



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – (THIRD SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, 21<sup>ST</sup> MARCH 2019 AT 2.30PM**

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

**QUORUM OF THE ASSEMBLY**

The Deputy Speaker having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes.

There being no Quorum at the expiry of the ten minutes, the Deputy caused the bell to be rung again for five minutes.

And there being a Quorum at the expiry of the five minutes, the Deputy Speaker called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR**

Honourable Members, I have the following communications to make.

**PENDING STATEMENTS**

**Hon Members**, as you may be aware, statements are amongst the opportunities through which the Assembly exercises oversight over the Executive functions. The Chair wishes to note and appreciate the zeal with which Members have leveraged statements to obtain information and answers from the County Executive on crucial issues in the County.

Be that as it may, **Honourable Members**, this robust oversight work can only succeed if Committees and Chairpersons meet their half of the bargain. When Members request Statements, this process only succeeds if responses are given

timely and the House apprised on the same. The Chair has noted with concern unexplained delays in responding to statements by Committees, lack of responses from the Executive and the poor management of responses on the floor.

**Hon. Members**, an audit of all statements from the Second Session to date indicates that Committees, and by extension Chairpersons have not given Statements the commitment they deserve. It is unacceptable that the House waits for Statement responses for upwards of six months, when Chairpersons while in plenary commit to dispense with such Statements in two weeks.

**Hon. Members**, in the Second Session (2018), we have a total of 27 pending statements while in the Third Session (2019) we have a total 17 pending statements. In total, we have 44 pending statements from the Second Session up to the current Session. Details of the same are attached to this communication.

**Hon. Members**, as you continue working with the diligence you have exhibited in executing your oversight mandate for the benefit of Nairobi residents, I hereby direct that Chairpersons with pending Statements from the Second Session to date should move with speed to dispense of the statements in their respective Committees and give a status report to this Assembly by Wednesday, 27<sup>th</sup> March, 20169 where every Chair will be called upon to give his/she respective report.

Hon. Members, Chairpersons who fail to observe the foregoing direction must report to the Speaker the reason for such failure in time for the County Assembly Leadership to take necessary action on the same.

Hon. Members, the Chair commits to follow up on the forgoing to ensure all pending statements are responded conclusively.

Thank you.

#### **4. PAPERS LAID**

The following paper was laid on the Table of the Assembly;

#### **THE REPORT THE SELECT COMMITTEE ON SELECTION ON THE WORKSHOP HELD FROM 14TH TO 18TH DECEMBER, 2018**

**(Chairperson, Select Committee on Selection)**

#### **5. STATEMENT PURSUANT TO STANDING ORDER 41(2)(C)**

**Pursuant to Standing Order 45 (2) (c) the following Members requested for Statements: -**

- i. Statement by Hon. David Mbithi, MCA will request for a Statement from the Chairperson of the Sectoral Committee on Energy and ICT regarding compliance with the legal provision requiring the County parking facility for oil tankers; (*Response due on Tuesday 9<sup>th</sup> April, 2019*)

- ii. Statement by Hon. Daniel Ngengi, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the harassment of private Bike riders and couriers in the CBD by County Askaris; *(Response due on Tuesday 10<sup>th</sup> April, 2019)*
- iii. Statement by Hon. Samora Mwaura, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Health Service regarding stalled construction of public health facilities in Nairobi County for instance, Maji Mazuri Health Centre. *(Response due on Tuesday 10<sup>th</sup> April, 2019)*

**Pursuant to Standing Order 45 (2) (c) the following response to Statement was given: -**

- i. Hon. Millicent Jagero, MCA from the Chairperson of the Sectoral Committee on Environment and Natural Resource regarding delay in payment of contractors charged with the responsibility of garbage collection in the County;
- ii. Hon. Geoffrey Majiwa, MCA from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the submission of budget proposal from institutions superintended by the County Executive Department.

**6. MOTION- HON.KABIRO MBUGUA, MCA**

**Motion Made and Question Proposed;**

**AWARE THAT**, every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations as envisaged under Article 42 of the Constitution of Kenya, 2010 (COK); and **THAT** Article 69 (1) (b) of the COK obliges the state to work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya; **FURTHER AWARE THAT** Paragraph 10 of Part 2 of the Fourth Schedule of the COK, obliges the County government to implement government policies on natural resources and environmental conservation including soil and water conservation and forestry; **DEEPLY CONCERNED THAT** there has been a steady decline of Kenya's forest cover in recent years and; **THAT** there is emergence of and continued global debate on Climate change in the world; **REGRETTING** that there are no programs from either the National or county governments to provide for a tree planting day by the citizenry; **REALIZING** that if nothing

is done the future generation of Kenya stands to have harsh climatic conditions and that with introduction of the Nairobi City County Tree-Planting day the County stands to increase its' forest cover, establish partnerships to increase the forest cover and maintain its' pride as the "Green City in the Sun"; this Assembly **URGES** the County Executive to move with speed to establish the Nairobi City County Tree-Planting day in partnership with the Kenya Forest Service to have a day set aside for the citizens/residents to plant a tree annually as a way of instilling an environmental conservation culture in the County.

*(Hon. Kabiro Mbugua, MCA)*

Debated ensued;  
Mover replied;  
Question put and **Agreed to;**

And the time being five minutes Past Four O'clock the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**7. ASSEMBLY ROSE** - at Five minutes past four O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, March 26<sup>th</sup>, 2019