



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FIFTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 8TH, 2021 AT 2:30 PM

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 called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

**APPEAL AGAINST SANCTIONS LEVELLED AGAINST THREE MEMBERS
OF THE COUNTY ASSEMBLY**

The Speaker conveyed the following communication-

“Hon. Members, the office of Hon. Speaker is in receipt of the appeal from Hon. Ann Thumbi, MCA, Hon. Sylvia Museiya, MCA, and Hon. Millicent Jagero, MCA regarding suspension from the House and its committees on 2nd of December 2020.

Hon. Members, having considered the appeals, I wish to guide as follows: - The conduct of Members of the County Assembly and the breach thereof, are provided for under the Privileges Act, 2017 and Standing Order of the County Assembly. The application of the sanctions for the breach of the privileges is equally detailed under Section 16 of the Privileges Act and Standing Orders.

Critically, the application of these sanctions are aligned with the provisions of Article 50 of the constitution, which provides that ‘every person

has a right to have any dispute that can be resolved by the application of the law, decided in a fair and public hearing before a court or appropriate another independent and impartial tribunal or body, in this case being the County Assembly, and its mechanism under the law and the Standing Orders.

Hon. Members, the decision obtained herewith arose from the proceedings of the House whence the Members were issued suspension by the Hon. Speaker and their appeal from that suspension indeed lies squarely with the office of the Hon. Speaker by virtue of Standing order 114(5).

And therefore, the Chair is properly seized of the jurisdiction to make a finding on these appeals as follows: - Hon. Members, having perused the appeals and the sanctions meted therewith, and taking into context the time served in the suspension, I am inclined to advise as follows: - The appeals are allowed and such privileges attendant thereof to the Hon. Ann Thumbi, MCA, Hon. Sylvia Museiya, MCA, and Hon. Millicent Jagero, MCA are reinstated with immediate effect.

For the avoidance of doubt, Hon. Ann Thumbi, MCA, Hon. Sylvia Museiya, MCA, and Hon. Millicent Jagero, MCA immediately resume their service to the House and its committees, and all the pecuniary benefits restored as such. The relevant offices of the Assembly are instructed to take necessary action to effect this communication. It is so directed.”

4. PAPERS LAID –

The following papers was laid:-

- i. THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES FOR THE INSPECTION VISIT TO KWIVA LODGE HELD ON 15TH MARCH 2021**

(Chairperson, Health Services Committee)

5. NOTICES OF MOTION – (CHAIRPERSON, HEALTH SERVICES COMMITTEE)

- i. THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES FOR THE INSPECTION VISIT TO KWIVA LODGE HELD ON 15TH MARCH 2021** tabled on the floor of the Assembly on 8th June, 2022.

6. NOTICES OF MOTION – DEVELOPMENT OF A COUNTY CHILDREN WELFARE POLICY

That aware, that the United Nations Convention on the rights of the child (UNCRC), is the most widely ratified international human rights treaty in history, ratification which Kenya is party to. Noting that the convention has 54 Articles that cover all aspects of the child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to, and also explains how adults and governments must work together to make sure all children enjoy the rights. **Deeply concerned** that ensuring child’s right in Kenya is still a challenge twenty-six years after the ratification of the treaty, and efforts by the state to enforce these rights has not been sufficient as evidenced by the rampant cases of abuse and neglect. Children’s Act of 2001 states that ‘it is the duty of local authorities’, in this case the county government, to safeguard and promote the rights and welfare of children within its jurisdiction, that if the county government do not supplement efforts to address child rights by national government, the implementation of the UNCRC Charter will remain a mirage. Considering the huge mandate that the Nairobi City County has in respect to children, this Assembly urges that the County Executive committee develop a County Children Welfare Policy to provide for a fully-fledged children’s department to work hand in hand with the national government agencies in ensuring the protection of the child’s rights, welfare and related concerns within the county.

(Hon. Mbugua Kabiro, MCA)

7. MOTION – PARTNERSHIP BETWEEN THE COUNTY GOVERNMENTS AND MINISTRY OF ENVIRONMENT AND MINERAL RESOURCE FOR THE REGISTERED MINING YOUTH GROUPS IN THE COUNTY

Motion moved and Question proposed-

THAT, AWARE THAT Article 55 (b) of the Constitution of Kenya, 2010 requires the state to take measures, including affirmative action programmes, to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; further aware that mineral excavations and quarrying activities in various parts of the County has led to development of

infrastructure, created employment opportunities, growth of towns and has contributed to the establishment of various industries; **concerned that** despite the economic gains, mineral extraction and quarry activities result into environmental degradation and pollution that cause health hazards such as respiratory diseases and accidents in abandoned quarry pits without safety fences; deeply concerned that due to poverty and inadequate education, most quarry workers operate without protective clothing and appliances, or use deteriorated protective gears that compromise safety; **acknowledging that** Section 101 (1) of the Occupational Safety and Health Act, 2007 provides that every employer should provide and maintain for the use of employees adequate, effective and suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, especially the employees who are involved in activities such as breaking or dressing of stone, concrete or slag at their work place; **further acknowledging** the need for the County Government of Nairobi in conjunction with the Ministry of Environment and Mineral Resource to empower, promote, and provide safety for the quarry workers in various sites in the County; this Assembly resolves that the Nairobi Metropolitan Service (NMS) in conjunction with the County Executive partners with the Ministry of Environment and Mineral Resource towards initiation of the following interventions for excavation and quarry workers:

1. Encourage all workers in such sites to register SACCOs that would attract recognitions for supply opportunities for the County Governments;
2. Undertake a Health and Occupational safety programmes that would see all quarry workers in the County issued with free protective clothing and appliances and sensitized on occupational safety; and,
3. A land refill levy be introduced and included in the subsequent County Finance Act with 40% of the soil refill per lorry being channeled for support and welfare of the registered Quarry SACCOs; and

4. County Government to encourage such SACCOs to apply for government tenders relating to provision of construction materials for self-reliance

Debate ensued;

Mover replied;

Question put and **agreed to;**

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

ASSEMBLY ROSE - Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on Thursday 10th June 2021

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