



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

TUESDAY, OCTOBER 8, 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 County Assembly*

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)

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: -

- a) by deleting the words **“to provide”** appearing immediately after the words **“county assembly”**.
- b) by deleting the words **‘management’** appearing immediately after the words **“climate Change”**.

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 7 of the as follows;

Secretariat to the County Steering Committee

7A(1) There is hereby established within the County Directorate responsible for matters relating to climate change, a Climate Change Unit which shall serve as the secretariat of the Climate Change Steering Committee.

(2) The Unit shall be headed by the Director responsible for Climate Change matters in the County.

(3) The unit shall consist of Climate Change Officers with expertise in climate change matters.

(4) The unit shall engage technical staff from other supporting departments and agencies related to climate change.

7B: The functions of the Secretariat shall be—

(a) Provide analytical support on climate change to the various agencies and county government;

- (b) Establish and manage a county registry for appropriate mitigation actions by the public and private sectors;
- (c) Serve as the county knowledge and information management centre for collating, verifying, refining and disseminating knowledge;
- (d) Assist the Committee in formulating guidelines and standard documentation for the purposes of Implementation of this Act;
- (e) Optimize the County's opportunities to mobilize climate finance;
- (f) Conduct civic education to promote the awareness and understanding of climate change activities amongst stakeholders;
- (g) Conduct research and gap analysis to ensure continuous performance and improvement of the Unit; and
- (h) Maintain record of all Unit documentations;
- (i) Carry out such other function as shall be conferred by the Committee.

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.

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;
- d) A resolution of the Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote; and
- e) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present.

(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.

11F There is established a Sub-committee that shall be known as the Sub-County Climate Change Planning Sub-Committees appointed by the county executive member for the time being responsible for matters of Environment and Climate Change.

11G (1) Composition of Sub-County Climate Change Planning Sub-Committee shall be as follows:

- a) Sub-County Administrator who shall be the Chairperson.
- b) One youth representative nominated from registered youth groups in the Sub-County
- c) One-woman representative nominated from registered women groups in the Sub-County
- d) A representative nominated from the Community-Based Organizations actively operating on climate change actions in the Sub-County
- e) A representative of people with disability (PWDs) nominated from registered persons with disabilities groups in the Sub-County
- f) A representative of the National Government Ministry responsible for Climate Change matters
- g) A representative of the Sector of Environment in the Sub-County who will be the Secretary of the Sub-Committee
- h) Ward administrators who shall be ex-officio.

(2) In making these appointments to the Sub-County Climate Change Planning Sub-Committees, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution 2010.

11H A Sub-County Climate Change Planning Sub-Committee member under Section 18 (c),(d),(e),(f),(g) will serve for a period of three years renewable once subject to satisfactory performance and provided he or she has attended at least half of the meetings.

11I The Sub-County Climate Change Planning Sub-Committees shall;

- a) Coordinate and mobilize communities and other stakeholders in the Sub-County to design and implement climate change response activities;
- b) Facilitate research and knowledge management at the Sub-County level on climate change, its impacts and strategies for responding thereto;

- c) Facilitate public education, awareness creation, and capacity building at the Sub-County level on climate change, its impacts and strategies for responding there to;
- d) coordinate, facilitate and manage community consultations on priority climate change response activities at the Sub-County level;
- e) participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in county development plans;
- f) facilitate public participation in climate change governance, implementation of agreed climate change response activities and monitoring of those activities at the Sub-County level;
- g) coordinate and facilitate provision of technical support to communities in the Sub-County in developing proposals on climate change response projects for funding by the County Climate Change Fund;
- h) oversee implementation of climate change response projects at the Sub-County level funded by the County Climate Change Fund and report to the County Climate Change Planning Committee; and
- i) perform any other functions that may be assigned to it by the County Climate Change Planning Committee.

11J (1) For appointment to the Sub-Committees a member: -

- a) Shall have basic knowledge of climate change;
- b) Shall have a minimum basic education; preferably KCSE Certificate;
- c) Shall be committed persons willing to serve the community; and
- d) A resident of the given Sub-County.

(2) Members nominated from the Community under Section 18(c),(d),(e),(f),(g) shall be through a competitive process.

11K Members of the Sub-County Climate Change Planning Sub-Committees shall be paid a sitting allowance or such remuneration at such rate as per the Salaries and Remuneration Commission (SRC) recommendations.

11M Meetings of the Sub-County Climate Change Sub-Committee shall be conducted as follows;

- a) The Sub-County climate change planning sub-committee shall meet at least twice in each quarter;
- b) The inaugural meeting of the Sub-County climate change planning sub-committee, the committee shall elect a Vice-Chairperson from Sub-County climate change planning sub-committee under Section 18 (c),(d),(e),(f),(g) who shall chair meetings in the absence of the Chairperson;

..../Notices

- c) Save for the inaugural and emergency meetings, which shall be held at the Sub-County headquarters, regular meetings of the Sub-County Climate Change Planning Sub-Committee shall be convened and held in the different locations of the Sub-County on a rotational basis;
- d) The quorum for meetings of the Sub-County Climate Change Planning Sub-Committee shall be half of the members;
- e) A resolution of the Sub-County Climate Change Planning Sub-Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.
- f) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; and
- g) Regular meetings of the Sub-County Climate Change Planning Sub-Committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the County Climate Change Planning Committee.

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.

*** Denotes Orders of the Day***
