



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 27, 2023 AT 2.30PM

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. Malyun Abdi, 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 FROM THE CHAIR

The Speaker issued the following Communication: -

CONCLUSION OF PENDING STATEMENTS

“Hon. Members, I have the following communication to convey; the conclusion of the pending statements. You may recall that yesterday the Hon. Speaker gave an undertaking to issue direction on pending statements. Hon. Members, pursuant to Article 185 (3) of the Constitution of Kenya, 2010, “A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.”

Hon. Members, statements are among opportunities through which the Assembly exercises its oversight over the Executive functions. The Chair wishes to note and appreciate the zeal with which Members have leveraged the statements to obtain information and answers from the County Executive on crucial issues in the County. However, the Chair has noted with concern the delay in responding to the statements by the committees, lack of responses from Executive and poor management of the responses on the floor.

Hon. Members, after an audit of all the statements from the First Session to date, the Chair wishes to note that there are pending responses to the statements of the last Session and First Session 2022, which have a total of 46 pending statements, while in this second session, we have a total of 15 pending statements. In total, we have 61 pending statements from the First Session to the current Session.

Hon. Members, as you continue working with indulgence you have exhibited in executing your oversight mandate for the benefit of Nairobi residents, I hereby direct that the chairpersons with the pending statements from the First Session to date, should work with speed to disperse all statements in their respective committee and give a status report on this Assembly by Thursday 8th June 2023. Every Chair will be called upon to give his or her respective report. The Chairpersons who fail to observe the ongoing direction must report to the Select Committee on Liaison the reason for such failure on time for the County Assembly leadership to make necessary action on the same. Hon. Members, the Chair commits to follow up on the ongoing to ensure all pending statements are responded to conclusively.

Thank you.”

4. PAPER LAID: -

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

I. THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON WORKSHOP HELD FROM 16TH TO 19TH MARCH 2023 AT MAXLAND HOTEL, KIAMBU COUNTY

(The Chairperson, Sectoral Committee on Environment and Natural Resources)

II. THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON WORKSHOP HELD FROM 16TH TO 19TH MARCH 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.

(The Chairperson, Sectoral Committee on Labour and Social Welfare)

5. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(c)

The following statements were requested: -

- i. The Hon. Mwaniki Kwenya, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding harassment of hawkers operating within the Central Business District in the County. **(Response due in 2 weeks after recess)**
- ii. The Hon. Redson Otieno, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding a structural encroachment by a private developer opposite JTM Church in Manyuru at Upper Savannah. **(Response due in 2 weeks after recess)**

6. MOTION – ALLOCATION AND MANAGEMENT OF LOADING ZONES

Motion Made and Question Proposed;

THAT, aware that Articles 209 and 210 of the Constitution, 2010 grants powers to County Governments to impose, vary or waiver taxes, fees, levies and other charges in order to raise revenues to fund both their recurrent and development programs; **FURTHER AWARE** that, Nairobi City County boasts of several revenue streams key among them being parking fees which include loading zones yet there has been gross underperformance as regards the county’s annual revenue collection **vis a vis** its annual expenditure; **NOTING** that, in successive Financial Years, the County Government has continuously lost revenue from loading zones due to non-payment by entities using them i.e. both private and government institutions; **FURTHER NOTING** that, the County Treasury does not have information on the number, location and the designated users/beneficiaries of all loading zones in the City; **CONCERNED** that, the responsible County Government Officers fail to enforce measures aimed at collecting revenue from the loading zones due to compromise, corruption, negligence and a weak legal framework on loading zones; **RECOGNIZING** that maximum revenue collection is one of the foundations needed to buttress sustainable economic growth; this Assembly **RESOLVES** that the County Government: -

- i. Identifies, automate and clearly mark all loading zones within the City and submit a comprehensive report on the identified loading zones to this Assembly within sixty (60) days of adoption of this Motion;
- ii. Repossess all loading zones with outstanding balances until the balances are cleared by concerned parties/beneficiaries;
- iii. Develops a legal framework either in form of a legislative proposal or regulations on allocation and management of loading zones and submit the same to this Assembly for approval within sixty (60) days of adoption of this Motion; and
- iv. Suspend any allocation or renewal of allocated loading zones until the aforementioned legal framework is enacted and/or operationalized.

(Hon. Paul Kados, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

And the time being three minutes to Four O’clock the Temporary Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

13. ASSEMBLY ROSE - at three minutes to Four O’clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, March 22nd, 2022 at 2.30 p.m