERS

**Hon. Mbugua Kabiro:** Mr. Speaker, I beg to give Notice of the following Motion: That this Assembly adopts the Report of the Select Committee on Procedure and Rules on the Proposed Amendments to the Nairobi City County Assembly Standing Orders laid on the Table of this Assembly this Thursday 26<sup>th</sup> May 2022.

**Hon. Speaker:** Very well. You have another one also?

APPOINTMENT OF PERSONS TO THE NAIROBI CITY COUNTY SISTER CITIES COMMITTEE

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker. I want to give Notice of this Motion which is now my personal motion; the subject being appointment of persons to the Nairobi City County Sister Cities Committee.

Hon. Speaker, I beg to give notice of the following motion; Aware that Sister Cities International was founded by President Dwight Eisenhower in 1956 and is a non-partisan and non-profit organization which serves as the national membership organization for individual Sister Cities, County States across the United States and the world over. Further aware that the organization was established on a mission of promoting peace and prosperity by creating bonds between people from different cities and around the world by forming this relationship that people of different cultures would celebrate and appreciate their differences and build partnerships that would lessen the chance of new conflict. Acknowledging that the Nairobi City County Assembly on 20<sup>th</sup> November 2019 passed a motion to establish a special committee known as the Nairobi

Sister Cities Committee that would work towards expanding and strengthening the existing relationships with the organization and would enable members boast exchanges in arts, culture, business and trade, youth and education, and community development and friendship; noting that the Nairobi City County Government, including the Assembly, has so far signed a number of memoranda of understanding with a number of cities internationally based in the United States of America, among other places, to create bonds between people from different cities within Kenya and across the world for local and global friendship, peace, unity and prosperity; now therefore, this Assembly resolves to appoint the under listed members to the Nairobi Sister Cities Committee:

1. Chairperson appointed by the Governor among professionals serving in Nairobi;
2. Facilitated by a joint secretariat being, the County Secretary of the Nairobi City County Government or his/her representative and another joint secretary, who is the Clerk of the County Assembly of Nairobi or his/her representative;
3. The Director of Public Communications and e-Government in the Nairobi City;
4. The representative of the Kenya National Chamber of Commerce, appointed by the Chamber President;
5. Representative from the National Ministry of Foreign Affairs appointed by the Principal Secretary; and
6. Three representatives of the public appointed by the Governor from amongst professionals in Nairobi County.

I give notice. Thanks.

*(Point of Order)*

**Hon. Speaker:** Point of order on what? What is burning?

**Hon. Redson Onyango:** I rise on a point of order under Standing Order 56(h) on a question of privilege.

**Hon. Speaker:** You can proceed.

#### **MOTION OF PRIVILEGE PURSUANT TO STANDING ORDER 56(H)**

##### **LACK OF PARKING AREA FOR MEMBERS AND STAFF OF THE COUNTY ASSEMBLY**

**Hon. Redson Onyango:** Hon. Speaker, I rise to move a motion on a question of privilege pursuant to Standing Order 56(h) regarding lack of parking area for Members and staff of the County Assembly.

Hon. Speaker, the County Assembly is an important function in the architecture of this County Government. Given its anchoring in the Constitution of Kenya, it is important that Members and staff be facilitated in all aspects to ensure that they execute their duties and mandate without inhibitions. Other than the privileges and immunities accorded MCAs and staff in line with County Assembly Powers and Privileges Act, 2017, parking is a crucial privilege that the County Assembly had accorded to MCAs and staff. We have been using the parking area that is adjacent to the Supreme Court, but we have since been locked out without notice of any communication. It is now inaccessible to both MCAs and staff alike.

Hon. Speaker, we found ourselves in embarrassing situation of having to make rounds in the Central Business District in search of parking slots. Despite the parking stickers, the Kenya Revenue Authority continue to send us demand text messages for payment of parking whenever we get lucky to secure a street parking accordingly.

Hon. Speaker, I invite Hon. Members to ventilate on this development in view of getting your communication of the status of the parking for MCAs and staff in the coming days.

**Hon. Speaker:** I now invite members to ventilate that issue from Hon. Redson. Hon. Redson, I will give a direction after we are done with today's Order No.8. I will advise you.

**Hon. Redson Onyango:** Well obliged.

**Hon. Speaker:** Next Order!

### MOTION

#### ADOPTION OF REPORT ON THE PROPOSED AMENDMENTS TO THE NAIROBI COUNTY ASSEMBLY STANDING ORDERS

**Hon. Mbugua Kabiro:** THAT, This Assembly approves the report of the Select Committee on Procedure and Rules on the amendments proposed in the Standing Orders, laid on the Table of the Assembly on Thursday, 26th May, 2022.

This is just panel beating to what is already present before us and what has been guiding the House over a period of five years. It has always been a practice that amendments are done towards the end of the term of the Assembly.

Hon. Speaker, over a five-year period we have been in this House, there have been certain changes that have been realized by the Rules and Procedure committee and you are the able Chair and I believe you have gone through all the amendments that have been proposed in this Standing Orders together with the leadership of the House. This is because I am here to make sure that I perform this duty of the House to make sure that it is pushed through. We are in the sunset of this Assembly and for those of us who would not be coming back here, I would want to have a peaceful Assembly in the next Assembly.

Among the proposals that are been proposed and those which are contained in this report is the incorporation of the three main caucuses which are constitutional by all means. One is the women caucus which has been incorporated with the person with disability caucus and the one I was nominated - the Youth caucus which we have always struggled to make sure it is put in this Standing Order so that it can be recognized and budgetary provision can be put there. Therefore, I am happy to see that during these sunset days we can recognize that certain caucuses are important for moving forward and guiding the Assembly on the agendas that come to the floor.

This also entrenches best practices of Committees and the Assembly to have the legacy report. You will realize that if I got a legacy report that was done before and documented by the previous Assembly, I would have not struggled so much in getting to know what was the procedure and contents of what the previous Assembly did. Therefore, it is going to be good that Committees and clerks will do legacy reports those which will be recognized by the House. During the term of the Assembly while we were in progress and we realize that Corona was hitting us very hard we incorporated with certain technological advances that were being embraced by various Assembly and other meetings.

Therefore, we incorporated technology and Zoom was one of it so we want to make sure that it is entrenched and captured so that when the Standing Order is being published you can have a section where you can do virtual meetings, which is a plus and we have seen the Assembly and kudos to the members of staff who have made sure that this happens.

Hon. Speaker, the provisions of section 9 (a) in the County Government Act on matters relating to the Speaker, Deputy Speaker - and he is here and sitting right next to me. Of course there were certain collisions that necessitated the creation of certain positions in the Standing Order and so we also want to make sure they are captured like chair of Chairs and what duties he performs different from the Deputy Speaker, which is constitutional and it is in the County Government Act.

Hon. Speaker, this would also give an elaborate provision for appeal as envisaged in the County Government Powers and Privileges Act so that when a Member has been named in the House, that Member is given opportunity to appeal that naming through certain other committees as provided in Standing Order and that would be Liaison committee. Therefore, if you are named you will have a platform for appeal as in the court process this like Magistrate court, High court and Court of Appeal even you can appeal your matter to the supreme court. Therefore, we are providing an opportunity for Members to have a mechanism to appeal decision when they are named or caught in a situation that they need to explain. We are also doing away with circumstantial provisions and focusing on Westminster practice, which is what we are making sure that it is entrenched in our Standing Orders. The Standing Order is a document that guides the House and it will help this Assembly and the next one have a smooth running. I therefore wish to call upon Hon. Esther Waithera Chege on zoom to second this Motion. Thank you.

**Hon. Speaker:** Than you Hon. Kabiro. Secunder?

**Hon. Mbugua Kabiro:** Speaker, I understand that Hon. Waithera Chege is not online. I therefore wish to amend that and call upon Hon. Doris Kanario

**Hon. Speaker:** It is in order. Hon. Doris!

**Hon. Doris Kanario:** Thank you.

**Hon. Speaker:** You can use Hon. Kabiro's microphone

**Hon. Doris Kanario:** Thank you Hon. Speaker for the opportunity. I stand to second the amendment that will be appearing in the Standing Order of next Assembly. As a woman, and as Chair of the women caucus in the Assembly I stand to appreciate the same. Caucuses are important in any institution and with the considerations made, I am happy knowing that the next women caucus chair will seat in the Liaison committee. I stand to second.

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Arivisa

**Hon. Mary Mwami:** Thank you Mr. Speaker sir. I wish to thank Hon. Kabiro on behalf of the majority side for bringing the Motion. I stand on behalf of people living with disability in Nairobi echoing this Motion because it entrenches people living with disability. I came in nominated as a representative for gender, youth and children and ended up getting a disability while serving here. We have not developed a framework of working with people with disability and therefore with this framework they will be able to get help. There is also a Disability board that is supposed to be gazetted so that we can move forward. People living with Disability Act 2015 can only be effected if there is a framework helping the people representing them.

I stand to support that Motion. We have a very youthful population in the city and due to the economic slump; they are not able to make ends meet. Having a youths' programme and people who are going to

represent them here is good; make it to be a caucus. This gives it a platform for us to negotiate for our young people because we have many young people who are languishing in poverty in the informal settlements.

I live in Dagoretti North where there are Kawangware and Kangemi slums; it is no longer Mombasa that is known for drugs, Kawangware is an area leading in drugs addiction which is brought about by poverty. If the youth groups can be recognized as a caucus; we can be able to meet youths within the prescribed framework. The caucus can be able to meet with other caucuses within the country along with the women caucus.

These caucuses are very important because they will help to solve the many problems facing the people of Nairobi. I stand to support highly this Motion. Thank you very much for bringing it on board.

**Hon. Speaker:** Thank you. Do we have any other request? Hon. Members, there being no other request, mover to reply.

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker Sir. I want to thank you Mr. Speaker as the Chair of this committee and for your able guidance to this Assembly. I would also like to thank Hon. Doris and Hon. Mary Mwami for making sure that this has been properly executed in this House.

I would like to say that we have pushed several agendas as the youth but our lack of recognition in the House meant that we could not get any budgetary allocation to push our own agenda. We used to get help from United Nations and other well-wishers to push the youth agenda in the floor of this House and the conversations around this city.

I want to thank you most sincerely for making sure that the youth caucus not only gets a budgetary allocation but will be bringing more agendas to the floor of the House because that is what we have been doing. With that, I beg to reply. Thank you very much.

*(Question put and agreed to)*

*(Applause)*

**Hon. Speaker:** Next order!

## BILL

### *Second Reading*

THE NAIROBI CITY COUNTY ACCOUNTABILITY BILL, 2020 (ASSEMBLY BILL NO.2 OF 2020)

**Hon. Geophrey Majiwa:** Pursuant to Standing Order No. 143 (1), I wish to withdraw the Nairobi City County Accountability Bill, 2020 (Assembly Bill No.2 of 2020) appearing in today's Order Paper. The Bill was found to have failed to incorporate silent aspects of the Constitution and other legal underpinnings and therefore---

**Hon. Speaker:** You are off the mike.

**Hon. Geophrey Majiwa:** Pursuant to Standing Order No. 143 (1), I wish to withdraw the Nairobi City County Accountability Bill, 2020 (Assembly Bill No.2 Of 2020) appearing in today's Order Paper. The Bill was found to have failed to incorporate silent aspects of the Constitution and other legal underpinnings and therefore, I recommend that it goes to the legal office for proper drafting to avoid discrepancies and contradictions. Thank you Hon Speaker.

**Hon. Speaker:** Thank you but Hon. Deputy Speaker you know the consequences of that, that Bill now dies a natural death. I understand you have been guided and it is in order, next order.

It is time for Hon. Redson, is he on Zoom since the Member is not willing to pursue his Motion?

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**ADJOURNMENT**

**Hon. Speaker:** There being no other business, the House stands adjourned till Tuesday 31<sup>st</sup> May 2022 at 9.30 a.m.

**The House rose at 3.35 P.M.**