



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 8, 2016

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

QUORUM OF THE COUNTY ASSEMBLY

The Presiding Chair having confirmed that there was no Quorum caused the Division Bell to be rung 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:-

- OMISSION OF MOTION FROM ORDER PAPER AS RULED BY THE CHAIR

“Hon. Members, on Wednesday 2nd March, 2016, the Motion by the Hon. Caroline Muga was interrupted due to lack of Quorum. The Chair subsequently directed that the Motion appear on the Order Paper of Thursday, 3rd March, 2016. However, the same did not happen, occasioning acrimony from the concerned Member who had prepared to move the Motion on the Material day.

Hon. Members, the Chair committed on Thursday 3rd March, 2016 to issue a communication regarding this oversight on the part of the concerned officers.

Hon. Members, I wish to report that the matter has since been resolved and measures put in place to ensure such never happens going forward.

Thank you.

-COUNTY FISCAL STRATEGY PAPER

Hon. Members, on the 26th of February 2016, the County Treasury submitted to the Office of the Clerk the County Fiscal Strategy Paper. This was done in line with the provisions of Section 117 of the Public Finance Management (PFM) Act, 2012 and Standing Orders 206 (1). However, arising from the misunderstanding on the alterations of the budget for the County Assembly Service Board, the submitted Paper was returned to the County Treasury for clarification.

Hon. Members, I wish to inform you that all the issues have been explained. Having been duly submitted and in line with the provisions of Section 117 (7) of the PFM Act, 2012 and Standing Order 206 (7) the County Assembly must consider and adopt the County Fiscal Strategy Paper with or without amendments. The PFM Regulations 2015 have explicitly set the timeline for approval of the document at 15th March of each year. As Members may realize, due to aforementioned circumstances it was not possible to table the Paper and commit it to the Committees for timely reporting as required by the Standing Orders.

In this regard therefore, I direct as follows.

In line with provisions of Standing Order 206 (3) The County Fiscal Strategy Paper has been duly committed to each Sectoral Committee to review in line with their respective mandates and those Committees should submit their recommendations to the Budget and Appropriations Committee in the next seven days or by the 15th March 2016, whichever is earlier. Hon. Members, during this time these Sectoral Committees are advised to suspend any pending business before them and thoroughly review this important budget instrument. After receiving the submissions

from the Sectoral Committees, the Budget and Appropriations Committee shall consider them and table a report in the house in 14 days' time or by the 22nd March 2016.

It is so directed.

-VISIT BY THE SPEAKER OF THE SENATE TO THE NAIROBI CITY COUNTY ASSEMBLY

Hon. Members, the Office of the Speaker is in receipt of a letter dated 1st March, 2016 from the Speaker of the Senate on his intention to visit the Nairobi City County Assembly.

Hon. Members, the visit will be undertaken on Wednesday 9th March, 2016 at 11.00am. The Hon. Speaker of the Senate will use the opportunity of this visit to discuss the milestones achieved, challenges faced by the Assembly, proposed areas of collaboration with the Senate as well as other issues of mutual interest.

Hon. Members, the Speaker of the Senate will meet the Leadership of the Assembly who shall then report on the outcomes of the engagement to the Assembly.

Thank you.”

4. PAPERS LAID

The following papers were laid on the Table of the Assembly:-

- i. FISCAL STRATEGY PAPER 2016/17

(Leader of Majority Party)

- ii. THE REPORT OF THE SELECT COMMITTEE ON APPOINTMENTS ON THE VETTING OF THE NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER RESPONSIBLE FOR ENVIRONMENT, WATER, ENERGY AND SANITATION SECTOR

(Chairperson, Select Committee on Appointments)

5. STATEMENT PURSUANT TO STANDING ORDER 40(1)

Pursuant to Standing Order 41 (2) (c) the following Members requested for statements:-

- a) Statement requested by Hon. Petronilla Nafula from the Chairperson of the Sectoral Committee on Planning and Housing regarding the notices of payment for various projects for which registration and compliance requirements must be met as prescribed in the National Construction Authority Act and Regulations was responded to.
- b) Statement requested by Hon. Ngaruiya Chege from the Chairperson of the Sectoral Committee on Planning and Housing regarding the construction of a perimeter wall by Kenyatta University on road reserve along the Northern Bypass was differed to next Assembly sitting.

6. MOTION - ESTABLISHMENT OF A FULL-FLEDGED CHILDREN'S DEPARTMENT**Motion made, question proposed-**

THAT, aware that the United Nations Convention on the Rights of the Child (UNCRC), is the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history, ratification which Kenya is party to; noting that the Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to and also explains how adults and governments must work together to make sure all children enjoy all their rights; deeply concerned that ensuring child rights in Kenya is still a challenge, 26 years after ratification of the treaty, and efforts by the State to enforce these rights has not been sufficient as evidenced by rampant cases of abuse and neglect; Children Act, 2001 states that it is the duty of local authority, in this case the County Government, to safeguard and promote the right and welfare of children within its jurisdiction; recognizing that if County Governments do not supplement efforts to address Child Rights by National Government the implementation of the UNCRC charter will remain a mirage; Considering the huge mandate that the Nairobi City County has in respect to the Children, this Assembly urges that the Nairobi City County Executive Committee and Nairobi City County Public Service Board to move with speed and establish a full-fledged Children's Department to work hand in hand with National

Government agencies in ensuring the protection of Child rights and related concerns within Nairobi City County.

(Hon. Caroline Muga, MCA)

Debate arising

Mover replied

Question put and Agreed to.

7. MOTION - ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES ON THE STATUS OF WASTE MANAGEMENT WITHIN NAIROBI CITY COUNTY

Mover on the floor;

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES ON THE STATUS OF WASTE MANAGEMENT WITHIN NAIROBI CITY COUNTY, laid on the Table of the Assembly on Wednesday 10th February, 2016.

QUORUM OF THE ASSEMBLY

Rising in her place on a Point of Order, Hon. Caroline Muga drew the attention of the Presiding Chair to the fact that there was no Quorum in the Assembly;

And the Presiding Chair having confirmed that there was no Quorum caused the Division Bell to be rung;

And there being **no** Quorum after expiry of eight minutes;

And the time being five minutes to Four O'clock, the Presiding Chair interrupted the proceedings and adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - Five Minutes to Four O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, March 9, 2016 at 2.30 p.m.