



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FIFTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 28, 2021 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.

There being Quorum at the expiry of the ten minutes, the Acting Speaker called the Assembly to order.

3. PAPERS LAID :-

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

- i) **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON CONSIDERATION OF THE KENYA GAZZETTE SUPPLEMENT NO. OF 2021 (THE PUBLIC FINANCE MANAGEMENT- NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND, REGULATIONS, 2021;**

(Hon. Jeremiah Themendu, MCA)

- ii) **THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON WORKSHOP FOR MEMBERS HELD FROM 19TH TO 22ND AUGUST, 2021 AT CONTINENTAL HOTEL, MOMBASA**

(Chairperson, Sectoral Committee on Health Services)

4. NOTICE OF MOTION – HON. JAMES KIRIBA, MCA

THAT, aware that on the 25th February 2020 the then Governor of Nairobi County H.E Mike Mbuvi Sonko and the Devolution Cabinet Secretary Hon. Eugene Wamalwa with the concurrence of the President of

the Republic of Kenya signed an agreement to transfer four functions from the County Government to the National Government pursuant to Article 87 of the Constitution of Kenya 2010; **FURTHER AWARE** that Article Five of the Deed of Transfer provided for an equivocal transfer of the following functions to the National Government: 1. Community Health Services; 2. County Transport Services; 3. County Public Works utilities and auxiliary services; and 4. County Government Planning and development. **NOTING THAT** Article Five (1) of the Deed of Transfer of functions provides that the financing of the transferred functions shall be drawn from either or both the Consolidated Fund and the County Revenue Fund; **FURTHER NOTING THAT** Article Five (1) of the Deed of Transfer of functions provided that the Nairobi City County Government appoints the Kenya Revenue Authority (KRA) as the principal agent for the overall collection of revenue in the County; **ACKNOWLEDGING THAT** the said agreement was effected via Gazette Notice 1605 dated 25th February 2020 that would see the National Government execute the said functions for an initial renewable period of 24 months from the date of execution; **FURTHER ACKNOWLEDGING THAT** from the date of execution being 17th March 2020 agreement unless otherwise terminated shall be in force until March 2022; realizing the need of the County Government to commence transition engagements to reversal of all the transferred functions in anticipation of the end of the Deed of transfer. Therefore, this assembly resolves to establish a Transition Oversight Committee for the reversal of the transferred functions with its membership consisting of the following:

1. The Majority Leader
2. The Leader of the Minority Party
3. The Majority Whip
4. The Minority Whip
5. Six Chairpersons on behalf of the Committees overseeing the transferred functions being:

- (a) Sectoral Committee on Water and Sanitation;
- (b) Sectoral Committee on Health Services;
- (c) Sectoral Committee on Environment and Natural Resources;
- (d) Sectoral Committee on Transport and public Works;
- (e) Sectoral Committee on Planning and Housing;
- (f) Sectoral Committee on ICT and Energy; and

(g) In addition, three members representing the youth, women and persons living with disabilities amongst Members of the County Assembly. Mr. Speaker, the Transition Oversight Committee on the reversal of the transferred functions, will be guided by the following terms of reference:

1. Examine the measures put in place by the sectors in the Executive whose functions were transferred in anticipation of the transferred functions;
2. Assessment of the fitness by the Executive for reversal of the transferred functions;

3. Examine all the assets and liabilities under the National Government from each Sector and plans put in place for handing over;

4. Oversight on the modalities and procedures that will guide towards the reversal of the transferred functions to the County Government including pending developments and report to the County Assembly with a comprehensive report within four months from the date of the establishment of the Committee on the preparedness modalities assets and liabilities from the Nairobi Metropolitan Services (NMS) being the donor, and the Nairobi City County Government being the recipient entity.

5. NOTICE OF MOTION – ADOPTION OF REPORT

THAT, this Assembly **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON CONSIDERATION OF THE KENYA GAZZETTE SUPPLEMENT NO. OF 2021 (THE PUBLIC FINANCE MANAGEMENT- NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND, REGULATIONS, 2021,** laid on the table of the Assembly today, Tuesday 28th September, 2021.

(Chairperson, Select Committee on Delegated County Legislation)

6. STATEMENTS PURSUANT TO STANDING ORDERS 45 (2) C:-

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

- i. Statement by Hon. Abdi I. Hassan, MCA to the Sectoral Committee on Justice and Legal Committee regarding complaints of illegality arising from breaches of the law and Constitution, unfairness and discrimination in the administration of the County assembly particularly the carrying out of promotions and other administrative acts thereto. **(Response due in 2 weeks)**
- ii. Statement by Hon. David Okelo, MCA to the Sectoral Committee on Planning and Housing regarding unapproved constructions in the County by private developers, especially in Mutura Street, Eastleigh ward. **(Response due in 2 weeks)**
- iii. Statement by Hon. Benson Mwangi, MCA to the Sectoral Committee on Children, Early Childhood and Vocational Training regarding the management of the County Executive (Governor's) Scholarship. **(Response due in 2 weeks)**
- iv. Statement by Hon. Peter Wanyoike, MCA to the Sectoral Committee on Environment and Natural resources regarding drtopping and parking garbage collection trucks along Komarock and Muigai roads in Dandora area. **(Response due in 2 weeks)**

7. MOTION – ACQUISITION AND STRATEGIC PLACEMENT OF TOWING EQUIPMENT ON ROADS IN NAIROBI COUNTY

Motion Made and Question Proposed;

THAT, THAT, aware that Part 2 of the Second Schedule to the Constitution of Kenya 2010 bestows the traffic and parking function on County Governments; **FURTHER AWARE THAT** the National Transport and Safety Authority Act Regulations mandate the authority to tow away stalled commercial vehicles on the road; **COGNIZANT THAT** the Kenya National Bureau of Statistics economic survey of 2020 pointed to an increased number of accidents of up to 10.8% between 2019 and 2020; **NOTING THAT** stalled vehicles account for a significant percentage of the accidents; **DEEPLY CONCERNED THAT** delayed towing away of stalled vehicles or vehicles involved in accidents lead to tailback of traffic jam on the affected roads and congestion on other roads compounding the existing challenge of loss of productive time in traffic jams; **OBSERVING THAT** for unknown reasons, private players in the towing sub-sector take longer time to intervene in towing away vehicles involved in accidents or stalled vehicles on roads; a combination of the foregoing factors give the public an impression of a government that is reluctant to address or mitigate existing challenges in the transport Sector, particularly, traffic management. This **ASSEMBLY URGES** the County Executive in conjunction with the Nairobi Metropolitan Services (NMS) to:

- 1) Formulate policy to regulate private operators in the towing industry; and
- 2) Acquire government owned towing equipment and strategically locate them on roads in the County for timely intervention in cases of accidents or stalled vehicles.

(Hon. Mark Mugambi, MCA)

Debate ensued;

Mover replied;

Question put and **Agreed to.**

8. ADJOURNMENT

There being no other business and the time being Ten minutes to Four O'clock, the Temporary Speaker adjourned the assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE – Ten minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, September, 30th, 2021 at 2.30 p.m.

