



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (FIRST SESSION)

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 30, 2022 AT 2.30P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

8. *MOTION – HON. CHEGE MWAURA, MCA

Subject: *County Wards Equitable Development Fund*

THAT, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) vide the **annexed draft petition** for the National Assembly to intervene and ensure: -

1. **THAT**, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.

2. **THAT**, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
- (i) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
 - (ii) That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
 - (iii) That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

9. *MOTION – HON. DAVIDSON DNG NGIBUINI, MCA

Subject: *Development of Regulations on virtual public Participation*

THAT, aware that Article 196 of the Constitution of Kenya 2010 provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees; **further aware** that Section 87 of the County Governments Act, 2010 provides for the principles of public participation which include reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards; **noting** that Section 115 of the Act provides that public participation in the county planning processes shall be mandatory and be facilitated through provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including clear strategic environmental assessments; clear environmental impact assessment reports; expected development outcomes; and development options and their cost implications; **concerned** that there appears to be little improvement in overcoming challenges faced in citizen participation due to resource and capacity constraints, poor bureaucratic coordination, late and bulky communication as well as a limited understanding by both local officials and citizens regarding the new roles and mechanisms for participation; **perturbed** that lack of timely information, feedback mechanisms and poor coordination of public participation meetings has negatively affected conduct of public participation in the County; **noting** that a serious limitations in terms of access to timely information and the lack of adequate civic education has resulted in citizens not taking part in public participation events; **acknowledging** that the County Assembly enacted the Nairobi City County

Public Participation Act, 2016 which provides for regulations for effective implementation of the Act, this Assembly urges the County Executive to urgently develop regulations to provide for: -

1. mandatory sharing of the Ward-specific documents to be discussed in public participation forums well in advance and in a concise and easily-understandable manner to enable members of the public to peruse the documents and adequately prepare for the public participation forums; and
2. mandatory virtual public participation in all County Government public participation operations across the County to complement the usual physical public participation forums.

NOTICES

I. The Assembly resolved on Wednesday, 26th October, 2022 as follows: -

- a) **THAT**, pursuant to the provisions of Standing Order 106(1), this Assembly **orders** that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* Denotes Orders of the Day*

NOTICE PAPER I

**Tentative business for
Thursday, 1st December, 2022 at 2.30p.m.**

(Published pursuant to Standing Order 41(1))

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday, 1st December, 2022 at 2.30 p.m.: -

A. *MOTION – HON. WAITHERA CHEGE, MCA

Subject: *Strategies and Programmes on Climate Change within the County*

THAT, aware that Article 42 of the Constitution of Kenya, 2010 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations; **further aware** that climate change is a complex social and scientific issue which is characterized by uncertainty and is a global nightmare with consequences that are already quite visible across the globe; **cognizant that** Article 12 of the Paris Agreement espouses the enhancement of climate change education, training, public awareness, public participation and public access to information; **noting that** climate change education explores mitigation and adaptation at both local and global level, critical, creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine to be appropriate actions in response to climate change; **Concerned that** human activities have substantially been increasing the atmospheric concentrations of greenhouse gases, this in turn enhances the greenhouse effect that will result in additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind **acknowledging that** the Climate Change Act 2016 provides that the County Government shall, in performance of its function, integrate and mainstream climate change actions, intervention and duties set out in the Act and the National Climate Change Action Plan into various Sectors. The County Government in development, updating and approval of County Integrated Development Plan and County Sectoral Plans mainstream implementation of National Climate Change Action Plan, taking into account National and County Priorities; **further acknowledging** that paragraph 10 of the Fourth Schedule to the Constitution of Kenya 2010 provides that the County Government is to implement specific national government policies on natural resources and environmental conservation, **now therefore** the County Assembly urges the County Executive to: -

1. develop strategies and education programmes on adaptability to climate change within the County;
2. develop a policy on climate change; and
3. Implement the National Climate Change Plan across all the Sector in the County.

B. *MOTION – HON. PERPETUA MPONJIWA, MCA**Subject:** *Deployment of traffic marshals near Schools for school going children's safety*

THAT, aware that Article 26 (1) of the Constitution of Kenya 2010 provides that every person has the right to life; Further Article 53 (2) of the Constitution states that a child's best interests are of paramount importance in every matter concerning the child; **concerned** that there is increased rate of road accidents involving school going children in Nairobi City County especially in public schools; **further concerned** that many schools children travel longer distances to access the few available education facilities that are affordable; **cognizant** of the vulnerability of unaccompanied school children crisscrossing Nairobi highways and busy roads to access the few affordable education institutions endangers their lives; **acknowledging** that the National Transport and Safety Authority (NTSA) has put in place measures to ensure road safety performance in line with international best practice, this Assembly urges the County Executive to:-

1. erect or put bumps and signals along County roads that are near schools and other social amenities to save vulnerable schools children from accidents on roads; and
2. deploy traffic marshals at all zebra crossing lanes on all major roads in Nairobi City to help school children in Nairobi safely cross the road to and from school, on or before the beginning of the new 2023 School calendar.

C. MOTION – THE LEADER OF MAJORITY**Subject:** *Adjournment in accordance with the Calendar*

The Speaker will today call upon the Leader of the Majority Party to move a motion for adjournment of the Assembly to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

(Thereafter, the Assembly to adjourn without question put)

***MOTION – (Leader of the Majority Party)**

THAT, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday, 14th February, 2023, in accordance with the Calendar of the County Assembly (Regular Sessions).

