



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 25, 2023 AT 2.30 P.M.

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

QUORUM OF THE ASSEMBLY

The Hon. Speaker having confirmed that there was no Quorum at the commencement of the Assembly ordered the bell to rung for ten Minutes.

There being no Quorum at the expiry of the ten minutes, the Hon. Speaker ordered the bell to be rung for a further five minutes.

There being a Quorum at the expiry of the five minutes, the Hon. Speaker called the Assembly to order.

3. MESSAGES: -

The Speaker read the following message from the His Excellency the Governor:

**NOMINEE TO THE POSITION OF NON-EXECUTIVE CHAIRPERSON OF
THE BOARD OF NAIROBI CITY COUNTY REVENUE AUTHORITY**

“Hon. Members, I have a message to communicate to this honorable House, and I hope you will always treat any communication from the Chair and Messages with seriousness it deserves and do lot of follow up because most of the time we make communication but after some time you find Members are not able to remember the communication being made on the floor.

Hon. Members, under Messages; this is a message from the Governor on the nomination for appointment to the Non-Executive Chairperson of the Board of the Nairobi City County Revenue Authority. Hon. Members, Standing Order 45 (1) relating to Messages from the Governor, provides that: *"The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly."*

Further, Section 6 (1) (a) of the Nairobi City County Revenue Administration Act, 2012 provides: *"There shall be a Board of Directors, which shall be the governing body of the Authority [Revenue Authority] and shall consist of the following: (a) a Non- Executive Chairperson appointed by the Governor with the*

approval of the County Assembly...." In this regard, Hon. Members, I wish to convey the following Message from His Excellency the Governor, regarding the nomination of a person for appointment as the Non-Executive Chairperson to the Board.

Hon. Members, in the Message, H.E. the Governor, conveys that he has nominated Mr. Andrew Chege for appointment to the position of Non-Executive Chairperson of the Board of Nairobi City County Revenue Authority. Hon. Members, therefore, His Excellency the Governor now seeks the approval of the County Assembly on the nominee for appointment to the said position Hon. Members, Standing Order 48 provides that: "*Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the County Assembly for consideration.*"

Accordingly, Hon. Members, I hereby refer the name of the nominee to the Select Committee on County Finance, Budget and Appropriations for vetting and reporting to the Assembly within the statutory timelines and in accordance with the relevant provisions of the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Orders. You may stand guided."

4. PAPERS LAID:-

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

- I. THE 6TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY INTEGRATED DEVELOPMENT PLAN 2023-2027 AND THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN 2023/24.**
- II. THE 7TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON NAIROBI CITY COUNTY FISCAL STRATEGY PAPER AND THE DEBT MANAGEMENT STRATEGY PAPER FOR THE YEAR 2023/2024 AND OVER THE MEDIUM TERM.**

(Chairperson, Select Committee on County Finance, Budget and Appropriations)

5. NOTICES OF MOTION – (CHAIRPERSON, SELECT COMMITTEE ON COUNTY FINANCE, BUDGET & APPROPRIATIONS)

The following Notices were issued: -

- I. THAT, this Assembly adopts THE 6TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY INTEGRATED DEVELOPMENT PLAN 2023-2027 AND THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN 2023/24, laid on the Table of the Assembly, today, Tuesday, 25th April, 2023.**

- II. **THAT**, This Assembly adopts **THE 7TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE COUNTY FISCAL STRATEGY PAPER 2023/24 AND OVER THE MEDIUM TERM**, laid on the Table of the Assembly today, Tuesday, 25th April, 2023.

6. NOTICE OF MOTION –

- I. **THAT**, aware that Article 43 of the Constitution of Kenya, 2010 provides for among other matters, the right to the highest attainable standard of health which includes the right to affordable health care services; **FURTHER AWARE** that Paragraph 2 of Part Two of the Fourth Schedule to the Constitution provide for the functions of the County Government which include County health services including promotion of primary health care; cognizant that lifestyle diseases such as cancer, diabetes, hypertension among other diseases have been on the rise within the County due to lack of proper and adequate preventive programs and strategies; **NOTING THAT** primary prevention and screening for chronic diseases are considered as the best strategies to curtail the rise of these malignant diseases; concerned that a significant percentage of the residents of Nairobi City County are economically disadvantaged thus may not afford the cost of screening services; **FURTHER CONCERNED** that continuous absence of preventive programs and strategies is likely to transfer economic burden of the chronic diseases to an already financially constrained population or exacerbate the prevalence of the diseases; this Assembly urges the County Executive to:-

- i. Initiate an annual program for screening of lifestyle chronic diseases such as cancer, diabetes, hypertension in all wards at affordable fees or at no cost; and
- ii. Establish a prevention and mitigation program against lifestyle chronic diseases including awareness campaigns, sensitization forums and other sustainable measures in all Wards.

(Hon. Diana Mwangangi, MCA)

- II. **THAT**, aware that under Article 186 (1) of the Constitution of Kenya and Paragraph Five of the Second Part of the Fourth Schedule to the Constitution, the functions and powers of County Governments among others, include County transport, County roads, street lighting, public road transport, traffic and parking; **FURTHER AWARE** that the City has designated zebra crossings throughout the City County roads; noting that in recent years we have witnessed a much increased number of vehicles plying various routes in the County as well as increased pedestrian population; **CONCERNED THAT** most County roads have a limited marks as speed limits and zebra crossings which has led to increased traffic congestion and accidents including deaths

to pedestrians caused by speeding motorists; **FURTHER NOTING** that the few available legal speed limits and zebra crossings points were done long time ago when the city had few vehicles and pedestrian population; this Assembly urges the County Executive to:-

- i. Undertake an audit of all County roads with a view of re-designating more speed limit areas and increase pedestrian crossings where necessary and rehabilitate the existing ones with visible signs to ease traffic flow and minimize road carnage across all county roads;
- ii. Enforce the speed limits and other traffic rules with the aid of modern technology.

III. THAT, aware that County transport, including County roads, traffic and parking, street lighting, public road transport is the function of County Government under Part Two of the Fourth Schedule to the Constitution of Kenya, 2010; **FURTHER AWARE** that the Nairobi City County Government has invested heavily in installing high mast lights in various parts of the County to improve security in the County; **CONCERNED THAT** most of the installed high mast lights have been vandalized and some have failed to function thus leaving many parts of the County in darkness for long periods due to poor and/or slow repair and maintenance of the public/street lights; **COGNIZANT THAT** Nairobi City faces a major insecurity threat due to high rate of youth unemployment; acknowledging that the County has plans to light the entire City and turn it into a 24 hour economy, this Assembly urges the County Executive to the develop a program to identify and train youth in every Ward in repairing and maintenance of public/street lights within the County as a way of improving security and achieving a twenty-four (24) hour economy in the County.

(Hon. Sospeter Mumbi, MCA)

7. MOTION – A SPECIAL AUDIT ON THE COMPLIANCE AND OPERATIONS OF THE BUILT ENVIRONMENT AND URBAN PLANNING SECTOR TO REVAMP THE 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, 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.

Debate ensued;

Mover replied;

Question put and agreed to;

(Hon. Antony Kimemia, MCA)

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

8. ASSEMBLY ROSE - at Twelve minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, 26th April, 2023 at 2.30 p.m.

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