



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 11, 2019 AT 2.30PM

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

QUORUM OF THE ASSEMBLY

The Deputy Speaker having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes.

And there being a Quorum at the expiry of the ten minutes, the Deputy Speaker called the Assembly to order.

3. PAPERS LAID

The following paper was laid on the Table of the Assembly;

- a) The Report on the outcome of the Court Case between Hon. Beatrice Elachi and the County Assembly Service Board.

(Hon. Paul Kados, MCA)

The Paper was committed to the Select Committee on Assembly Business for consideration

4. NOTICE OF MOTION – HON. DORIS KANARIO, MCA

THAT, aware that Article 21 (3) of the Constitution 2010 provides for all State Organs and public officers to address the needs of vulnerable groups within the society, including women, persons with disabilities, youth among others; **further** aware that Part II of the Fourth Schedule to the Constitution provides for the functions of the County Government which is to support enterprises for women and youth in the County by establishing and providing for the administration of youth and women empowerment fund, ensuring and coordinating the participation of communities and locations in governance at the local level and assisting

communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; **acknowledging** that there has been a high number of youths and women who contribute greatly to the development of Nairobi City County through small and medium scale enterprises; **disturbed** that most youths and women in the County cannot easily access credit facilities from financial institutions due to stringent procedures in accessing such facilities and lack of securities and guarantors, this Assembly urges the County Executive to develop a policy to establish the County Youth, Women and Persons with Disability Empowerment Fund and set out provision relating to the procedures for application of loans and conditions for grant of loan to youth and women in the County.

5. NOTICE OF MOTION – HON. SILAS MATARA, MCA

AWARE that Article 35 (1) (a) of the Constitution of Kenya 2010 provides that every citizen has the right of access to information held by the state; **FURTHER AWARE THAT** Section 7(2)(d) & (e) of the Nairobi City County Public Participation Act, 2015 provides that the County Government shall establish appropriate mechanism, process and procedures to enable the public participate in the affairs of the County and shall provide for, but not limited to; consultative sessions with locally recognized communities, organizations, and where necessary minorities, and report back to the local community in a timely manner; **APPRECIATING THAT** the County Government of Nairobi City has in the past been able to engage members of the general public on key decision making as the case is with budget making process in the County as provided for in Section 125(2) of the Public Finance Management Act, 2012; **CONCERNED THAT**, limited Constitutional timelines often hinder the level of engagement with the public and on dissemination of the required information that would facilitate an informed feedback and contribution by the general public on the subject matter in question; **FURTHER CONCERNED** that with the diverse academic background, there is need for the public to be informed on the decisions in question, its significance and effect of such decision in a civic education manner to enable the public to make an informed decision and add value to such process; this **ASSEMBLY URGES** the County Executive to urgently develop policy and regulations that will govern conduct of civic education in line with the Nairobi City County Public Participation Act, 2015 and the County Governments Act, 2012.

6. NOTICE OF MOTION – KABIRO MBUGUA, MCA

THAT, aware that Chapter Four of the Constitution 2010 provides for the Bill of Rights which is an integral part of Kenya's Democratic state and is the framework for social, economic and cultural policies; further aware that the purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potentials of all human beings; recognizing that several individuals and organisations have served the County at various levels with dedication and splendid work towards the betterment of Nairobi City County and its residents; concerned that such individuals and organisations have not been recognized for their outstanding performance in the public service in the County; noting that individuals and organisations have upheld the rights of others, serving the community above themselves and contributing to nation building through outstanding service and achievements, this Assembly urges the County Executive to develop a policy on conferment of civic honours to provide for recognition and appreciation of the extraordinary acts of service made by individuals and organisations who performed tremendously in their works to the County and its residents.

7. NOTICE OF MOTION – HON. KABIRO MBUGUA, MCA

THAT, aware that Article 42 of the Constitution provides that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generations through legislation and other measures; further aware that Article 69 of the Constitution provides for the State to encourage public participation in the management, protection and conservation of the environment, and eliminate processes and activities that are likely to endanger the environment; acknowledging that the County Government is empowered to implement specific National Government policies on natural resources and environmental conservation including forestry as provided in Part Two of the Fourth Schedule to the Constitution; concerned that since independence Kenyans from all walks of life have been demonstrating and picketing most using tree branches and twigs whenever there is a matter to be addressed by the relevant authority, such demonstrations and picketing ends with destructions to the environment and more specifically to unscrupulous and indiscriminate destruction of indigenous and exotic trees, which may cause flooding and erosion during rainy seasons, global warming amongst other harmful effects to the environment; noting that it is an offence for any person to fell, cut, take, burn, injure or remove any forest produce as provided for in Section 64 (a) of the Forest Conservation and Management Act, 2016, this Assembly urges the County Executive to develop a policy on conservation and management of County forestry to safeguard the City's greenery from wanton destruction and spur the development of a greener Nairobi City.

8. NOTICE OF MOTION – HON. KABIRO MBUGUA, MCA

THAT, aware that the Constitution of Kenya (2010) grants the citizens of this republic comprehensive rights and fundamental freedoms; further aware that all over the world governments are established by society in order to deliver public goods, works and services and to administer policies and laws that are necessary and beneficial to society, where the government is required to provide one form or other of public service in order for the rights and/or liberties contained in the Bill of Rights to be realized; and to develop policies, laws and institutions, or undertake programmes to promote, protect or fulfil these Rights; concerned that recent years have witnessed increased cases of arbitrary arrests, harassment and extortions of traders and other members of the public by the City Inspectorate and Revenue Collection Employees thus infringing on rights and fundamental freedoms of the residents; further concerned that some of the officers who engage in such heartless acts do not face the full force of the law due to lack of effective complaints handling mechanisms in the County; noting that huge loss of revenue has been incurred by the County Government due to extortions by such employees at the expense to service delivery to residents of the County; acknowledging that effective complaints handling is a crucial part of quality service delivery in any institution as it helps identify weak areas and create the motivation for continual improvement, provides an opportunity for the organisation to understand its customers and ensure that the issues they raise are quickly resolved, improves the reputation and image of the institution and provide management with information on how its staff treat customers, thus promoting accountability for both the institution and its staff; this Assembly urges the County Executive to develop a policy that provides for the establishment of the office of County Ombudsman to receive and process complaints with a view to fostering a performance-oriented culture that seeks to revamp the process through which the County Government operates, in order to increase efficiency and effectiveness, and to inculcate a culture of client-oriented, mission-driven, and quality-enhanced management in the County.

9. STATEMENT PURSUANT TO STANDING ORDER 45(2)(C)

The following Statement was requested: -

- i. Statement by Hon. Jeremiah Themendu, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the water rationing in the County by the Nairobi City Water and Sewerage Company Limited and blocked water pipes in the County particularly in Kayole Central Ward.

The following response to Statement was given: -

- i. Hon. Joyce Kamau on behalf of the Chairperson of the Sectoral Committee on Transport and Public Works gave a Response to Statement requested by Hon. Denial Ngeni, MCA regarding harassment of bicycle riders in the Central Business District by the County Askaris was given

10. THE NAIROBI CITY COUNTY CORPORATIONS BILL, 2019 (ASSEMBLY NO. 3 OF 2019)

Order for First Reading read-

The Bill Read a First Time and committed to the relevant Committee

And the time being ten minutes Past Four O'clock the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

11. ASSEMBLY ROSE - at Ten minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, June 12th, 2019