



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 3 2023 AT 2.30 PM

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

QUORUM OF THE ASSEMBLY

There being no quorum at the commencement of the sitting the Speaker ordered the bell be rung for ten minutes.

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

There being quorum at the expiry of the extra five minutes, the Speaker called the Assembly to order.

3. PAPERS LAID

The following papers were laid on the Table of the Assembly;

- I. **THE 3RD QUARTER BUDGET IMPLEMENTATION REPORT FOR THE FINANCIAL YEAR 2022/23.**
- II. **THE BUDGET ESTIMATES OF THE NAIROBI CITY COUNTY GOVERNMENT FOR THE FINANCIAL YEAR 2023/2024.**

(The Leader of Majority Party)

- III. **THE REPORT OF THE SECTORAL COMMITTEE ON WATER, AND SANITATION ON WORKSHOP ON A WORKSHOP HELD FROM 16TH TO 19TH MARCH 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.**

(Hon. Redson Onyango, MCA)

4. NOTICE OF MOTION:-

Pursuant to Standing Order 36(1) the following Notices of Motion were given:-

1. **THAT**, aware that Article 43(1)(b) of the Constitution of Kenya 2010 guarantees every person the right to accessible and adequate housing and reasonable standards of sanitation; and the Constitution in Part II of the Fourth Schedule apports water and sanitation function to County Governments; **ACKNOWLEDGING THAT** Sustainable Development Goal 6 seeks to achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.; Cognizance that despite lack of proper legal framework, Nairobi Water and Sewerage Company, on behalf of the County administers the services of reticulation of residential, commercial and industrial entities to sewerage disposal but the company is facing a challenge of adequately covering the entire county in terms of provision of sewerage disposal services; **NOTING THAT** that some entities and residential operate private sewer holding facilities and pit latrines within their compounds which fill up during rainy season and begin to spill to the environment exposing the residents to risk of contracting hazardous diseases; Concerned that the County's informal settlements are facing serious challenge of management of sewer where waste is directly released to rivers which often pass through the settlements; and that those that have private arrangements for sewer end up filling up and leaking onto the surface exposing residents to diseases because of lack of proper sewerage facilities and trunks passing through the areas; Further concerned that as the population continues to grow, the County will face even a bigger problem if it does not put in place proper measures including installation of sewer trunks and expanding the existing infrastructure and connect as many entities as possible; this Assembly urges that:

- i. Nairobi City County in conjunction with Athi Water Works constructs sewer trunks through informal settlements within the County;
- ii. Nairobi City County seeks partnerships with non-governmental organizations (NGOs) to install sewer lines within informal settlements and embark on a drive to connect entities and residential housing units to the sewer lines;
- iii. Formulate a sanitation policy to guide the provision of sanitation services within the county, to provide a framework for accessible sanitation services and to provide and basis for a law to guide sanitation services in the County.

(Hon. Joyce Kamau, MCA)

2. **THAT**, aware that Article 46 of the Constitution of Kenya 2010 provides that consumers have a right to protection, health, safety and economic interests, the Constitution in Part II of the Fourth

Schedule apportions the parking and traffic aspects of transport function to County Governments; **COGNIZANT THAT** Section 27 of the Nairobi City County Transport Act, 2020 prohibits PSVs from picking and dropping passengers at undesignated bus stops and Sections 46 and 47 of the Act prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to the designated areas, the Sections particularly prohibits PSVs from using undesignated areas as parking prior to obtaining authority from the County; **NOTING THAT** in pursuit of the County beautification initiatives, the County has from year to year allocated and appropriated funds towards rehabilitation, greening and decoration of roundabouts including entering into maintenance agreements with private companies for the purpose of environmental aesthetics; **FUTHER NOTING THAT** the County has been putting in place measures to decongest the County but PSVs continue to operate in undesignated areas along roads in the County for instance Outer Ring Road, Jogoo Road e.t.c; **DEEPLY CONCERNED THAT** the persistent use of roundabouts, road shoulders by PSVs as termini has continued to cause heavy tailbacks of traffic on key roads such as Outer Ring road on a daily basis leading to loss of productive time and loss of value for public money and investments; this Assembly urges the County Executive and the Nairobi Metropolitan to:

- i. Issue a public notice prohibiting public transport (PSVs) from using roundabouts as termini, road shoulders, laybys and/or parking areas in contravention of the law;
- ii. Continuously enforce the foregoing prohibition notice using enforcement officers at the County and Sub-County levels; and
- iii. Formulate regulations to the Nairobi City County Transport Act 2020 forthwith to provide for punitive measures for operators who illegally use roundabouts as termini, laybys or parking.

(Hon. Kennedy Swaka, MCA)

3. **THAT**, aware that Part II of the Fourth Schedule to the Constitution of Kenya, 2010 apportions traffic and parking function to County Governments; **ACKNOWLEDGING THAT** Section 14 of the Nairobi City County Transport Act, 2020 prohibits any activities on road reserves and spells out the sanctions for violation of the same; **COGNIZANT THAT** there are many vehicles in the County that are broken down and whose owners are unknown and that such vehicles are often parked and left along main roads, in estate roads and public spaces; **FURTHER COGNIZANT** that car yards operating along major roads in the County also illegally park their units on public spaces

resulting to obstruction of pedestrian walkways; **CONCERNED THAT** such abandoned vehicles present obstruction to flow of traffic mostly along pedestrian walk ways and that such vehicle provide an inadvertent hiding spaces for would be criminal, hence pre-exposing residents to security risks; that such activities on road reserves constitute encroachment onto road reserves that are meant for **FURTHER CONCERNED** road construction related activities; **NOTING THAT** removal of such vehicles from public spaces will go a long way to clear up the most needed public spaces for activities they are purposed for; now therefore, this Assembly resolves that the County Executive:

- i. Issues a public notice asking the owners to remove all broken down vehicles and road construction equipment from any public spaces in the County or they be removed by the County at the owner's cost at the expiry of a period of 2 months;
- ii. Issues a public notice to all car yard owners to vacate any public spaces they operate in within a period of one (1) month at the expiry of which the County will enforce compliance through an operation of towing away the vehicles; and
- iii. Through, the County Executive Chief Officer for Security and Compliance puts in place measures for Countywide operation to enforce the foregoing vacation notices at the specified timelines; and continuously monitor any further violations for action.

(Hon. Sospeter Mumbi, MCA)

4. **THAT**, aware that Article 29 of the Constitution of Kenya, 2010 grants every citizen a right to freedom and security; **FURTHER AWARE** that paragraph 5 of Part Two of the Fourth Schedule to the Constitution, 2010 provides for street lighting as a function of the County Government; **NOTING THAT** recent years have witnessed a marked increase in the number of insecurity incidences across the Country and more so in Nairobi City County; **CONCERNED THAT** most of the streets in the County are in darkness due to lack of proper lighting, which has contributed to an increase in crime within the County as evidenced by muggings and other violent crimes; further concerned that some buildings and plots across the County have no adequate lightning as per the standard practice worldwide; **NOTING THAT** for the County to realize a 24 hour economy, security for business people and residents is indispensable; acknowledging that Paragraph 8 of Part Two of the Forth Schedule of the Constitution, 2010 provides for county planning and development including housing as a County function, this Assembly urges the County Executive to:-

- i. Formulate a policy to provide for installation of outdoor security lighting in all buildings, gates, plots and streets to provides a safer environment for the community; and
- ii. Ensure all building plans for residential buildings have provisions for installation of outdoor security lightings.

(Hon. Deonyias Mwangi)

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

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

- i. Hon. Clement Ng'ang'a, MCA issues a Statement on behalf of the Assembly Business Committee.
- ii. Hon. Emmy Khatemeshi, MCA requested for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding ongoing beautification programs along roads in Viwandani Ward by private entities.
(Response due on 28/06/2023).

6. MOTION – PROGRAMME TO TRAIN YOUTH ON REPAIR OF STREET LIGHTS.

Motion moved and Question Proposed;

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 programmes 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 programmes 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 programme 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 programme against lifestyle chronic diseases including awareness campaigns, sensitization forums and other sustainable measures in all Wards.

(Hon. Sospeter Mumbi, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

And the time being six minutes past to Four O'clock the Speaker adjourned the Assembly pursuant to the Standing Orders.

13. ASSEMBLY ROSE - at six ~~min~~ minutes to Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, May 4th, 2023 at 2.30pm

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