



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 5, 2014

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with a word of Prayer

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following Communication –

I. County Fiscal Strategy Paper For The Financial Year 2014/2015

“Hon. Members, on the 28th February, 2014, the County Treasury submitted to the office of the Clerk the County Fiscal Strategy Paper and this was done in line with the provisions of Section 117 of the Public Finance Management (PFM) Act 2012 and Standing Order number 206(1). Further, in line with Standing Order 206(7), the County Assembly must consider and adopt with or without amendments, the County Fiscal Strategy Paper by the 13th of February, 2014. In this regard I would like to direct as follows: In line with provisions of Standing Order 206(1), the County Fiscal Strategy Paper be committed to each central Committee, that notwithstanding the provisions of Standing Order number 206(7), this Committees should submit their recommendation to the Budget and Appropriation Committee in the next 7 days.

Hon. Members, after receiving the submission from the Sectoral Committees, the Budget and Appropriation Committee shall consider them and Table a report in the House in 14 days” time or by the 18th of March, whichever comes first.

II. Signing Attendance For Plenary Sitzings

Hon. Members, you will recall that on Wednesday, February 26th, the Chair issued a communication regarding Quorum which is arising out of lack of attendance of Plenary Sitzings by Members. The Chair then committed to observe the situation over a week's period and take the necessary action if no change is recorded in the attendance of Plenary Sitzings.

Hon. Members, I indeed have unfortunately observed that there has been no change in attendance of Plenary and Quorum hitches continue to impede the conduct of business before the Assembly. You are all aware that Article 194(1b) of the Constitution on vacation of office of Member of County Assembly, and respectively the Standing Order number 230 provides for modalities of dealing with Members who persistently miss Plenary Sitzings. Standing Order 230(1) provides as follows;

“If during any Session a member is absent from eight sittings of the County Assembly without permission in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to a Committee of Privileges for hearing and determination”.

The provision summarizes as follows regarding a Member found to have flouted this provision;

“At the conclusion of the debate on a Motion under paragraph (4) the Speaker shall not put a question but shall declare that pursuant to Article 103(1b) of the Constitution the office of the Member concerned has become vacant”.

Hon. Members, in order not to force the Chair to act in this very punitive matter, it is in your own best interest to attend Plenary Sitzings or inform the Chair of your absence by way of written notice. In the meantime, Hon. Members, I direct that all Members sign the attendance sheet at the end of the Assembly.

III. Decorum During Committee Meetings

Hon. Members, the Chair made a communication during the last session regarding decorum both in Plenary and Committee meetings and on which he guided on the mode of dressing and presentation for Plenary and Committee meetings. However, the Chair noted with utmost concern that Members are increasingly flouting our own provision on the foregoing matter.

It has since come to my attention that the matter needs revisiting. I wish to issue further guidance as follows: Hon. Members, by practice and procedure and by interpretation of Standing Order number 177, a Committee of the Assembly is merely an extension of the Assembly. The procedure practiced, precedence and custom as applies to the Plenary therefore directly apply to the Committee sittings.

The Chair therefore, takes great exception to Members who are increasingly attending Committee sittings in t-shirts, open shoes or other unauthorized attires. By its very nature, the implication of this being an Honourable and August Assembly is that our dressing and mannerism be formal and respectful.

Hon. Members, henceforth, the Chair will not take lightly Members whose dressing and mannerism during Committee sittings and Plenary bring the reputation of the Assembly into disrepute. Chairpersons of Committees are therefore advised to strictly enforce the provisions of our regulations, and the Speaker's rules on this matter.

IV. Unsolicited Visits To County Executive Offices

Hon. Members, the Chair has noted with great tribulation concerns raised by the Executive Members on unsolicited visits to the County Executive Offices. Hon. Members, there have been incidents of altercations involving Members and officers of the Executive which has only served to bring great disrepute to the Assembly and necessitates us to take appropriate action to prevent the same from recurring and I wish to guide as follows:-

Hon. Members, the Constitution of Kenya under Article 185 bestows upon the Assembly legislative authority to makes laws and hold the County Government to account. The provision among others relating to the mandate is appreciated by the Chair, no less that Hon. Members appreciate it.

Hon. Members, distinction must be made between oversight and sheer interference with the administrative duties of County Executive Officers. Hon. Members, it is becoming a habit for Members to pay unsolicited courtesy calls to Executive Officers within the County and cause commotions over one issue or another. I am actually expecting a report, I understand a Member yesterday had a fight with one of the officials in the County.

The Chair will not hesitate to act sternly against Members intent on bringing disrepute upon this institution by engaging unnecessarily in tiffs with the Executive Officers in their places of work. The Constitution's relevant statutes and our Standing Orders provide channels through which Members can exercise their legislative, representative and oversight mandates.

Hon. Members, nowhere is fiscal confrontation provided for as an avenue for oversight. Members are therefore warned to resist and desist from engaging in such destructive and unnecessary exchanges with the County Executive Officers.

Hon. Members, as earlier stated in my communication, in regard to representation, with regard to your Wards, official matters must pass through the Clerk or the office of the Speaker.

It is so guided.

Thank you.”

4. NOTICE OF MOTION – (Mr. Alfred Mbau)

THAT; aware that Nairobi City County has the highest population with the fastest infrastructure development, we are deeply concerned that the failure to mark and name all roads and streets and to number all the buildings is hampering the aforementioned development; noting that this is crucial in order to see the provision of quick and efficient services such as courier, firefighting, security and postal services; this Assembly resolves that the County Government will move with speed and ensure all County roads, streets and buildings are marked and the building number should coincide with the land registration number where the buildings stands to facilitate land rates collection amongst other things.

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

- i. The Hon. Jacqueline Nyangala requested a statement from the Chairperson of the Sectoral Committee on Transport and Infrastructure regarding the installation and subsequent use of traffic lights in Nairobi City County. The chairperson was asked to inquire into and report on:-
 - a) Installation of traffic lights and who is responsible for the management, monitoring and evaluation;
 - b) The plans that the County has, underway for roads that do not have traffic lights especially junctions, if they still intend to use traffic lights solely in the future.
- ii. The Hon. Magdalene Mbogori requested a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare on the state of Nairobi City Stadium. The chairperson was asked to inquire into and report on:-

- c) Whether the County has a plan to employ new staff and if so when;
- d) What is the County Government doing to improve the security at the stadium?
- e) Whether the County Government has plans to renovate and upgrade the status of City Stadium and;
- f) How the defunct City Council spent so much money on the renovation of the bathrooms and washrooms at the stadium and yet they are in a very poor state.

6. PROCEDURAL MOTION – ASSEMBLY’S SECOND SESSION CALENDER

Motion made and Question proposed-

THAT pursuant to Standing Order 25(1), this Assembly approves the calendar of the Assembly regular sessions for the Second Session of the Assembly as it appears in the notice paper.

Debate arising;

Mover called upon to reply

Question put and agreed to;

7. MOTION- INCREASE IN NUMBER OF STREET CHILDREN/FAMILIES

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 law enforcers, enforcement is crucial to a harmonious living and orderly conduct of businesses in the city; deeply concerned that the enforcement of city by laws by the County Askaris most often borders on illegal and unconstitutional characterized by arbitrary arrests and harassment of Nairobi residents thus infringing on their rights and fundamental freedoms; noting that such arbitrary arrests and harassment expose the County Government to costly litigation from affected residents; this Assembly urges the County Government to urgently hasten the recognition and retraining of the County Askaris to ensure compliance with the Constitution in enforcement of County legislations and by-laws.

(Hon. Hon. Osman Adow)

Debate arising;

Mover called upon to reply

Question put and agreed to

8. **ASSEMBLY ROSE** - at forty seven minutes past four o'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, March 6th, 2014 at 2.30p.m

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