



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 22, 2023 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 Temporary Speaker (Hon. Diana Mwangangi, MCA) having confirmed that there was no Quorum at the commencement of the Assembly caused the bell to be rung for 10 minutes.

The Speaker having confirmed that there was a Quorum at the expiry of 10 minutes called the Assembly to order.

3. COMMUNICATION: -

The Speaker conveyed the following Communication: -

**VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF
KAKAMEGA**

“Hon. Members, today’s sitting is graced by a delegation drawn from the Membership and the Secretariat of the Culture Committee of the County Assembly of Kakamega, who are seated in the Speaker’s Gallery. The delegation is here to benchmark with us, specifically, with the Assembly’s Select Committee on Culture and Community Services.

Hon. Members, the delegation comprises of the following:

- i. Hon. Modesta Auka – The Chairperson
- ii. Hon. Antony Mix
- iii. Hon. Amos Liyayi
- iv. Hon. Kasim Tingili
- v. Hon. Peter Wanami
- vi. Hon. Zusach Nyongesa
- vii. Hon. Samwel Segero
- viii. Hon. Joseph Omusinde
- ix. Hon. Isabella Mungasia
- x. Ms. Phyllis Ongale – Hansard Reporter
- xi. Ms. Janet Mwombe – Researcher
- xii. Ms. Joslyn Mugoyat – Communication Officer

- xiii. Mr. Patrick Barasa – Sergeant-At-Arms
- xiv. Mr. Graham Wanyama – Clerk Assistant

May I take this opportunity, on behalf of Nairobi City County Assembly, to extend a warm welcome to our distinguished guests and to appreciate you for finding it appropriate to benchmark with us and to share experiences. I wish you all the best in your engagements with our Committee and the Assembly by extension. I thank you, Hon. Members

4. PETITION: -

The following Petitions were read: -

- i. Petition by the California Estate Residents Committee of New Pumwani Estate. (***The Petition was Committed to the Sectoral Committee Planning and Housing***)
- ii. Petition by the Members of Tazama Lane Residents Associations, Parklands Ward. (***The Petition was Committed to the Sectoral Committee Planning and Housing***)

5. PAPERS: -

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

- I. **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS COMMITTEE ON THE RETREAT HELD ON FRIDAY AT PRIDE INN FLAMINGO BEACH RESORT, MOMBASA FROM THURSDAY 10TH NOVEMBER TO SUNDAY 13TH NOVEMBER 2022.**
- II. **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR THE NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD CAR LOAN SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2018.**
- III. **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR THE NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2018.**
- IV. **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD FOR THE YEAR ENDED 30TH JUNE 2018.**

(Chairperson, Select Committee on Public Accounts)

6. NOTICE OF MOTION - INEFFICIENCIES AND DELAYS IN THE DELIVERY OF COUNTY GOVERNMENT SERVICES

The following Notice of Motion was issued: -

THAT, aware that Article 232 (1) (c) of the Constitution of Kenya as read together with Section 7 (1) of the Public Service (Values and Principles) Act, 2015 provides that public services shall be provided promptly, effectively, impartially, and equitably; **FURTHER AWARE** that Section 56 of the County Governments Act, 2012 requires each County Government to establish its own public service responsible for delivering county government services across various departments; **RECOGNIZING THAT** pursuant to Section 46 of the County Governments Act, 2012, the Nairobi City County Government has created various departments for purposes of performing County Government functions; noting that in the recent past, there have been unwarranted delays in the provision of public services by the County Government of Nairobi City, characterized by:-

- i. Failures in service payment systems such that service seekers make payments for various taxes, charges, levies, and license fees at various payment points but the payments take longer periods than expected to reflect and get acknowledged by the County Treasury or County Government departments and the subsequent issuance of receipts thus delaying their access to a County service;
- ii. Delays in the settlement of dues owed to service providers and suppliers of goods and services due to an unreliable payment system adopted by the County Treasury.
- iii. Delays in the issuance of development approvals for a period spanning up to six (6) months or more after the application is lodged and the requisite payments are made thus inconveniencing property developers who end up incurring huge losses, especially those with commercial loans;
- iv. Unreliable revenue collection system that is shrouded in secrecy with little control by the County Government thus leading to unaccountability in revenue collection and potential loss of revenues, hence affecting overall service delivery; and
- v. General lethargy among County Government departments; Now therefore, in order to address the said inefficiency, the County Assembly resolves that:
 1. The County Treasury adopts a service payment system that will shield service seekers from unnecessary delays, instantly acknowledge receipt of service fee payments made, and allow various departments to issue receipts and offer services paid for in the event of a system downturn. Alternative measures must be put in place to ensure the seamless provision of services;
 2. All payments to service providers and suppliers of goods and services should be decentralized to respective sectors or departments and executed by sector or departmental accountants through the Online Purchase Order under IFMIS and eradicating the manual LPO system to ensure efficiency and accountability.

3. The Physical Planning department should take deliberate steps to ensure timely processing of development approvals and undertake to clear all pending approvals within the next three months of the adoption of this Motion and submit a report to the County Assembly;
4. That the County Executive Committee Member for Finance and Economic Planning should; first disclose to the County Assembly the automated revenue collection system currently in place, and secondly, demonstrate that the system is foolproof, under the control of the County Government, and can generate instant reports for audit and accountability within the next one month of adoption of this Motion and submit a report to the County Assembly; and
5. That each County Government sector, department, or agency should develop a service charter, share it with the public, and submit the same to the County Assembly within three) months of the adoption of this Motion.

(Hon. Paul Kados, MCA – Deputy Speaker)

7. NOTICES OF MOTION - INEFFICIENCIES AND DELAYS IN THE DELIVERY OF COUNTY GOVERNMENT SERVICES

The following Notices of Motion was issued: -

- I. **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS COMMITTEE ON THE RETREAT HELD ON FRIDAY AT PRIDE INN FLAMINGO BEACH RESORT, MOMBASA FROM THURSDAY 10TH NOVEMBER TO SUNDAY 13TH NOVEMBER 2022.**
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(Chairperson, Select Committee on Public Accounts)

8. REQUEST FOR STATEMENT.

The following Statement was requested pursuant to Standing Order 47(2)(c): -

- i. The Hon. Robert Alai, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding a taskforce formed by the County Executive to inquire into the issue of pending bills under the Legal Department. **(Response 14 days)**

9. MOTION - INTRODUCTION OF A COMMUNITY SERVICE FOR ALL THE DRINK AND DRIVE CONVICTIONS IN THE COUNTY MORTUARY FACILITIES FOR DETERRENCE

Motion made and Question Proposed;

AWARE. that Article 183 (3) (c) of the Constitution of Kenya, 2010 provides that County Executive Committee shall inter-alia implement, within the county, national legislation to the extent that the legislation so requires; **NOTING** that Section 44 of the Traffic Act (Cap 403) provides that any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both; **FURTHER NOTING** that Section 4 (2) (d) of the National Transport and Safety Authority, 2012 dictates that the Authority while performing its functions under the Act, shall develop and implement road safety strategies; **DEEPLY CONCERNED** that despite the existing statutory provisions, regulations and mitigations on road safety towards deterrence of drunk driving, road carnage as a result of same remains on the rise in the County and Country at large, covering 32% of all the reported road accidents, with such cases recorded on late nights in the weekends; **ACKNOWLEDGING** the need for a multi-agency approach towards deterrence of drunk driving by introduction of community service for the offenders as a way of changing of attitude and bring awareness of the eminent risk of loss of life associated with such unlawful and unethical act; **FURTHER ACKNOWLEDGING** the need for collaborative approach by the National Government, the Judiciary and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the drunk driving behavior in the County; this **ASSEMBLY URGES** that the County Executive moves with speed and:-

- i. Partner with the National Transport and Safety Authority and the Judiciary through the City Courts towards introduction of a mandatory post-conviction Community service for all the Drink and Drive case in the County;
- ii. Provide for Community service to be conducted in the existing Nairobi City County Mortuary facilities focusing on administrative and compound cleaning duties under the

supervision and clearance by the facility's chief administrator;

- iii. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and,
- iv. Develop a policy that would see the introduction of the Community Services for the convicted drunk and drive cases in the County.

(Hon. DR. Clement Ng'ang'a Kamaru, MCA)

Debate ensued;

Mover replied;

Question put & Motion agreed to.

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

10. ASSEMBLY ROSE - at Twenty-Two Minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, June 27th, 2023 at 2.30 p.m.