



REPUBLIC OF KENYA
NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY – (THIRD SESSION)
ORDERS OF THE DAY
THURSDAY, MAY 2, 2024 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. Statements

8. ***COMMITTEE OF THE WHOLE COUNTY ASSEMBLY – TO CONSIDER THE NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023 (ASSEMBLY BILL NO. 4 OF 2023).**

Subject: Committee of the Whole Stage– Climate Change Management Bill, 2023

The Nairobi City County Climate Change Management Bill, 2023 (Assembly Bill No. 4 of 2023).

(Hon. Waithera Chege, MCA)

(Committee of the Whole County Assembly)

9. ***MOTION – MAJORITY LEADER**

Subject: Adjournment in accordance with the Assembly 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, 4th June, 2024 at 2.30 p.m.**, in accordance with the Calendar of the County Assembly (Regular Sessions).

NOTICES

- I. **NOTICE is given that the Chairperson of the Sectoral Committee on Environment and Natural Resources, Hon. Silas Matara, MCA intends to move the following amendments to the Nairobi City County Climate Change Management Bill, 2023 at the Committee Stage -**

LONG TITLE

THAT, the Long Title of the Bill be amended as follows by deleting the words **‘to provide’** appearing immediately after the words **“county assembly”**.

SHORT TITLE

THAT, the Short Title of the Bill be amended as follows by deleting the words **‘management’** appearing immediately after the words **“climate Change”**.

CLAUSE 2

THAT, the Clause 2 of the Bill be amended as follows in the correct alphabetical order;

- (i) By deleting and replacing the definition of the word “sustainable development” and replacing it with the new definition **“sustainable development means development that meets the needs of the present without comprising the ability of future generations to meet their own needs”**
- (ii) By inserting the new definition **“lead agency means any government ministry, department, parastatal, state corporation or local authority in which any laws vests functions of control”**
- (iii) By inserting the new definition **“Executive Committee member means the Nairobi City County Executive Member responsible for Climate change”**

CLAUSE 3

THAT, Clause 3 of the Bill be amended as follows; -

- (i) By deleting the words appearing immediately after the word **“climate change”** in sub-clause “3 (a)”
- (ii) By inserting the words **‘best practices in all departments and sectors of the county’** immediately after the words climate change.
- (iii) By inserting the words **“to give effect to National Climate Change policy and Legislative framework to give effect to the national climate policies and action plan”**

- (iv) By inserting the new sub-clause (k) immediately after (j) **“(k) promote sustainable biodiversity conservation and address important drivers of biodiversity loss”**.
- (v) By inserting the new sub-clause (l) immediately after the new sub-clause (k) **“(l) develop and support adoption of nature based solutions in the county”**
- (vi) By inserting the new sub-clause (m) immediately after the new sub-clause (k) (l) inserted above **“(m) adopt intergenerational, special needs and gender mainstreaming approaches across all aspects of the county climate change response”**

CLAUSE 6 (1)

THAT, Clause 6 of the Bill be amended as follows; -

- (i) In Sub-clause (1) paragraph (a) by inserting **“or in his absence the Deputy Governor”** immediately after the word Governor.
- (ii) In Sub-clause (1) paragraph (b) by deleting it in its entirety and replacing thereof with **“A youth nominated by the National Youth Council”**
- (iii) In Sub-clause (1) paragraph (e) by deleting it in its entirety and replacing thereof with **“A representative of persons with disabilities nominated by a recognized body of persons with disabilities”**
- (iv) In Sub-clause (1) paragraph (h) by deleting all words appearing after the words **“civil society organization”** and replacing with **“most active on matters related to climate change operating within the Nairobi City County.**
- (v) In Sub-clause (1) paragraph (f) by deleting the term **“his”** and replacing thereof with **“their”**
- (vi) In Sub-clause 4 by inserting **“(b)”** immediately after the words **“under sub-section (1)”**.
- (vii) By inserting a new paragraph (d) **“(d) meets the requirement of chapter 6 of the Constitution of Kenya”**
- (viii) By inserting a new Sub-Clause (5) **“(5) the committee may co-opt to its meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of committee”**

CLAUSE 7

THAT, Clause 7 of the Bill be amended as follows; -

- (i) By deleting the entire provision and replacing it with **“There is hereby established a secretariat for the county climate change steering committee which shall comprise of the Director and assistant director responsible for Climate change and staff of the directorate of climate change within the county”**.

CLAUSE 8

THAT, Clause 8 of the Bill be amended by deleting the paragraphs **“(i) (j) and (k)”** and substituting therefor with **(b) (e) (g) (h) (i)** to appear immediately after the words **“Section 6”**.

CLAUSE 9

THAT, Clause 9 of the Bill be amended as follows; -

- i. In Sub-clause (1) paragraph (e) by deleting the words **‘County Planning Committee’** appearing immediately after the words **“reports from the”** and replacing thereof with **“established sub-committees”**
- ii. In sub-clause (1) paragraph (f) by deleting the words **“County planning committee and the ward climate change planning committees”** appearing immediately after the words **“steering Committee”**
- iii. By inserting a new paragraph “n” immediately after “m” **“(n) form the planning committee and sub- committees for better performance of the functions at the ward level”**
- iv. By inserting a new paragraph “oA” **“(oA) develop a framework and strategy on climate change”**

CLAUSE 10

THAT, Clause 10 of the Bill be amended by deleting the suffix **“-ing”** appearing in the word quartering under paragraph (a).

CLAUSE 13

THAT, Clause 13 of the Bill be amended by inserting a new paragraph (cA) immediately after sub-paragraph (v) **“(cA) include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City and developed in a participatory process to guide effective management, sustainable developments, investments and decision making.”**

CLAUSE 15

THAT, Clause 15 of the Bill be amended as follows; -

- i. By deleting the words **“planning committee”** appearing immediately after the words **“climate Change”** and replacing with **“steering Committee”**.

- ii. By deleting the words **“steering committee”** appearing immediately after the words **“report to the”** and replacing with **“the Nairobi City County Assembly”**.

CLAUSE 17

THAT, Clause 17 of the Bill be amended in sub-clause (2) by deleting the word **“porting”** appearing immediately after the words **“nature and procedure for”** and replacing thereof with **“reporting”**.

CLAUSE 18

THAT, Clause 18 of the Bill be amended by altering the words **“county Climate Change Director”** to read **“the Director in charge of Climate Change”**.

CLAUSE 22

THAT, Clause 22 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the word **“planning”** and replacing thereof with **“steering”**
- ii. In sub-clause (2) by deleting the words **“zonal planning”** appearing immediately after the words **“organized by”**.

CLAUSE 24

THAT, Clause 24 of the Bill be amended in sub-clause (2) by deleting the words **“communities to establish”** appearing immediately after the word **facilitate** and replace thereof with **“registered”**.

CLAUSE 25

THAT, Clause 25 of the Bill be amended in sub-clause (1) by deleting the words **“inappropriate”** and replacing thereof with **“appropriate”**.

CLAUSE 27

THAT, Clause 27 of the Bill be amended by inserting a new paragraph (fA) as follows **“(fA) funding from carbon offsets and carbon credits”**

CLAUSE 29

THAT, Clause 29 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the words **“the planning committee and zonal planning sub-committee”** appearing immediately after the words **“steering committee”**.
- ii. In sub-clause (3) by deleting the words **“the planning committee and zonal planning sub-committee”** appearing immediately after the words **“steering committee”**.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by deleting the words “**and the County Planning Committee**” appearing immediately after the words “steering Committee”.

- II. **NOTICE** is given that Hon. Waithera Chege, MCA intends to move the following amendments to the Nairobi City County Climate Change Management Bill, 2023 at the Committee Stage -

LONG TITLE

THAT, the **Long Title** of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

SHORT TITLE

THAT the **Short Title** of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

CLAUSE 10

THAT the **Clause 10** of the Bill be amended in paragraph by deleting the “at least” appearing immediate before the word “half”

NEW CLAUSES

THAT, the **Bill** be amended by inserting the following New Clauses immediately after Clause 11 of the as follows;

11A There is established a planning committee to be known as the County Climate Change Planning Committee that shall be appointed by the County Executive Committee Member for the time being responsible for matters of Environment and Climate Change.

11B The Committee shall comprise of—

- a) Chief Officer for the time being responsible for matters of Environment and Climate Change who shall be the Chairperson;
- b) Chief Officer for Finance who shall be the Vice-Chairperson;
- c) County Director Water;
- d) County Director Agriculture;
- e) County Director Energy;
- f) County Director Health;
- g) County Director Environment;
- h) County Director Natural Resources and Forestry;
- i) County Director Climate Change who shall be the Secretary; and
- j) County Director Planning.

..../Notices

11C (1) The County Climate Change Planning Committee shall: -

- a) Identify county wide climate change needs and vulnerabilities;
- b) Undertake internal and external resource identification and mobilization;
- c) Review, prioritize and sequence projects relevant to Climate Change mitigation based on the set criteria;
- d) Receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;
- e) Prepare and submit an annual report on climate change response activities in the County;
- f) Formulate and implement County monitoring, evaluation and reporting framework for climate change response;
- g) sensitization and trainings at ward level; and
- h) Perform any other functions assigned to it by the County Steering Committee.

(2) The County Planning Committee shall be the technical and advisory arm of the County Steering Committee.

11D The secretariat for the county Climate Change Planning Committee shall be drawn from the staff of the Department responsible for County Climate Change.

11E (1) The meetings of the County Climate Change Planning Committee shall be conducted as follows: -

- a) The County Climate Change Planning Committee shall meet at least twice in a quarter in each financial year;
- b) The County Climate Change Planning Committee may choose to rotate the location of its regular meetings to different wards in the County for purposes of engaging directly with communities and familiarizing itself with their climate change-related challenges;
- c) The quorum for meetings of the County Climate Change Planning Committee shall be half of the membership; and
- d) In the absence of the chairperson, the members in attendance shall elect one of them to chair the meeting.

(2) The County Climate Change Planning Committee may invite to its meetings any technical staff of the national or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Planning Committee.

..../Notices

NOTICES

III. The Assembly resolved on Wednesday, 14th February, 2024 as follows: -

- a) **THAT**, each speech in a debate on **Bills NOT** sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee 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 Minutes (15) each; 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.
- 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 Tuesday, 4th June, 2024 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 Tuesday, 4th June, 2024 at 2.30 p.m.: -

*** MOTION – HON. HELLEN AWUOR OKELLO, MCA**

Subject: *Regulation of Borehole Water Vendors*

THAT, aware that Article 43 (1) of the Constitution of Kenya 2010 provides for the right of every person to access clean and safe water in adequate quantities; **further aware** that paragraph 11 (b) of Part Two of the Fourth Schedule to the Constitution provides for County public works and services including water and sanitation services as a function of the County Government; **Cognizant** that Nairobi City County Government regulates the operations of the Nairobi City Water & Sewerage Company Limited in provision of clean and accessible water to its residents; **concerned** that the water supplied by the Nairobi City Water and Sewerage Company Limited is not sufficient to serve the ever growing demand by the Nairobi residents; **further concerned** that there are private borehole water vendors that supply water to the City residents without any clear legal framework for their operations; **disturbed** that majority of borehole water vendors sell untreated water from illegal boreholes in some estates which is a health hazard thus exposing residents to several diseases such as typhoid and cholera, this Assembly resolves **THAT:-**

1. The County Executive Committee Member in charge of Water & Sanitation through the relevant authority commence the process of registration of all borehole water vendors in Nairobi City County and forward a detailed database for each Ward to this Assembly within sixty (60) days from the date of adoption of this Motion; and
2. The County Executive Committee Member in charge of Water & Sanitation develops a policy to guide the operationalization of borehole water vendors within Nairobi City County.

