



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 8, 2019 AT 2.30 P.M.

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 at the commencement of the sitting caused the bell to be rung for Ten minutes.

There being no Quorum at the expiry of the ten minutes, the bell was rung for a further five minutes.

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

3. PAPERS: -

The following paper was laid on the Table of the Assembly: -

- a) **18TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE NAIROBI CITY COUNTY REVENUE ADMINISTRATION BILL, 2019**

(Chairperson Select Committee on Finance, Budget and Appropriations)

4. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C):-

Pursuant to Standing Order 45 (2) (c) the following Members requested for Statements: -

- a) Statement request by Hon. John Kamau, MCA for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding encroachment on public land in the County; *(Response due on Tuesday 10th September, 2019)*
- b) Statement by Hon. Daniel Ngenji, MCA will request for a Statement from the Chairperson of the Sectoral Committee on Environment

and Natural Resources regarding the collection of garbage within the Nairobi Central Business District and its environs;
(Response due on Tuesday 10th September, 2019)

- c) Statement request by Hon. Daniel Ngengi, MCA for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding harassment of motorcycle operators *(Response due on Tuesday 10th September, 2019)*
- d) Statement request by Hon. John Kamau, MCA for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the operations of the Legal Department. *(Response due on Tuesday 10th September, 2019)*
- e) Statement request by Hon. Daniel Ngengi, MCA for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the imposition of illegal towing charges on City residents by the inspectorate department *(Response due on Tuesday 10th September, 2019)*
- f) Statement request by Hon. Kabiro Mbugua, MCA for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the disposal of effluent abattoirs operating in the City County *(Response due on Tuesday 17th September, 2019)*
- g) Statement request by Hon. Jayendra Malde, MCA for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the status of outdoor signage and advertising firms and the methodologies of differentiation of approved billboards and outdoor signs erected by the advertising firms and those that are not approved *(Response due on Tuesday 10th September, 2019)*

Pursuant to Standing Order 45 (2) (f) the following Statement was responded to: -

- a) Hon. Jayendra Malde, MCA gave a response to statement requested by Hon. Daniel Ngengi, MCA regarding the approval of borehole drilling in the County

5. MOTION: APPROVAL OF HOUSE ALLOWANCE FOR MEMBERS OF THE COUNTY ASSEMBLY

Motion Made and Question Proposed;

THAT, aware that devolved Governments are a key component of governance in the Republic of Kenya established under Article 11 of the Constitution 2010; **further aware** that the office of Member of the County Assembly has been strongly anchored as a fundamental component in the County Administrative System; **cognizant** of the remunerative needs of each public and State officer to ensure adequate facilitation for successful execution of their duties and mandates; **further cognizant** of the

existence of disparities within the State offices within the Republic on remuneration of the office holders, particularly the payment of house allowances to which the Member of the County Assembly have to their detriment been deprived of; **noting** that the High Court in the Republic has in Constitutional Petition No. 328 of 2016; Council of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other State officers is discriminatory, unjustifiably selective and contrary to Article 27 of the Constitution, 2010; **acquiescing** that such conduct is a violation of the fundamental rights of the state officers which such conduct is desirous of denunciation by the Members of the County Assemblies *ab initio*; **whereas** the Governing Council of the County assemblies Forum has resolved that the non-payment of housing allowance for the Members of the County Assembly is a fundamental breach of the rights of the Members; **whereas** the Governing Council has further resolved and directed that there be effected payment of Housing allowance for Members of the County Assemblies in tandem with the High Court finding; **and whereas** the resolution of the Governing Council finds precedence and relative applicability from Parliament of Kenya's payment of housing allowance to its Members despite lack of the Salaries and Remuneration Commission directive in affirmative of the same; this assembly resolves to approve and adopt the resolution of the County Assemblies Forum Governing Council that:-

- a) the Salaries and Remuneration Commission (S.R.C) do set housing allowance for Members of the County Assembly in tandem with the ideal and adequate endowment;
- b) the set house allowance be effected and implemented as of the date of issue of the ruling of the High Court in Constitutional Petition No. 328 of 2016 being the 5th day of October, 2018; and
- c) the implementation of the payment of the house allowance to the Members of the County Assembly be commenced with immediate effect upon action by S.R.C.

(Deputy Leader of Majority Party)

Debate ensued;

Mover replied;

Question put and **Agreed to.**

6. MOTION- ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

Motion Made and Question Proposed;

THAT, pursuant to the provisions of the Standing Order 29 (1), this Assembly adjourns until, **Tuesday, 10th September, 2019**, in accordance with the Calendar of the County Assembly (Regular Sessions)

(Deputy Leader of Majority Party)

Debate ensued;
Mover replied;

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

7. ASSEMBLY ROSE - at Ten Minutes Past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, September 10th, 2019

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