



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – (FIFTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, DECEMBER 2, 2021 AT 2.30 P.M.**

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

**QUORUM OF THE ASSEMBLY**

The presiding Chair (Hon. John Kamangu, MCA) having confirmed that there was no Quorum ordered the Bell to be rang for ten Minutes.

There being a Quorum at the expiry of the ten minutes, the presiding Chair called the Assembly to order.

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

The presiding Chair conveyed the following communication: -

**ADJOURNMENT OF THE ASSEMBLY.**

**“Hon. Members,** as you are all ware, today marks the end on the Fifth Session of the Second Assembly of Nairobi City County Pursuant to Provision of Standing Order No. 29, which guides on the end of Session to be today, Thursday, 2<sup>nd</sup> December 2021.

**Hon. Members,** as the Assembly anticipates its adjournment, the Office of the Speaker wishes to note with appreciation your contribution during this Fifth Session, as the Assembly has been able to consider the following key legislations; -

1. [The Nairobi City County Cultural Heritage \(Amendment\) Bill, 2021](#) by Hon. Silas Matara Ongwae, MCA - Member for Dandora II Ward;
2. The Nairobi City County Polytechnics and Home Craft Centres Bill, 2021 by Hon. Samuel Ng'ang'a Mwangi, MCA - Member for Kayole North Ward;

3. The Nairobi City County Public Open Spaces Use and Maintenance Bill, 2021 by Hon. Millicent Okatch, MCA - Nominated;
4. [The Nairobi City County Early Childhood Development and Education Bill, 2021](#) y Hon. Jayendra Malde, MCA - Member for Parklands/Highridge Ward;
5. The Nairobi City County Plastic Control (Amendment) Bill, 2021 by Hon. Charles Thuo Wakarindi, MCA - Member for Dandora III Ward;
6. The Nairobi City County Civic Education Bill, 2021 Hon. Silas Matara Ongwae, MCA - Member for Dandora II Ward;
7. [The Nairobi City County Appropriation Bill, 2021](#) by the Budget and Appropriations Committee;
8. The Nairobi City County Betting, Lotteries and Gaming (Amendment) Bill 2021 by Hon. Waithera Chege, Member for Nairobi South Ward;
9. The Nairobi City County Public Nuisance Bill 2021 by Hon. James Kiriba, Member for Riruta Ward;

And two more scheduled for introduction this afternoon, being;

10. The Nairobi City County Air Quality Bill 2021 Hon. Waithera Chege, Member for Nairobi South Ward; and,
11. The Nairobi City County prevention of violent extremism Bill 2021 Hon. Waithera Chege, Member for Nairobi South Ward;

#### ON MOTIONS

Additionally Hon. Members, during the Fifth Session, a total of **63 Motions** both Substantive, **Procedural Motions** and Committee Reports were considered.

Equally, Hon. Members, the Office of the Speaker wishes to acknowledge the greatest contributors of Motions and Bills in the Assembly. These being;- **Hon. Hassan Abdi Guyo –Leader of the Majority Party, Hon. Peter Imwatok – Member for Makongeni Ward, Hon. Daniel Ngengi - Member for CBD, Hon. James Kiriba - Member for Riruta Ward, Hon. Kabiro Mbugua -Special Elect, Hon. Silas Matara - Member for Dandora Area II Ward, Hon. Millicent Jagero - Special Elect, Hon. Paul Kados - Member for Mihango Ward, Hon. Mark Mugambi –Member for Umoja 1 Ward, Hon. Patrick Musili –Member for Hospital Ward, Hon. Waithera Chege –Member for Nairobi South Ward, Hon. Mary Ariviza –Special Elect, Hon. Peter Wanyoike –Member for Dandora 1 Ward,** Thumbs up! Hon. Members. *Hongera* also to you all, for without you,

Hon. Members, debate and subsequent approval of the motions wouldn't be possible.

ON DECLARATION OF INCOME, ASSETS AND LIABILITIES; -

Hon. Members, you will recall the earlier communication requiring Officers and Members to fill the Declaration of Income, Asset and Liabilities. Section 27 of the same, Public Officer Ethics Act, 2017 provides that declaration of income, asset and liabilities SHALL be submitted in December of every second year, and that persons joining Public Service is required to make initial declaration within 30 days of becoming state officers and final declarations within 30 days of ceasing to hold state of Public Office. Hence Hon. Members, kindly note that the deadline for final submission is 31<sup>st</sup> December 2021.

ON LONG RECESS; -

Hon. Members, upon execution of business contained in the Order paper, the Assembly will proceed for the recess until Tuesday, 8<sup>th</sup> February 2022. It is also worth noting that the Assembly may call for a Special Sitting Pursuant to provision of Standing Order No. 30 should the need arise.

Further, Hon. Members, Committees will resume their sittings on Monday, 17<sup>th</sup> January 2022.

In addition, Hon. Members, the Assembly has planned a retreat for all the Members of the Assembly and the same shall be communicated in due course.

FESTIVE SEASON; -

Hon. Members, allow me also to take this humble opportunity to wish you, with your families and constituencies happy holidays and a blessed 2022."

#### **4. PETITIONS: -**

The presiding Chair read the following petitions: -

- a) Petition by the residents of Baba Dogo Ward in Nairobi City County regarding conversion of public land LR NO. 336/397 to private land; and
- b) Petition by the concerned residents of Nairobi, representative of Consumer Grassroots Association (CGA), regarding the safety of food in the County.

The Petitions were committed to the Sectoral Committees on Planning and Housing; and Health Services respectively.

#### **5. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(C)**

Pursuant to Standing Order 45(2) C, the following Member requested for Statement: -

- (a) Hon. Waithera Chege, MCA regarding for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the engagement of freelance waste pickers in the County.

**Pursuant to Standing Order 45(2) f, the following responses were tabled: -**

- i. The Chairman of the Sectoral Committee on Health Service tabled the response to Statement requested by Hon. Mark Mugambi MCA and Hon. Peter Wanyoike MCA on behalf of Hon. Paul Kados MCA respectively regarding the delayed medical supply to County Health facilities and status of the ongoing construction of new hospitals within the County;
- ii. The Deputy Majority Leader gave a response to Statement requested by Hon. David Mberia, MCA regarding the construction of a road in the county specifically Academic road in Karen ward; and
- iii. The Deputy Majority Leader gave a response to Statement requested by Hon. Mwangi Njihia, MCA regarding the status of renovation works on various roads across the city, particularly service roads such as Kirichwa lane in Adams Arcade and Mbaruk road.

#### **6. MOTION - REDUCTION OF THE PUBLICATION PERIOD**

Motion Made and Question Proposed: -

**THAT**, Notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period of the Nairobi City County Air Quality Bill, 2021 (Assembly Bill No.12 of 2021) from fourteen (14) days to two (2) days.

(Deputy Majority Leader)

Debate Ensued;

Mover Replied;

Question Put and *Agreed to*;

#### **7. MOTION - REDUCTION OF THE PUBLICATION PERIOD**

Motion Made and Question Proposed: -

**THAT**, Notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period of the Nairobi City County Prevention of Violent Extremism Bill, 2021 (Assembly Bill No.13 of 2021) from fourteen (14) days to two (2) days.

(Deputy Majority Leader)

Debate Ensued;  
Mover Replied;  
Question Put and *Agreed to*;

**8. BILL – THE NAIROBI CITY COUNTY AIR QUALITY BILL, 2021 (ASSEMBLY BILL NO. 12 OF 2021)**

Order for First Reading Read;

The Bill read a First Time and committed to the Sectoral Committee on Environment and Natural Resources.

**9. BILL – THE NAIROBI CITY COUNTY PREVENTION OF VIOLENT EXTREMISM BILL, 2021 (ASSEMBLY BILL NO.13 OF 2021)**

Order for First Reading Read;

The Bill read a First Time and committed to the Sectoral Committees on justice and Legal Affairs; and Children, Early Childhood Education and Vocational Training.

**10. MOTION – REMOVAL OF BARRIERS ERECTED ON PUBLIC ROADS WITHIN RESIDENTIAL ESTATES**

Motion Made and Question Proposed: -

**THAT**, aware that the Constitution of Kenya, 2010 under Part 2 of the Fourth Schedule provides for roads as a function of the County Governments, whose purview primarily deals with County Roads under the enabling legislation; **NOTING** that the Nairobi Metropolitan Service (NMS) and the County Government, as well as the National Government have provided support which has seen various roads across the County Tarmacked or brought to motorable standards to the great benefit of residents; **DEEPLY** concerned that in some Estates across the City, Residents Associations have instead blocked off access and easements on the newly paved roads, under the pretext of security measures, effectively privatizing public roads and greatly inconveniencing other users; **RECOGNIZING** that some of the Residents Associations are demanding gate passes, or even charging for road use and erecting various barriers preventing some vehicles and pedestrian traffic from accessing the said public roads; **AWARE** that the Assembly in 2014 passed a Resolution requiring that all barriers erected on public roads within residential areas be removed without conditions and the same opened to public use; **REITERATING** that while the County took action to implement this Resolution, seven years have since lapsed and Residents Associations seem to have gone back to business as usual, with every estate currently with public access roads now blocked or barriers erected and passage only possible through gate passes; this Assembly **RESOLVES** that the County

Executive in conjunction with the Nairobi Metropolitan Services take immediate action to remove any barriers erected on public roads within the residential estates with a view to restoring such roads to public use and to ensure no such barriers are erected in future on public roads without the County's authority.

(Majority Whip)

Debate Ensued;

Mover Replied;

Question Put and *Agreed to*

**11. BILL - THE NAIROBI CITY COUNTY PLASTIC CONTROL (AMENDMENT) BILL, 2021 (ASSEMBLY BILL NO. 6 OF 2021)**

Order for Second Reading Read;

**12. MOTION - ADJOURNMENT OF THE COUNTY ASSEMBLY REGULAR SESSIONS**

Motion Made and Question Proposed: -

**THAT**, pursuant to the provisions of Standing Orders 28 and 29 (3), this Assembly adjourns until **Tuesday, 8<sup>th</sup> February, 2022**, in accordance with the Calendar of the County Assembly (Regular Sessions).

(Deputy Majority Leader)

Debate Ensued;

There being no other business and the time being fifteen minutes past Four O'clock the presiding Chair (Hon. John Kamangu, MCA) adjourned the Assembly without Question put pursuant to the Standing Orders.

**13. ASSEMBLY ROSE - at **Fifteen Minutes past Four O'clock.****

**MEMORANDUM**

The Speaker will take the Chair on  
**Tuesday, 8<sup>th</sup> February, 2022 at 9.30 a.m.**

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