



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

THURSDAY, OCTOBER 5, 2023 AT 2.30 P.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 – VICE-CHAIRPERSON, SELECT COMMITTEE ON POWERS & PRIVILEGES

Subject: *Adoption of report*

THAT, pursuant to Section 15 (7) of County Assemblies Powers and Privileges Act, 2017, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU, MCA, MEMBER FOR CALIFORNIA WARD**, laid on the table of the Assembly on Tuesday, 3rd October, 2023.

9. *MOTION – HON. PETER JATESO IMWATOK, MCA – MAJORITY LEADER

Subject: *Establishment of an Ad-Hoc Committee to Investigate the County Local Revenue Collection System(S) And Administration*

WHEREAS, Article 209 and 210 of the Constitution grants powers to County Governments to impose, vary or waiver taxes, fees, levies and other charges in order to raise revenues to fund their programs;

AND WHEREAS, Nairobi City County boasts of several revenue streams yet there has been gross underperformance as regards the county's annual revenue collection *vis a vis* its annual county expenditure;

NOTING, that an effective revenue collection system is one of the foundations needed to buttress sustainable economic growth;

FURTHER NOTING, that underperformance in revenue collection by the County is attributed to challenges in collection and administration of revenue;

COGNIZANT, that attempts to improve revenue collection have seen the County Government adopt various strategies including adoption of automated revenue collection systems such as Jambo Pay, Noveta, the Nairobi Revenue system by the Kenya Revenue Authority (KRA), the Nairobi Pay System and the recent establishment of the Nairobi Revenue Authority;

CONCERNED, that despite the adoption of the aforementioned strategies the county's internal revenues have continued to decline;

FURTHER CONCERNED, that failure to properly manage local revenue collection could lead to the County Government failing to fund its recurrent and development programs since relying on the national equitable share is currently unsustainable;

NOW THEREFORE, the County Assembly resolves to establish an *Ad-Hoc* Committee comprising of **thirteen** Hon. Members to inquire into the revenue collection system (s) adopted by the County Government and report to the Assembly within sixty (60) days after the adoption of this Motion on -

- i) Reasons why local revenues have been declining;
- ii) The nature, strengths and weaknesses of the revenue collection system (s) currently being used by the County Government; and
- iii) Propose legal, policy and administrative interventions on improvement of local revenue collection.

AND FURTHER that the Majority and Minority coalitions represented in the County Assembly proposes names of Members to the said Ad Hoc Committee based on their strengths in the Assembly within seven (7) sitting days of adoption of this Motion.

NOTICES

I. The Assembly resolved on Tuesday, 21st February, 2023 as follows: -

- a) **THAT**, each speech in a debate on a **Report of a Committee, a Sessional Paper or any other Report submitted to the Assembly**, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any 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 priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- b) **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
Wednesday, 11th October, 2023 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 Wednesday, 5th October, 2023 at 2.30 p.m.: -

A. MOTION – VICE-CHAIRPERSON, SELECT COMMITTEE ON POWERS AND PRIVILEGES

Subject: *Adoption of Report*

THAT, pursuant to Section 15 (7) of County Assemblies Powers and Privileges Act, 2017, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA, MEMBER FOR KILELESHWA WARD**, laid on the table of the Assembly on Tuesday, 3rd October, 2023.

B. MOTION – HON. PETER JATESO IMWATOK, MCA – MAJORITY LEADER

Subject: *Harassment of County Executive Staff*

THAT, aware that Article 235 of the Constitution of Kenya (2010) provides for the County Executive to establish a County Public Service and appoint persons to serve in the said Service; **FURTHER AWARE** that, Article 236 of the Constitution protects public servants from victimization, harassment, intimidation or dismissal by any person for performing the functions of their offices in accordance with the Constitution or any other law; **NOTING** that, in the recent past, several staff of the Nairobi City County Government have expressed increased intimidation, harassment, suspension and even irregular dismissal occasioned by one **Osman Khalif Abdi**, the immediate former Member of the County Assembly for South 'C' Ward; **FURTHER NOTING** that, the said Osman Khalif Abdi and his accomplices, while pushing their personal agenda that borders on corrupt and unethical practices, have been invoking the name of His Excellency the Governor in order to drive fear among County Staff; **CONCERNED** that, the County Assembly is not aware of any position or portfolio the said Osman Khalif holds within the County Executive hierarchy; **RECOGNIZING** that when confronted with a similar situation the Second Assembly on 13th February, 2018 resolved to bar one Simon Mbugua, the former East African Legislative Assembly (EALA) Member from issuing orders, directives and executing any functions in the name of the County Government and operating within City Hall; this Assembly **RESOLVES** that:-

- i) **Mr. Osman Khalif Abdi**, be barred from issuing orders and directives in the name of the County Executive of Nairobi City and that he immediately ceases operating within City Hall precincts until his roles in the County Public Service and the County Government hierarchy are clarified by the appointing authority.
- ii) County Executive Officers and Members of the Public should henceforth ignore any orders or directives issued in the name of the County Government by **Mr. Osman Khalif Abdi** or any other orders/directives that offend the law and immediately report any cases to relevant authorities as and when they arise.

..../**Notice Paper I**

- iii) The County Secretary and the County Public Service Board to prepare and submit to the County Assembly within twenty-one (21) days of adoption of this Motion a policy paper on the measures for protecting County Staff from harassment and intimidation and action taken to remedy staff who have reported or faced intimidation, harassment and irregular suspension, re-deployment or dismissal.

