



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FOURTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 21ST, 2020 AT 9:30 AM

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

QUORUM OF THE COUNTY ASSEMBLY

The Speaker having confirmed that there was quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The following communication was given;

WELCOMING MEMBERS BACK AFTER THE SHORT RECESS

“Hon Members, I have a communication to make. As you can recall during today’s morning sitting, I conveyed guidelines issued by the Head of Public Service regarding containment measures for the spread of Covid 19.

Consequently, I conveyed a special meeting for the County Assembly Service Board to deliberate on how to implement the said guidelines. Accordingly, Hon. Members, the County Assembly Service Board has adapted the following measures which should be strictly adhered to beginning Thursday 23rd July 2020 at 2.30 p.m.

We shall be holding virtual sittings. Only the House leadership and the mover of a business on the floor shall be allowed in the Chamber. All the other members shall follow and participate in the assembly proceedings via zoom. The office of the Clerk is directed to facilitate the virtual sittings. Visitors will not be allowed in the assembly precincts

including in committees unless in exceptional circumstances. Members are also encouraged to stay away from the precincts. Members of the public are encouraged to send electronic mails. The Clerk shall be sharing documents with members and staff electronically.

There will be a scale down of staff turning up for work. Adequate PPEs and sanitizers shall be provided by the Service Board. Hon Members, these measures are aimed at protecting you and your loved ones from this dangerous virus.

It is so directed.”

4. PAPERS LAID: -

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

i) THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH ON A WORKSHOP HELD AT PRIDE INN PARADISE HOTEL, MOMBASA COUNTY.

(Chairperson, Sectoral Committee on Health)

ii) THE NAIROBI CITY COUNTY DRAFT VALUATION BILL

(Hon. Millicent Mugadi, MCA)

iii) A REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE LIVESTOCK AND FISHERIES ON WORKSHOP HELD ON 22ND – 25TH DECEMBER, 2019 IN TRAVELLERS HOTEL, MOMBASA.

(Hon. Ruth Ndumi, MCA)

5. NOTICE OF MOTION: - (MOSES OGETO, MCA)

THAT, aware that Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 provides for the transfer of functions and powers from one level of Government to another; further aware that on 25th February, 2020, the Governor signed a memorandum transferring some of the County Government functions such as health services, transport services, county planning and development services and public works to the National Government as provided for in the Constitution which took effect from 17th March, 2020 and for twenty-four (24) months subject to renewal; acknowledging that in execution of the Transfer Deed, His Excellence the President established the Nairobi Metropolitan Services Office to spearhead the implementation of the transferred functions;

recognizing that there has been a rift between the County Executive and the Nairobi Metropolitan Services on various issues such as process of secondment and/or deployment of public officers from the County Executive to Nairobi Metropolitan Services; noting that Article 187 (2) (b) of the Constitution provides that constitutional responsibility for performance of the function or exercise of power on transferred functions shall remain with the government to which it is assigned by the Fourth Schedule, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to develop guidelines for approval by the County Assembly on the secondment and/or deployment of officers from the County Government to the Nairobi Metropolitan Service to enhance seamless service delivery to the residents of Nairobi City County.

6. NOTICE OF MOTION: - (HON. SAMORA MWAURA, MCA)

THAT, Article 97 of the Constitution 2010 and Section 24 of the Intergovernmental Relations Act 2012 provides for the transfer of functions and powers from one level of government to another; Further aware that on 25th February 2020 the Governor entered a memorandum of transferring some of the functions such as Health Services, Transport Services and Public Works Services to the National Government as provided for in the Constitution which took effect from 17th March 2020 and for 24 months subject to renewal; Acknowledging that in the execution of the transfer deed H.E the President established the Nairobi Metropolitan Services Office to spearhead the implementation of the transferred functions.; Concerned that there is no lack of consensus between the County Executive and the Nairobi Metropolitan Services on the implementation of various projects which are under the transferred functions has brought amongst some contractors who had commenced works before the transfer of functions was effected as the County Executive is unwilling to hand over some of the capital projects which are under the transferred functions to the Nairobi Metropolitan Services. A certified version of this Report can be obtained from the Hansard Editor. Services, this Assembly urges the Nairobi Metropolitan Services to request for all the necessary documentation from the contractors on the existing contracts on all capital projects which are

under the transferred functions with a view of ensuring the contractors complete the projects in timely manner and avoid stalling of such projects.

7. NOTICE OF MOTION: - HON. KABIRO MBUGUA, MCA

THAT, Article 6 of the Constitution of Kenya 2010 provides for the two levels of government, the National and the County level which are distinct and inter-dependent and required to conduct their mutual relation on the basis of consultation and cooperation; Further aware that Article 41 of the Constitution provides for the right to fair labour practices including forming, joining or participating in activities and programmes of a trade union; acquainted that recent months have witnessed increased cases of job losses not only in Kenya but globally with an estimation of over 1 million jobs lost by June across all sectors in Kenya due to the corona virus pandemic; concerned that a majority of people in Nairobi had high hopes and ambitions in the beginning of the year; however, poor micro economic performance and lack of labour market opportunities and the current pandemic have resulted in reduced revenue, loss of business opportunities, loss of markets for goods and services, shortage of raw materials and the re-structuring due to the tough economic times; Noting that high expectations, disappointing employment and life prospects have fueled frustration and desperation among many people who have turned to criminal behavior, violence, substance abuse, commercial sex work and even suicide; Acknowledging that the National Government has developed several economic stimulus programs and measures to cushion the economy from the impact of the Covid 19 pandemic; this Assembly urges the County Executive to develop a policy to establish an employment insurance fund to which employers and employees contribute and from which employees who become unemployed or their beneficiaries, as the case may be, are entitled to benefit in order to alleviate the harmful economic and social effects of unemployment.

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

Pursuant to Standing Order 45 (2) (f) the following Member responded to the following statement: -

- i) The Chairperson of the Sectoral Committee on Water and Sanitation gave a response to a statement requested by Hon. Redson Otieno regarding delayed completion of important projects in the County.

9. MOTION: HON. JAYENDRA MALDE, MCA

THAT, aware that the County has always been experiencing increased cases of land grabbing over the past years, noting the many allegations of Officers at the Planning and Housing Department who work in cahoots with these people in order to acquire land fraudulently or get favoritism to blatantly contravene standard building plans and/ or regulations; **Cognizant** of the fact that corruption continues to mar the transfer process of lands and properties in the County without the knowledge of the residents living on such lands; further noting the relevant department of the County Government has continued to remain adamant or complacent to rectify the many anomalies dating back to 2017, giving example of Highridge Clinic that is under construction by a private developer, North Highridge School situated in 6th Parkland Avenue that is allegedly grabbed and Parkland/Highridge Ward whose approval for Ten storey was extended to more than twelve storey building; deeply concerned that many residents of Nairobi have abruptly been displaced from their lands and /or properties as a result of politicians and business elites allegedly giving bribes and engaging in corruption activities; **fully aware** of the laid down building guidelines and the implication of Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity and the President's pronouncement in the fight against graft by Public Officers, this Assembly urges the County Executive in liaison with the Nairobi Metropolitan Services to urgently investigate the processes followed in the issuance of building approvals and fraudulent acquisition of lands in the County since 2017 that led to the many contraventions of requisite building and land transfer regulations and issues on residents consultation before transfer of such lands and property.

(Motion withdrawn)

ASSEMBLY ROSE

- Three O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, July 23rd, 2020 at 2.30 p.m.

