



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (FIRST SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 30, 2022 AT 2.30 P.M.**

1. The Assembly assembled at Fifteen minutes to Three O'clock.
2. The Proceedings were opened with Prayer

**QUORUM OF THE ASSEMBLY**

The presiding Speaker (Hon Doreen Mugambi) having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes.

There being no Quorum at the expiry of the ten minutes, the Ag. Speaker caused the bell to be rung again for five minutes.

And there being a Quorum at the expiry of the five minutes, the presiding Speaker called the Assembly to order.

**3. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(b)**

The following statement was issued:-

- i. The Hon. Emily Oduor, MCA issued a statement on behalf of the Assembly Business Committee, regarding the business appearing before the Assembly for the week beginning Wednesday, 30th day of November 2022.

**4. MOTION- RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON COUNTY WARDS EQUITABLE DEVELOPMENT FUND**

Motion Made and Question Proposed

**THAT**, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) vide the annexed draft petition for the National Assembly to intervene and ensure: -

1. **THAT**, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Hon. Stephen Mule, MP and the Hon. Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.
2. **THAT**, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission Equitable Development Fund: -
  - (i) That each on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
  - (ii) That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
  - (iii) (iii) That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

*(Hon. Chege Mwaura, MCA)*

Debated ensued;

Mover replied;

Question put and agreed to.

## **5. MOTION - DEVELOPMENT OF REGULATIONS ON VIRTUAL PUBLIC PARTICIPATION**

Motion Made and Question Proposed;

**THAT**, aware that Article 196 of the Constitution of Kenya 2010 provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees; further aware that Section 87 of the County Governments Act, 2010 provides for the principles of public participation which include reasonable access to the process

of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards; noting that Section 115 of the Act provides that public participation in the county planning processes shall be mandatory and be facilitated through provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including clear strategic environmental assessments; clear environmental impact assessment reports; expected development outcomes; and development options and their cost implications; concerned that there appears to be little improvement in overcoming challenges faced in citizen participation due to resource and capacity constraints, poor bureaucratic coordination, late and bulky as well as a limited understanding by both local officials and citizens regarding the new roles and mechanisms for participation; perturbed that lack of timely information, feedback mechanisms and poor coordination of public participation meetings has negatively affected conduct of public participation in the County; noting that a serious limitations in terms of access to timely information and the lack of adequate civic education has resulted in citizens not taking part in public participation events; acknowledging that the County Assembly enacted the Nairobi City County Public Participation Act, 2016 which provides for regulations for effective implementation of the Act, this Assembly urges the County Executive to urgently develop regulations to provide for: -

1. Mandatory sharing of the Ward-specific documents to be discussed in public participation forums well in advance and in a concise and easily-understandable manner to enable members of the public to peruse the documents and adequately prepare for the public participation forums; and
2. Mandatory virtual public participation in all County Government public participation operations across the County to complement the usual physical public participation forum.

*(Hon. Davidson Ngibuini, MCA)*

Debate ensued;

Mover replied;

Question put and agreed to.

And the time being Twelve minutes to Five O'clock, the Temporary Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

6. ASSEMBLY ROSE - at Twelve Minutes to Five O'clock.

MEMORANDUM

The Speaker will take the Chair on  
Tuesday, 6<sup>th</sup> December, 2022

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