



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 13th February 2024

The House met at 2.30 p.m.

The Speaker (Mr. Kennedy Ng'ondi) in the Chair

PRAYER

Hon. Speaker: Hon. Members, you may be seated. You may proceed, Clerk!

COMMUNICATION FROM THE CHAIR

RESUMPTION FROM LONG RECESS

Hon. Speaker: Good afternoon Hon. Members, Order! Hon. Commissioner. Hon. Members, I have the following Communication to relay to the Assembly on the resumption of the plenary after a long recess.

Hon. Members, good afternoon and allow me to welcome you this afternoon for the Assembly sitting on the resumption from long recess. Hon. Members, I stand before you here today on the momentous occasion of our reconvening after a well-deserved Recess.

Hon. Members, time apart allows for reflection, for reconnecting with constituents and for gathering the energy required to tackle the challenges ahead. I trust you have used this break productively, and now have returned invigorated and ready to continue serving our nation. I therefore take this opportunity to warmly welcome you back, to this esteemed August House.

Hon. Members, as we embark on the 3rd Session of this Assembly, several key priorities lie before us:

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Priority No. 1: Consideration and passage of the Nairobi City County Annual Development Plan FY 2024/2025, which is an important preliminary document in the budget cycle;

Priority No. 2: Consideration and passage of the Nairobi City County Fiscal Strategy Paper 2024/2025, which is due for submission by the County Executive on or before 28th February 2024; I hope you are documenting this dates Hon. Members - The CIDP Paper and the Strategy Paper.

Priority No.3: Consideration and passage of several Bills that were committed to Sectoral Committees towards the end of the 2nd Session for public participation;

Priority No.4: Receipt and consideration of Quarterly Reports by Committees from the County Executive in line with the provisions of the Public Finance Management Act, 2012 and the oversight role bestowed onto the Assembly by Article 185 of the Constitution of Kenya; and

Priority No.5: Consideration of the Supplementary Budget Estimates. This is an important instrument to re-align the County budget - both the Assembly and the Executive - to realities of the economy and to make the budget more realistic and responsive to the needs of the County.

Hon. Members you may proceed and seat

(Several Hon. Members standing at the Bar bowed and proceeded to take their seats)

Thank you Majority Leader and Minority Leader and the Whip and Deputy Whip; welcome to the House.

Hon. Members, the other item is on issues before the Assembly. As we look forward to consider and dispense with the foregoing issues among many others, we are entrusted with the hopes and aspirations of our people. It is our solemn duty to act with integrity, to engage in respectful discourse, and to prioritize the betterment of our County. Let us approach each issue with open minds, seeking common ground and solutions that benefit all.

In addition, this Assembly is not merely a forum for debate. It is a platform for collaboration, finding common ground, forging compromises that benefit all. Let us strive to leave the divisive rhetoric behind and focus on the shared values that bind us together. Let us engage in respectful dialogue, in constructive criticism, and in the pursuit of solutions that truly serve the needs of the people.

I make this rallying call because we are not just Members of County Assembly, we are also representatives of the hopes and dreams of our fellow citizens in this great City of Nairobi. Let us carry their trust with pride, let us work with dedication, and let us strive to leave this County better than we found it.

Hon. Members on pending business before the Assembly as we may recall in my communication at the adjournment of the Assembly's Second Session, I gave an average assessment of our performances as an Assembly. This was informed by the collective discharge of our mandate both in Committees and the Plenary. In the legislative agenda, I observed that we had unsatisfactory performance against the legislative goals set out in the retired Strategic Plan.

However, there was light at the end of the tunnel when the challenges related to publishing of Bills were eventually overcome and a good number of Bills were committed to Sectoral Committees. This should, however not obscure us from the need to champion for and originate more legislative proposals.

The office of the Clerk is always open to receive ideas, reason with Members and package these ideas into proposals that can grow through the processes and procedures to become Bills. Therefore, I encourage Members to take advantage of the human resource that is at our disposal to originate Bills.

Hon. Members, on oversight, committee system is the engine responsible for setting and driving the agenda in Commonwealth legislatures. This is for the good reason of flexible procedural environment for conducting business. It is noteworthy to observe that as the adjournment of the Assembly for the long recess, virtually all Committees had business pending before them.

These are not limited to Petition reports, responses to Statements, reports on Bills, reports on site inspection visits, reports of on Reports of Auditor General, reports on inquiries and reports on statutory instruments. We owe the people of Nairobi this work. In this regard, I call upon all Chairpersons to prioritize pending business in your respective Committees, thus, in the next four (4) weeks, it is my desire that the Assembly will be kept busy considering business generated by Committees out of pending work. Progressively, in respective work plans, Committees must seek to address lingering problems in the County from unresponsive and unaffordable healthcare and poor facilities, dilapidated roads, poor drainage that occasion flooding, challenges in access to education, inadequate community services, chaotic public transport to inaccessible water and sewerage services.

Hon. Members, I am aware that the Select Committee on Liaison under the leadership of the Deputy Speaker is in the process of holding its sessional inaugural meeting to plan for its workshop whose top of the agenda is to review performance of Committees, make new policies, allocate resources to Committees and set the ball rolling for 3rd quarter workshops. I call upon the Committee to speak with high tone with respect to output from Assembly Committees and put in place mechanisms that will properly guide Chairpersons to focus on the rational agendas rather

than leading Committees on adventurous paths of diversionary interests that can taint institutional integrity.

Hon. Members on the attendance to Chamber and general conduct during the last Session, the Plenary experienced undeserved incidents of consistent lack of quorum. Our Standing Orders are express on Members who miss eight (8) consecutive plenary sittings. However, before we reach there, may I bring to the attention of the Assembly that the duty to service is a constitutional calling and the right to be represented on the part of the people is also anchored in the Constitution. This Session and going forward should surely be different by ensuring that we attend both plenary and Committee meetings where we discharge our Constitutional responsibilities. On our part as the leadership, as we have done before, we assure you as the Membership of our unwavering commitment to your welfare and wellbeing.

Hon. Members, on the issue of general conduct, as the Chairperson of the Select Committee on Powers and Privileges, the Assembly was treated to several incidences of improper misconduct in the past Session occasioned by interpersonal misunderstandings between Members. Hon. Members, the electorate need nothing short of quality services. Article 260 of the Constitution of Kenya designates you as state officers and in its Chapter Six and enabling Statutes, Members are required upon to conduct themselves appropriately both in public and private life in a manner that encourages public confidence in the office they hold.

May I put all of us on notice that the Privileges Committee was reconstituted and reinvigorated, thus, any case of inappropriate conduct will be dealt with firmly in accordance with the provisions of the Standing Orders and the statutes. In addition, as the Speaker and custodian of the law, I will not hesitate to take action on any Member propagating discord through acts of savagery. Nonetheless, Hon. Members, I have confidence that we shall resolve our issues with civility and forge a harmonious Assembly going forward. You are so guided Hon. Members.

PARKING

Hon. Speaker: Hon. Member I have a further Communication to make in regard to the parking.

Hon. Members, my office is in receipt of a complaint letter from a public interest lobby group called RLO Associates dated 30th January 2023, drawing my attention to inappropriate parking by Members of County Assembly within the Central Business District (CBD).

In their letter, they observe that the County Assembly is the principal legislative entity in the County of laws that govern and regulate conduct of business and activities including parking, public transport and City Planning.

In sharp contrast, we are accused of not leading by example in obeying these laws and regulations that we create. Notably, Members park their vehicles on pedestrian walkways and/or lanes on carriageways. This obstruction denies pedestrians their right to free and safe movement in the CBD. In addition, parking on carriageways and obstructing a full lanes causing traffic jam along Wabera Street, Mama Ngina Street and City Hall Way and expose motorists to avoidable accidents.

Honorable Members, as you may recall, the Assembly's parking was misappropriated and the discharge of Plenary and Committee mandate by Members was adversely affected for lack of parking for the better part of the First and Second Sessions. However, through the relentless effort of the Assembly leadership, the County Assembly was allocated parking slots along City Hall Way and Mama Ngina Street that were clearly marked and labeled by the County Executive. It is true that the then lack of proper parking occasioned Members and staff to park inappropriately on street lanes one lane streets and pedestrian walkways.

Hon. Members, it is inappropriate and unfortunate for Members to continue parking on walkways and on active streets despite being allocated parking slots on the said streets. It defeats our title of Hon. Members. That notwithstanding, it has come to my attention that since the parking issue was resolved, the parking boys/men who used to assist Members and staff in securing parking spaces have changed strategy. They have now resorted to ushering members of the public into parking along streets and pedestrian walkways and in Members' designated parking slots. In this regard, I direct the Director for Security Services as follows through the office of the Clerk:

- i) To ensure that the parking slots that were designated by the County Executive are only used by the Members of County Assembly;
- ii) To liaise with the County Executive security and compliance department and ensure that streets and walkways around the Assembly are ridded of deliberate acts of obstruction by both Members of County Assembly and members of the public; and
- iii) To liaise with County Executive security and compliance department to ban and enforce the ban of assisted parking propagated by parking boys/men.

Hon. Members, in this regard, you are encouraged to only park your vehicles in designated parking slots to avoid inconveniences to be occasioned by the foregoing directions. It shall be considered a breach of privileges should a Member park at undesignated places and relevant action shall be taken.

As such, the director of security services is hereby mandated to report to my office through the office of the Clerk, any Member who violates the foregoing directions for further action. Hon. Members, you are so guided.

MEMBERSHIP OF THE COUNTY ASSEMBLY SERVICE BOARD AND THE DE-WHIPPED JUBILEE PARTY MEMBERS

Hon. Speaker: Hon. Members, Kindly proceed.

(Several Hon. Members standing at the Bar bowed and proceeded to take their seats)

Hon. Members I have still further communications to make this is regard Membership of the County Assembly Service Board and the De-Whipped Jubilee Party Members.

(Applause)

MEMBERSHIP OF THE COUNTY ASSEMBLY SERVICE BOARD

Hon. Speaker: Honorable Members, my office is in receipt of a letter dated 12th October 2022 from Wiper Democratic Party Azimio Coalition nominating Hon. Jane Muasya, MCA to serve as a Member of the Nairobi City County Assembly Service Board.

(Applause)

This is to give effect to an earlier letter dated 12th October 2022 from Azimio la Umoja Coalition on the coalition pact regarding the position. Therefore, the letter will effect the replacement of Hon. Catherine Okoth who is currently serving in the Board. In this regard Hon. Members, may I bring to your attention the provisions of Section 12 (3) (c) of County Governments Act, 2012 as amended by Section 46 of the County Assemblies Services Act, 2017 and I quote:

“The Board shall consist of two members of the county assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly”

Hon. Members, in accordance with this provision, may I convey to you the nomination of Hon. Jane Muasya, MCA to Nairobi City County Assembly Service Board for your noting.

Accordingly, Hon. Muasya shall assume the office of Member of the Assembly Service Board upon being sworn in in accordance with the Constitution and County Assemblies Services Act, 2017. May I also take this opportunity to thank Hon. Catherine Okoth who has served as a Member of the Board with diligence. Indeed, you have been the epitome of selfless service and set a high bar with your impartial commitment to the welfare and wellbeing of Members of County Assembly and inordinately, the staff of the Assembly.

THE DE-WHIPPED JUBILEE PARTY MEMBERS

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Hon. Speaker: Honorable Members, as you may recall, on 20th April 2023, the Secretary General of Jubilee Party wrote to the Assembly Majority Whip, Hon. Moses Ogeto, MCA directing him to de-whip the following Jubilee Party allied Members of County Assembly from Assembly Committees in accordance with the Standing Orders for violating party constitution:

- i) Hon. Robert Mbatia, MCA;
- ii) Hon. Fiunifiu Thuo, MCA; and
- iii) Hon. Mary Wanjiru Kariuki, MCA.

Subsequently and in line with Standing Order 172, the Whip notified my office and the above mentioned Members in writing. Consequently, the Members stood de-whipped from the committees they were serving. However, having been dissatisfied with the actions of the Party, the said Members sought reprieve from the Political Parties Dispute Tribunal. Thus, the Tribunal, in its directions issued on 4th December 2023, restrained the respondent's from discharging or purporting to discharge the complainants from Committees of the County Assembly of Nairobi. In addition, the Assembly was ordered to ensure reinstatement of the complainants to the appointed committees with full benefits and to the leadership positions held therein.

(Applause)

Accordingly, Hon. Members, in conformity with the said directions of the Tribunal, I hereby direct the Majority Whip to reinstate the said Members to Assembly Committees.

(Applause)

Honorable Members, as I conclude, may I acknowledge our two External Members of Nairobi City County Assembly Service Board, Hon. Maurice Ochieng' and Hon. Mary Ndege who have graced today's sitting and are seated in the Speaker's Gallery. May I request the two Members to rise in their positions and wave to the Plenary.

(Applause)

In addition, Honorable Members, this Sitting is graced by the End Femicide Movement, a consortium of more than one thousand organizations, which are represented by the following members seated in the Speaker's Gallery:

- i) Ms. Diana Zaha (Team Leader)
- ii) Ms. Saida Mumbua
- iii) Ms. Faith Goko
- iv) Ms. Zawede Nzisa
- v) Mr. Paul Babu

May I request you to rise in your positions and wave at the Plenary.

Honorable Members, may I wish you a fruitful and fulfilling Session ahead. May God bless you and may God bless the City County of Nairobi. Thank you Hon. Members.

(Hon. Cathering Akoth rose to speak)

Hon. Catherine Akoth: Thank you Mr. Speaker sir for giving me this chance. First, I want to appreciate my party ODM and my party leader Raila Amolo Odinga for giving me the chance to serve as a Board member for the last four years. *(Applause)*

I do not take it for granted. I am so happy to leave the seat after a deep consultation with Wiper Party. Thank you Mr. Speaker.

(Applause)

Hon. Speaker: Thank you Board Member.

BILL

THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITION BILL, 2023,
ASSEMBLY BILL NO. 11 OF 2023

(First Reading)

(A Bill for an Act of Nairobi City County Assembly to Provide for Procedures for Evictions, Demolitions and Resettlements and for Matters Incidental Thereto)

Hon. Speaker: The Bill is committed to the Planning Committee.

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023,
ASSEMBLY BILL NO. 12 OF 2023

(First Reading)

(A Bill for an Act of the Nairobi City County Assembly for the Control and Licensing of Betting, Gaming and to Authorize Premises and Other Forms of Gaming Within the County for Authorization of Price, Competition and Public Lotteries Within the County for the Imposition of Entertainment Tax and for Connected Purposes)

Hon. Speaker: Thank you. I commit the Bill to the Trade Committee.

MOTION

Hon. Peter Imwatok: Hon. Speaker, I want to wish all of us a happy new year and to thank God for keeping us alive. As a Seventh Day Adventist, we say; God is good!

Hon. Members: All the time!

Hon. Peter Imwatok: And all the time God is good and that is His nature, wow! Hon. Speaker I am grateful for your communication, in particular about Hon. Catherine Akoth our mother who we have elevated to be an elder of this House. All ladies here can bear witness that historically she is the longest serving mum in this assembly.

(Applause)

I joined this assembly in 2013 and found Hon. Catherine here and she guided us on understanding what City Hall entails. Hon. Catherine, this assembly owes you for your service and most of the staff who have been recruited in this assembly have passed through your hands.

As Azimio Party, you are the most---

(Hon. Catherine Akoth rose to speak)

Hon. Speaker: Madam Commissioner, the Leader off Majority is on the floor please.

Hon. Peter Imwatok: Hon. Speaker I was saying that this House owes Hon. Catherine a lot and we appreciate you mum. You have done us great as a party and we are proud of you. We need to communicate the same to our party for what you have done to us for serving us with the spirit of partnership. You have held the seat with a lot of grace and decorum, and there is no time that Hon. Catherine has failed to execute her duties with the spirit of Azimio Party and more importantly the ODM Party. Mum, we salute you.

Hon. Speaker still on your communication which I am not supposed to delve too much, I welcome the members of my party who the affiliate Jubilee Party had punished. I hope that as they execute the process of the assembly they must at all times be chiseled towards the aspirations of the Azimio La Umoja Party Coalition.

(Applause)

That said and done, there is a communication that says: there is no deviation from the party position. If you do, I will instruct the party whips to take the necessary action.

Hon. Speaker, allow me to read the Motion:

APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE

That, pursuant to the provisions of Standing Orders 167 (1) (g), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business in addition to those specified under paragraphs(a), (b), (c), (d), (e) and (f): - i.e. the Speaker, the Leader of Majority, the Majority Whip, the Minority Whip as follows:

1. The Hon. Elijah Stazo Omung'ala, MCA – Deputy Majority Whip
2. The Hon. Wilfred Odalo Oluoch, MCA
3. The Hon. Abass Khalif, MCA
4. The Hon. Rose Masitsa, MCA
5. The Hon. Emily Oduor, MCA
6. The Hon. Moses Kitema, MCA

7. The Hon. Anthony Kimemia, MCA
8. The Hon. Nicholas Juma
9. The Hon. Chege Mwaura, MCA
10. The Hon. Dr. Clement Nganga Mwangi, MCA
11. The Hon. Hashim Athman Kamau, MCA
12. The Hon. Sospeter Mumbi, MCA
13. The Hon. Martin Mbugua, MCA
14. The Hon. Kame Adano Umuro, MCA
15. The Hon. Doreen Mugambi, MCA
- 16.. The Hon. Malyun Abdi MCA
17. The Hon. Diana Katile Mwangangi, MCA

Hon. Speaker as the provisions of the Standing Orders requires us in every session to constitute a House Business Committee, I hereby plead with this Hon. House to approve these Hon. Members to be part of the House Business Committee that will be processing and forwarding the business of the House to this assembly. I request the Minority Whip to second this Motion. Thank you.

Hon. Mark Mugambi: Thank you Hon. Speaker. Happy new year to all the Members, thank you Majority Leader for this chance to second the Motion on the appointment of Members to the House Business Committee. We only need a few changes if none to the committee.

Hon. Speaker I think they are ready and set to steer this Third Assembly in the right direction in terms of business of the House. With these few remarks, I beg to second.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, my screen is clear, an indication that I don't have any requests on this Motion. I therefore direct the mover to reply.

Hon. Peter Imwatok: Hon. Speaker and Hon. House, I want to thank you for acknowledging the importance of this special committee. I believe that all the Members who have been selected are able and almost all of them have served us in the last session very well. No one can question their reputation nor their capability to process all the Bills, Motions, Statements, before this House.

I want to thank you Hon. Speaker for all the guidance but most importantly, I wish every Member of this House a successful new session as we start the 2024 journey. I believe as I said in Mombasa that if you carry the burden of 2023 in 2024, it will be so heavy on you. Let us allow 2023 to go and usher 2024 with a lot of grace, love and respect amongst us and more so respecting the Office of the Speaker and all the staff that serve us.

I thank you, God bless you.

(Applause)

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, I direct that the House Business Committee sit at the rise of the assembly. The assembly stands adjourned to 2.30. p.m. tomorrow 14th February 2024.

The House rose at 4.00 p.m.