



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 27, 2019 AT 10.30 A.M.

1. The Assembly assembled at Thirty Minutes past Ten O'clock.
2. The Proceedings were opened with Prayer.

3. COMMUNICATION FROM THE CHAIR: -

The Chair issued the following communications: -

MANAGEMENT AND ATTENDANCE OF WITNESSES BEFORE COMMITTEES

“Hon. Members, my attention has been drawn to issues of grave concern regarding the handling of witnesses summoned by Committees to give evidence and produce documents, which issues I must address at once, first to provide direction, and secondly to safeguard the integrity and dignity of the Assembly in so far as our handling of witnesses is concerned.

Hon. Members, the management and attendance of witnesses is provided for broadly under the Constitution, the County Assembly Powers and Privileges Act, 2017 (“the Act”) and the Standing Orders. Specifically, Standing Order 183 provides for the **Powers and privileges of committees, thus:** -

...183. Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public.

Hon. Members, the range of powers and privileges enjoyed by the Committees in so far as the power to summon and examine witnesses is concerned emanates directly from the range of broad powers enjoyed by the Assembly.

Accordingly, there is a legitimate expectation on the part of the Assembly that Committees leverage this power cautiously and with utmost care. Witnesses summoned under Section 18 of the Act have a legitimate expectation that their wellbeing while within precincts and their privileges will enjoy the very same protections extended to them under the Act.

This is why, **Hon. Members**, the events of Wednesday 26th June, 2019, during the meeting of the Sectoral Committee on Early Childhood Education and Vocational Training must be censured in the strongest terms possible.

Hon. Members, the conduct of witnesses' examinations must be undertaken in atmosphere of respect, integrity and decorum. Committees are an extension of the House, which extension demands that Committees conduct their affairs in the most dignified manner possible. It is therefore unfortunate that a Committee would choose upon invitation of a witness to proceed to taunt, harass, intimidate and threaten a witness.

These unfortunate events do not add to the value derived from these inquiries, but instead heavily dent the credibility of the Assembly and indeed the oversight process itself.

Equally, **Hon. Members**, the Chair has noted a decline in the standards and benchmarks set for dress codes within precincts, particularly in Committees. Your attention is drawn to the provisions of the Standing Orders and the Speaker's rules on this matter.

Consequently, I wish to direct as follows: -

1. The incidents of misconduct emanating from the examination of a witness invited to appear before the Sectoral Committee on Early Childhood Education and Vocational Training during its meeting held on Wednesday 26th June, 2019 is hereby referred to the Select Committee on Powers and Privileges for further inquiry, and the Committee furnish the House with a Report in fourteen (14) days;
2. Henceforth, Chairs of Committee are advised to take charge of the running of Committee examination of witnesses and inquiries, exercising all the powers conferred to them by the House and the Standing Orders to protect witnesses, and report to the Chair through the Select Committee on Liaison accordingly as necessary;
3. That Committees being an extension of the House henceforth enforce strictly the benchmarks on dress codes required for the Membership of the County Assembly; and
4. Sergeants at arms take deliberate steps to ensure the safety and wellbeing of Witnesses within precincts is maintained at all times.

It is so directed.

- **ASSENT AND PUBLICATION OF THE NAIROBI CITY COUNTY TRADE LICENSING ACT, 2019**

Hon. Members, you will recall that the Assembly considered and passed the Nairobi City County Trade Licensing Act, 2019 to regulate grant of trade licenses, which Bill was subsequently forwarded for Assent by the Governor.

Hon. Members, I wish to report that the Bill is now law, having been assented to and Published as an Act of the Nairobi City County Assembly.

Hon. Members, you may obtain copies from the Assembly Website or the Table and Journals Office.

— **VISITING STUDENTS FROM THE WEITHAGA BOYS HIGH SCHOOL**
Honourable Members, our sitting this afternoon is graced by students and teachers from Weithaga Boys High School, visiting us on a study tour.

I warmly welcome you to the Nairobi City County Assembly and hope you enjoy this study visit and learn as much as possible from us.

Honourable Members, on behalf of the Nairobi City County Assembly family, may I extend a warm welcome to all the visitors.

Feel welcomed and enjoy your experience at the Assembly.

Thank you.”

4. PAPERS LAID: -

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

a) THE NAIROBI CITY COUNTY BUDGET STATEMENT FOR THE FY 2019/2020

(Chairperson, Select Committee on County Finance, Budget & Appropriations)

b) REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES ON THE RETREAT HELD ON 28TH TO 31ST MARCH, 2019 AT WINDSOR GOLF HOTEL, KIAMBU COUNTY

(Chairperson, Sectoral Committee on Environment & Natural Resources)

5. NOTICE OF MOTION – (Hon. Kabiro Mbgua, MCA)

THAT, aware that under the Article 186 (1) of the Constitution of Kenya, and Fourth Schedule, the functions and powers of County Government, among others, covers County transport including county roads, street lighting, public road transport traffic and parking; further aware that recent years have witnessed an increase in the population working and residing within the Nairobi City County who use bicycles, handcarts, walking and other non-motorized transport modes; concerned that plans throughout the city for new roads construction and upgrades have only partially provided physical infrastructure for non-motorized users, who are at greater risk of accidents as they share a common right of way with motorized transport; further concerned that encroachment of non-motorized transport spaces is rampant and vulnerable road users,

women and children have difficulties travelling without assistance; noting that non-motorized transport is of significant in the County, more particularly as they can be used as an effective form of mobility for short trips and for last mile connectivity to the proposed mass transportation systems such as the Bus rapid transit systems; further noting that the previous County Government had started developing a policy on non-motorized transport, this Assembly urges the County Executive to move with speed and conclude the development of the proposed County Non-motorized policy to provide the non-motorized users with appropriate space and facilities to enjoy their freedom of safe movement, which is a fundamental human right.

6. MOTION – APPROVAL FOR A VOTE ON ACCOUNT

Motion Made and question proposed: -

THAT, pursuant to the provisions of Section 134 of the Public Finance Management Act, 2012 and Standing Order 227, the withdrawal from the County Revenue Fund of the sum of **Kshs. 8,701,425,708** made up in the manner set out in the Vote of Account Schedule laid before the County Assembly, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government during the financial year ending on the **30th June, 2020** until such a time as the Appropriations Act for the Financial year 2019-20 comes into operation.

*(Hon. Patrick Karani, MCA – Vice-Chairman, Select Committee on
County Finance, Budget & Appropriations*

Debate ensued;
Mover Replied;
Question put and **Agreed to:**

There being no other business and the time being twenty Minutes past Twelve O'clock, the Speaker adjourned the Assembly without question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - at twenty Minutes past Twelve O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, June 27th, 2019 at 2.30p.m.