



**COUNTY GOVERNMENT OF NAIROBI CITY**  
**SECOND ASSEMBLY – (SECOND SESSION)**  
**NAIROBI CITY COUNTY ASSEMBLY**  
**VOTES AND PROCEEDINGS**  
**TUESDAY, AUGUST 7, 2018 AT 2.30 P.M.**

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer
3. **COMMUNICATION FROM THE CHAIR:-**

The Hon. Speaker conveyed the following communications;  
**Honourable Members,**

The Chair is in receipt of various complaints from Hon. Members regarding the breakdown of the observance of House rules regarding the admission of strangers within Assembly precincts.

Indeed the Chair has observed with disbelief the extent of the breaches complained of and must accordingly act to remedy the situation for two key reasons, firstly, to protect the security, safety and welfare of all Members and secondly, to safeguard the dignity of the precincts of the Assembly.

**Honourable Members,**

The Admission of 'strangers' or the public into Assembly precincts is provided for under the Speaker's Rules and the County Assembly Standing Orders.

The Standing Orders and indeed the Speaker's Rules similarly provide for the conduct of the members of the public upon admission, responsibility for their presence within precincts and recourse for the Assembly where an admitted member of the public is in breach of Assembly rules and privileges.

**Honourable Members,** The County Assembly Powers and Privileges Act, 2017, under Section 2 provides for the definition of '**precincts**,' as further domiciled under Standing Order 2, which definition includes amongst other things, all the *area of land and every building or part of a building under the County Assembly's control including, all the parts of the buildings in which the chambers are situated including the entrances, forecourts, yards, gardens, enclosures or open spaces appurtenant thereto.* This naturally extends to the car park and any other places so used by Assembly committees for purposes of meetings whether within the physical location of the Assembly or without.

**Honourable Members,**

As is practice across the Commonwealth, the precincts of Parliament or the Assembly as the case may be, are under the control and management of the Presiding Officers who may, subject to any order of the House, take any action they consider necessary for the control and management of the precincts. This, obviously, includes orders for the maintenance of security of members and staff within precincts.

**Honourable Members,**

The Chair is alive to the fact that Security of Assembly precincts and of members brings into conflict two principles basic to Parliamentary traditions and usages. On the one hand, there is the undeniable right of people in a parliamentary democracy to observe their Assembly at work and to have reasonable access to their representatives. On the other hand, Members and staff of the Assembly must be provided with conditions which will enable them to perform their duties in safety and without interference. This is basic to the operation of the Assembly and a balance must be struck between these two important principles.

**Honourable Members,**

For the foregoing reason, the Standing Orders and Speaker's Rules provide elaborately for how this balance is to be maintained.

Rule 23 of the Speaker's Rules provides that *the word **public** will refer to and mean a person who is neither an Hon. Member nor an Officer or other employee of the County Assembly.*

Further, Rule 31 provides that *no public shall without special permission, be admitted into or allowed to remain in any part of the County Assembly Buildings or Gardens unless such public is in possession of:-*

- (a) *a card for Entry to Precincts bearing that day's date issued to her and signed by a designated Officer of the County Assembly, or*
- (b) *a Card for Business Entry signed by the Hon. Speaker or the Clerk.*

*Under Rule 32, no public shall without special permission, be permitted to remain in any part of the County Assembly Buildings or Gardens other than the Reception in the Main Hall or in the Visitors Centre, unless he/she is attended by a Member or an Officer of the County Assembly, or has an Entrance Card.*

**Honourable Members,**

*Holders of Cards for the day must at all times be attended by an Hon. Member while within precincts. The Public seeking audience of a Member or an Officer of the County Assembly must not only obtain the necessary Entrance Card but must also wait in the Reception until escorted in accordance with rule 3.*

*Rule 39 provides that no Public shall, without special permission, enter or be allowed to remain in any part of the County Assembly Buildings or Gardens after 20.00 Hrs.(8p.m), nor shall any Hon. Member or an Officer of the County Assembly, without special permission, admit or keep more two Public guests after 18.00 Hrs. (6pm).*

**Hon. Members** *are responsible for the continued good conduct of any Public, whom they bring on the Precincts, till the departure from the Precincts, of such public. The good conduct of the Public is expected in the Gardens and Members Car Park. The Public who only wish to tour the Precincts and the Gardens will be admitted without Entrance Cards at the scheduled hours, when the County Assembly is not sitting; provided that they are escorted by staff.*

**Honourable Members,**

As regards the Car Park, Rule 27 provides that no Public may, without special permission, enter or remain in the Members Car Park unless such public is accompanied by-

- (a) A Member or an Officer of the County Assembly or
- (b) The authorized driver of a Member, of an Officer of the County Assembly, of a Senior County or National Government Official in possession of a Card for entry to precincts, and actually driving or in charge of a car bearing the official County Assembly Car Pass or
- (c) A member of the Diplomatic Corps, the Governor or other distinguished visitor, in a flag car, or the driver of such car

Further, Rule 28 bars any vehicle, other than an official county Government vehicle, a flag car or self-driven taxi will be admitted into the member's car park, unless it bears the official County Assembly Car pass on its windscreen.

### **Honourable Members,**

Accordingly, and flowing from the foregoing, and to protect the dignity of the Assembly's precincts and the security of members and officers of the Assembly, I will now proceed to issue directions on the admission of strangers to Assembly precincts, conduct of said strangers and arising issues.

1. No Member shall be allowed admission of more than two guests at any one time and all such guests shall be subjected to rigorous security checks and issued with badges accordingly; and
2. All members of the public so admitted shall strictly access the Assembly precincts through the public gate, opposite KICC. No member of the public shall be allowed to access the precincts through the gate designated for the admission of Hon. Members, being the gate on Wabera Street; and
3. No member of the public shall be allowed admission to the Member's Lounge; and
4. Members will be responsible for the public so admitted, and shall stay with the said member of public at all time when within precincts; and
5. No car shall be allowed to park at the Members Car park unless such car bears an original, certified parking sticker issued by the County Assembly Service Board; and

6. No persons shall be allowed to idle or loiter at the Members Car Park unless so authorized, for purposes of carrying out meetings with Hon. Members or such other activities as car wash etc; and
7. No member of the public shall be admitted to Assembly precincts without proof of admission as evidenced by an entry Card so issued; and
8. Sergeants at Arm to make arrangements to man both gates at the Parking from 6am to 6pm forthwith, with admission into the Car Park strictly on the basis of the directions here now issued.
9. Sergeants at Arm to make arrangements to place clear signage indicating public entry gate and the Hon. Members entry gate to precincts and additional signage at the parking restricting any unauthorized access.

**It is so directed. Thank you.**

#### **PUBLIC PETITION**

Hon. Members I have received a petition from a member of the public Mr. Daniel Kuria Ngairu on behalf of the of Nairobi pertaining to the matter of the NAIROBI COUNTY SERVICE BOARD. I want to ensure the citizens of Nairobi and the petitioner that I will present it to the Assembly within one week.

Thank you.

#### **4. PAPERS LAID:-**

The following papers were laid on the Table of the Assembly;

- i. THE NAIROBI CITY COUNTY GOVERNMENT CONSOLIDATED REPORTS AND FINANCIAL STATEMENTS FOR THE QUARTER ENDED 30<sup>TH</sup> JUNE, 2018

*(The Leader of Majority)*

- ii. THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INDUCTION WORKSHOP HELD AT SAWELA LODGE, FROM 16<sup>TH</sup> TO 19<sup>TH</sup> NOVEMBER, 2017

*(Chairperson, Sectoral Committee on Labour and Social Welfare)*

- iii. THE REPORT OF THE SECTORAL COMMITTEE ON ENERGY AND ICT ON EJIJI PAY REVENUE COLLECTION AND MANAGEMENT SYSTEM

*(Chairperson, Sectoral Committee on Energy and ICT)*

**5. PERSONAL STATEMENTS PURSUANT TO STANDING ORDER 89:-**

**Subject: Constant security threats for execution of mandate as an MCA.**

Hon. Speaker, I beg to give A Personal Statement regarding my security:-

**WHEREAS**, the Section 8 of the County Assemblies Powers and privilege Act, 2017 gives Members of County Assemblies freedom of speech and debate while executing their triple bottom-line (Representation, Legislation and Oversight); As a Member of the County Assembly of Nairobi City, representing Mkongeni ward wish to bring to your attention and the House at large the unbecoming constant threats to my security.

Hon. Speaker, as I address you this afternoon, my life is in danger for reasons directly touching on the execution of my mandate. Hon. Speaker, over the weekend, I was accosted by the Governor's cronies after the Governor daunted me that I was a prisoner in waiting and that I had mastermind the death of one lawyer, whose body currently lies at Umash, Funeral Home. This comes after numerous threat calls on my personal line asking me to stop talking ill about the Governor of Nairobi County or else I suffer the consequences.

Hon. Speaker, again this Morning as I was passing along 680 Hotel, next to Java Inn, three young men confronted me calling my name; "*Jateso! Jatesso! Wewe ndio unatusumbua...*" I requested them to approach me we address the misconception but instead they fled off telling me, "*we called you last time but you didn't listen. Wachana na Gavana!*"

Hon. Speaker, I am being victimized together with other Members of this Assembly for speaking out in the floor of the House on issues affecting the County Government in the floor of the House. Hon. Speaker, I seek for your intervention.

*(Hon. Peter Imwatok, MCA)*

**MOTION- MOTION BY HON. DAVID OKELLO, MCA ON THE ESTABLISHMENT OF MODALITIES FOR MANAGEMENT OF PUBLIC TOILETS**

**THAT AWARE** that public toilets play a crucial role in the maintenance of a hygienic and clean city given that every day, thousands of people visit the city centre and a big proportion need the use of such public amenities; **NOTING** that the insufficiency of public toilets across the City, especially along busy streets and neighborhoods, has occasioned misery to commuters and residents who can't access the crucial amenities, for instance along Moi Avenue and downtown Nairobi, where matatu operators relieve themselves between stationary vehicles, leaving permanent streaks of urine patterns on the road and parking bays; **FURTHER NOTING** that similarly, most lanes in downtown

Nairobi have been turned into 'toilets' with the mess rarely cleaned or collected; **REGRETTING** that the existing county public toilets close before 9pm, leaving those in need to rush to restricted toilets in pubs and hotels, poorly-lit street corners or flower gardens; **RECOGNIZING** that the city centre alone by reserve estimates needs about 50 public toilets and improved security to meet the current demand; **REALIZING** that for the County public toilets to remain clean and run efficiently a model that allows for creation of employment is best suited, for instance allowing youth groups to run the facilities for a small fee per use as currently established; this Assembly **RESOLVES** that the Nairobi City County Executive identify and establish modalities for allowing youth groups in each ward to run and manage public toilets under supervision of the Environment Department within a streamlined pay per use framework that encourages efficiency.

*Deferred till the Member comes back from official duty (Singapore)*

6. **ASSEMBLY ROSE** - at Twenty three minutes past three O'clock.

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, August 8<sup>th</sup>, 2018

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