



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 6, 2023 AT 2.30 P.M.

1. The Assembly assembled thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

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

3. COMMUNICATION FROM THE CHAIR: -

The Speaker conveyed the following communication: -

RESUMPTION FROM RECESS

“Good afternoon, Hon. Members. I hope everyone of us is in good health and we give glory to God. Hon. Members, this afternoon as we usher in the Assembly after a long recess, I have got this communication to rely on the resumption of the Assembly: Hon. Members, I take this opportunity to welcome you all to the second part of the Second Session of the Assembly calendar. It is my belief that you enjoyed your time with your respective electorates and family members.

Hon. Members, the County Assembly considers a wide range of business, and as adjournment on 4th May 2023, the Assembly had dispensed with a number of them, including key policy documents such as the County Integrated Development Plan, County Annual Development Plan, the County Physical Strategy Paper and various committee reports. However, Hon. Members, you may recall that I issued a communication on 27th April 2023 in which I observed that there are a number of pending business before committees awaiting conclusion and presentation before this Assembly, especially statements.

In the said communication, I directed all committees to expedite and conclude the consideration of all the said business. In addition, I directed that all business that lapsed during the previous Assembly be re-introduced

with some exceptions. The just concluded recess gave committees ample time, and I believe they took advantage of the period to consider and conclude majority of pending business i.e. reports, sessional papers, petitions, enquiries, bills and statements. Hon. Members, I take cognizance that committees and individual Members have made some efforts to originate Bills. As a result, a number of legislative proposals have come to my office and the Assembly Business Committee has lined up a number of Motions to be considered among other businesses.

I nevertheless direct the Clerk to first track the processing of the legislative proposals and the re-introduction of lapsed Bills in order to meet our strategic objectives as an institution. Hon. Members, in the communication reference above, I also directed that each Chairperson will give status report on pending statements at the Assembly, starting on Thursday 8th June 2023. May I remind the chairpersons that at the said sittings, each chairperson will be called upon to give the said status report, failure to which, sufficient reason should be given to the Select Committee on Liaison, and if necessary, appropriate action taken.

Hon. Members, as your Speaker, it will not be under my watch that at any one point during this Assembly plenary, will adjourn for lack of business. In this regard, the work of the Assembly Leadership, Select Committee on Liaison, committees and indeed all Members, is clear cut with respect to playing their respective duties related to the functioning of the Assembly. Hon. Members, it is my conviction that as an Assembly, we will build renewed and sufficient energy and commitment towards our roles with objective of ensuring the County achieves its ultimate objective of delivering quality and fulfilling services to the people of Nairobi.

There is no doubt that this is the ultimate duty that all of us are called to have a special share of its pleasure, benefits and more so challenges. I want to wish you all very fruitful and fulfilling endeavors during this special moment in history of our country and rally all of you to be part of it.

I thank you, Hon. Members.”

4. PAPERS LAID: -

The following Papers were laid on the Table of the Assembly:-

- I. SESSIONAL PAPER NO. 1 OF 2023 ON NAIROBI CITY COUNTY DEVELOPMENT CONTROL POLICY.**
- II. SESSIONAL PAPER NO. 2 OF 2023 ON NAIROBI CITY COUNTY LAND USE POLICY.**
- III. THE REPORT OF THE AUDITOR GENERAL ON THE COUNTY EXECUTIVE OF NAIROBI CITY FOR THE YEAR ENDED 30TH JUNE 2022.**
- IV. THE REPORT OF THE AUDITOR GENERAL ON THE NAIROBI CITY COUNTY ASSEMBLY CAR LOAN AND MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2022.**

- V. **THE REPORT OF THE AUDITOR GENERAL ON THE COUNTY ASSEMBLY OF NAIROBI FOR THE YEAR ENDED 30TH JUNE 2022.**
- VI. **THE REPORT OF THE AUDITOR GENERAL ON THE COUNTY REVENUE FUND-COUNTY GOVERNMENT OF NAIROBI CITY FOR THE YEAR ENDED 30TH JUNE 2022.**
- VII. **THE REPORT OF THE AUDITOR GENERAL ON THE RECEIVER OF REVENUE FOR COUNTY GOVERNMENT OF NAIROBI CITY FOR THE YEAR ENDED 30TH JUNE 2022.**
- VIII. **THE REPORT OF THE AUDITOR GENERAL ON THE NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD FOR THE YEAR ENDED 30TH JUNE 2022.**

(Majority Whip)

5. NOTICES OF MOTION: - HON. EMMY KHATEMESHI, MCA

The following Notice of Motion was issued:-

AWARE THAT, the County Public Service Board often approves sectors such as Mobility and Works to engage contract work services/casual employees to provide support to the County, their services cut across sections and include clearing of drainage system, gardening, landscaping and doing road works often for a period of more than one month; **CONCERNED THAT** the workers are usually hired to provide such services often to a period of time and as a result of nature of the work they do, they are likely to pose risks to their wellbeing and health; **ACKNOWLEDGING THAT** for the period that the County engages the workers, the County and workers are deemed to have entered into an employer-employee engagement in the definitions contained in section 2 of the Employment Act, 2007; **APPRECIATING THAT** Article 43(1) (a) of the Constitution of Kenya, 2010 entitles every person to the highest attainable standard of health, which includes the right to healthcare services, noting that Section 34 of the Employment Act, 2007 requires of employers to provide sufficient and proper medicine during illness, except when the employee is covered by a medical scheme provided by the Government; **CONCERNED THAT** in the definition of Article 260 of the Constitution of Kenya, 2010 and Public Service Human Resource Policies, such employees are not in the categories of public or civil servants and leaves them vulnerable in terms of benefits related to wellbeing; this Assembly urges the County Executive to put in place structures, measures and guidelines on attendance to the medical needs of staff on short-term contracts/casual workers.

6. STATEMENT PURSUANT TO STANDING ORDER 47(2)(f)

Pursuant to Standing Order 47 (2) (c) the following statement was requested:-

- i. Hon. Redson Onyango, MCA requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the status of payment of all contractors who have completed

projects across the County, particularly in Ngei Ward. **(Response after 14 days)**

7. MOTION – SPECIAL AUDIT ON THE COMPLIANCE AND OPERATIONS BUILT ENVIRONMENT AND URBAN PLANNING SECTOR.

Motion made and Question Proposed;

THAT, aware that paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions of the County Governments which include Planning, Housing and land survey and mapping; **FURTHER AWARE** that the Nairobi City County Urban Planning and Housing Department has suffered critical management issues, organizational deficiencies and unfavorable socio-economic conditions that have led to poor urban planning and development; **CONCERNED** that lack of efficient enforcement of building and planning legal framework has led to environmental degradation, haphazard physical developments, increased levels of pollution across Nairobi and disasters such as collapse of buildings; **FURTHER CONCERNED** that the Sector of Lands, Urban planning, Urban renewal, Housing and Projects Management is understaffed and the available officers are not adequately facilitated to undertake their duties which may have contributed to increasing disasters where Nairobi residents have lost their lives and property due unscrupulous, substandard buildings and construction works approved by the Sector; **NOTING** that even with such blatant failure, no one has been held responsible to date for the endless disasters that bedevil the City due to lack of accountability within the Planning Department that fuels approval of substandard and illegal construction works except knee jerk reactions of interdictions and dismissals; realizing that if nothing is done urgently to revamp the Sector, the City risks continued avoidable loss of lives through disasters, this Assembly resolves that the County Executive in conjunction with the Office of the Auditor - General to conduct a special audit on the compliance and operations of the Built Environment and Urban Planning Sector with a view to establishing an effective, efficient and reliable department that can better plan and organize the City and report within six (6) months upon approval of this Motion.

(Hon. Antony Kimemia, MCA)

Debate ensued;

Mover Replied;

Question put & **Agreed to.**

There being no other business and the time being fifty-three minutes past Three O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at Fifty-Three Minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, June 7th, 2023 at 2.30 p.m.