



COUNTY GOVERNMENT OF NAIROBI CITY
SECOND ASSEMBLY – (THIRD SESSION)
NAIROBI CITY COUNTY ASSEMBLY
VOTES AND PROCEEDINGS
TUESDAY, APRIL 2, 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 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 floor of the Assembly.

- i) **THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY TOBACCO BILL, 2018.**

(Hon. Peter Warutere, MCA -Chairman Sectoral Committee on Health Services)

4. NOTICE OF MOTION – HON. PIUS MBONO, MCA

WHEREAS Article 195 of the Constitution expressly provides that a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information; **WHEREAS** the Standing Orders of the Nairobi City County Assembly in realizing the foregoing further provides that Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute County Assemblies Powers and Privileges Act, 2017, including the power to summon

witnesses, receive evidence and to request for and receive papers and documents from the Government and the public; **WHEREAS** the County Assembly Select Committee on Implementation wrote invitations to the acting Nairobi City acting County Secretary as it were, Mr. Leboo Ole Morintat, to attend the Committee's meetings for deliberations on the operationalization of the County Acts, first being the joint sitting between the Committee, the Office of the County Attorney, the County Public Service Board and the Officer of the County Secretary, held from 21st to 23rd March 2019 at Royal City Hotel, Kisumu, vide letters dated 13th March 2019, Ref. NCA/COI/COR/03/2019, and secondly, subsequent invitation via summons to the Committee's sitting held on 27th March 2019, invitations to meetings which the then acting Country Secretary never honored nor gave an apology for not attending; **WHEREAS** the Committee in light of the provisions of Section 18 of the County Assemblies Powers and Privilege Act, 2017, resolved to summon Mr. Leboo Ole Morintat to appear before the Committee on Wednesday, 27th March 2019; **WHEREAS** the officer however failed to appear before the Committee as summoned and instead, sent a letter detailing reasons for his unavailability, key being a pending arrest warrant against him; **WHEREAS** in light of the foregoing, scrutiny of the warrant revealed that the same was obsolete and dispensed with, having been issued by the court on 5th December 2017 for his arrest and presentation before court on 15th December 2017; **WHEREAS** Section 20(1) of the County Assemblies Powers and Privileges Act, 2017 provides that every person who is summoned to give evidence or to produce a document before a County Assembly or a Committee shall be entitled to the same rights and privileges that are applicable to a witness before a court of law which protection would shield the witness from arrest per the pending warrant where it is live and subsisting; **AND WHEREAS** the Committee made a finding that the witness has continued to be in contempt of the Committee; **NOW THEREFORE** this **ASSEMBLY RESOLVES** as follows;-

- i. To strongly censure the acting County Secretary as it were, Mr. Leboo Ole Morintat for contempt of the County Assembly;
- ii. The Assembly affirms categorically that forthwith, it shall not conduct any business with one Mr. Leboo Ole Morintat; and,
- iii. The County Assembly shall consider any business transacted by the acting County Secretary as it were, Mr. Leboo Ole Morintat as null and void and will pay no recognition nor respect to any actions by the aforesaid in dispensing with the duty of the office of the County Secretary.

(Vice Chair Select Committee on Implementation. Hon. Pius Mbono)

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

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

- i) Hon. Millicent Jagero, MCA will request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding illegal parking of vehicles in the County especially in 3rd street Eastleigh Airbase Ward;

Pursuant to Standing Order 45 (2) (c) the following response to Statement was given: -

- i) The Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training will give a Response to Statement requested by Hon. David Ayo, MCA regarding the office of the Governor’s scholarship established under the former County Government Administration and funded by the Governor’s office; *response was unsatisfactory*
- ii) The Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training will give a Response to Statement requested by Hon. Peter Imwatok, MCA regarding the recent issuance of bursaries; *response was unsatisfactory*

6. MOTION - THE NAIROBI CITY COUNTY TOBACCO CONTROL BILL, 2018 (BILL NO. 9 OF 2018)

Order for Second Reading read-

Motion made and question proposed -

THAT, the Nairobi City County Tobacco Bill, 2018 (Assembly Bill No. 9 of 2018) be now read a second time.

(Hon. Charles Thuo, MCA)

Debate ensued;

Mover Replied;

Question put and ***Agreed to;***

Bill read for the second time and committed to Committee of the Whole Assembly.

And the time being Four O’clock; the Deputy Speaker adjourned the Assembly without question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - at Four O’clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, April 3rd, 2019 at 2.30 p.m.