



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FIRST SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 22, 2022 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

The Temporary Speaker (Hon. Malyun Abdi) having confirmed that there was a Quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

**INVITATION OF MEMBERS OF THE COUNTY ASSEMBLY BY THE
GOVERNOR FOR A TOUR OF REHABILITATED UHURU PARK**

"Hon. Members, my office is in receipt of a letter Ref. NCC/GOV/ADM/1/1/2022/306, dated 18th November 2022 from H.E the Governor. In the letter, the Governor invites all Members of the County Assembly of Nairobi for a tour of the rehabilitated Uhuru Park on Wednesday 23rd November 2022 from 10.00 am to 12.00 pm.

Hon. Members, in the course of Second Assembly, this House approved a Motion for the closure of Uhuru Park to facilitate its rehabilitation by the then implementing agency, i.e the Nairobi Metropolitan Services (NMS) which has since handed back all functions to the County Government. Therefore, it is within our oversight mandate to go and witness the transformation that has been instituted at the said facility since public funds were utilized in the process of its rehabilitation.

Hon. Members, this is therefore to inform you of the said invitation and to request you to proceed for the tour of the said County facility as requested by the Governor”.

4. PAPER LAID: -

The following paper was laid on the Table of the Assembly;

i. THE REPORT OF THE AUDITOR GENERAL ON NAIROBI WATER AND SEWERAGE COMPANY FOR THE YEAR ENDING 30TH JUNE, 2021.

(Hon. Stazo Omung’ala, MCA – Deputy Majority Whip)

5. NOTICES OF MOTION – HON. WAITHERA CHEGE, MCA

i. Subject: Rehabilitation and Modernization of the County Parks across the County

THAT, aware that paragraph 4 of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions and powers of County Governments as amongst others, cultural activities, public entertainment and public amenities, including county parks, beaches and recreation facilities; **recognizing** that Parks and green spaces occupy a critical place in the urban environment, providing opportunity for recreation and wellness, as well as environmental management promotion and sustainability for urban communities; **observing** that in furtherance of this critical role the Nairobi City County currently retains, operates and maintains various parks and green spaces, including Uhuru Park, Central Park, Michuki Memorial Park, Jeevanjee Gardens, Jamhuri Park, Uhuru Gardens etc.; **acknowledging** the rehabilitation of Urban Parks and Green Spaces in Nairobi City County was a Presidential Legacy project which needed the full support of the County; **concerned** that the status of some of the Parks and green spaces has waned over the decades as maintenance, management and renovation have not kept pace with growth in the urban population and demands for use of the Parks by City residents; **further concerned** that the negligence and poor state of disrepair of the facilities and amenities at some of parks have become hideouts for criminals; **noting** that while the previous administration through the Nairobi Metropolitan Services (NMS) invested heavily in the renovation of Michuki Memorial Park, Uhuru Park and Central Park, which investment will greatly boost the usage of the Parks, with ever greater numbers expected to visit the refurbished Parks on a daily basis, the same has not materialized for various other parks in the County such as Jamhuri park, City park which remain in a state of disrepair; this Assembly **resolves** that the County Executive urgently develop strategy and measures to rehabilitate all County parks across the County with a view of restoring them to: -

- a. Modern aesthetics for recreational areas;
- b. Botanical spaces;
- c. Facilities for outdoor events; and
- d. All such related undertakings as are essential to modernize and beautify the parks.

ii) ***Subject: Strategies and Programmes on Climate Change within the County***

That, aware that Article 42 of the Constitution of Kenya, 2010 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations; **further aware** that climate change is a complex social and scientific issue which is characterized by uncertainty and is a global nightmare with consequences that are already quite visible across the globe; **cognizant that** Article 12 of the Paris Agreement espouses the enhancement of climate change education, training, public awareness, public participation and public access to information; **noting that** climate change education explores mitigation and adaptation at both local and global level, critical, creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine to be appropriate actions in response to climate change; **Concerned that** human activities have substantially been increasing the atmospheric concentrations of greenhouse gases, this in turn enhances the greenhouse effect that will result in additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind **acknowledging that** the Climate Change Act 2016 provides that the County Government shall, in performance of its function, integrate and mainstream climate change actions, intervention and duties set out in the Act and the National Climate Change Action Plan into various Sectors. The County Government in development, updating and approval of County Integrated Development Plan and County Sectoral Plans mainstream implementation of National Climate Change Action Plan, taking into account National and County Priorities; **further acknowledging** that paragraph 10 of the Fourth Schedule to the Constitution of Kenya 2010 provides that the County Government is to implement specific national government policies on natural resources and environmental conservation, **now therefore** the County Assembly urges the County Executive to: -

1. develop strategies and education programmes on adaptability to climate change within the County;
2. develop a policy on climate change; and
3. Implement the National Climate Change Plan across all the Sector in the County.

iii) ***Subject: Establishment of car parks for taxis in the C.B.D***

THAT, aware that Article 186 (1) of the Constitution of Kenya 2010, and paragraph 5 of the Fourth Schedule to the Constitution provide for

the functions and powers of County Government on County transport including county roads, street lighting, public road transport traffic and parking; **further aware** that the City has designated preferential parking zones and bus termini throughout the City with parking restrictions for each zone; noting that recent years have witnessed a marked increase in the number of vehicles in the County; **concerned** that there are limited number of parking slots specially for taxis in the Central Business District making it difficult for motorists to get a slot especially during working hours; **further concerned** that some of the available parking slots are in a dilapidated state giving motorists option of using private parking services thus denying the County revenue; **noting** that some areas designated as parking slots have been converted into walkways; **further noting** that Section 55 of the Nairobi City County Transport Act prohibit taxi cab operators from parking upon any roadway other than within a taxi zone; **acknowledging** that a good percentage of County revenue is from parking services, this Assembly urges the County Executive to establish and designate more parking slots for taxicabs and picking and dropping areas for online taxicabs within the Central Business District and revamp the existing ones in order to ease the pressure on the available spaces, provide efficient parking services to taxicabs and boost revenue collection for the County.

6. NOTICES OF MOTION -- HON. FATHIYA MOHAMMED, MCA

Subject: Recruitment of the County Policing Authority Pursuant to Section 41 of the Police Service Act, 2011

- AWARE THAT**, Section 41 of the National Police Service Act, 2011 establishes the County Policing Authority for each county comprising of;-
- a) the Governor or a member of the County Executive Committee appointed by the Governor, who shall be the chairperson;
 - b) county representatives appointed by the Inspector-General, who shall comprise the heads of the National Police Service, the National Intelligence Service and the Directorate of Criminal Investigations at the county level;
 - c) two elected members nominated by the County Assembly;
 - d) the chairperson of the County Security Committee;
 - e) at least six other members appointed by the Governor, from among the following categories of persons ordinarily resident in the county who shall be recruited through a competitive process by the County Public Service Board, —
 - i. *the business sector;*
 - ii. *community based organizations;*
 - iii. *women;*
 - iv. *persons with special needs;*
 - v. *religious organizations; and,*
 - vi. *the youth.*

ACKNOWLEDGING that Section 41 (3) of the same Act requires the aforementioned names once nominated to be vetted by a County Security Committee and subsequent approval by the County Assembly; **APPRECIATING** the functions of the County Policing Authority as stipulated in Section 41(9) being *inter-alia*; to develop proposals on priorities, objectives and targets for police performance in the county;

monitor trends and patterns of crime in the county including those with a specific impact on women and children; promote community policing initiatives in the county; **DEEPLY CONCERNED** with the high rise of insecurity in the County and Country at large such as broad day muggings, robberies and to some extent murder; **NOWHEREFORE THIS ASSEMBLY** urges the County Public Service Board to urgently advertise, recruit and forward the names of the nominees for **the County Policing Authority pursuant to Section 41 (1)(e) of the Police Service Act, 2011** for vetting and subsequent approval by the Assembly as a way of augmenting policing initiatives in the county.

7. NOTICES OF MOTION -- HON. DAVIDSON DNG NGIBUINI, MCA

Subject: Development of Regulations on Virtual Public Participation

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 communication 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 forums.

7. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C):-

Pursuant to Standing Order 47 (2) (c) the following Member requested for Statement: -

- i) Hon. Jared Akama, MCA requested for a statement from the Chairperson of Sectoral Committee on Lands, Planning and Housing regarding alleged non-remittances of fees owed to the County Government by various Outdoor advertisement and Signage Companies operating in the County. **(Response due in 2 weeks)**
- ii) Hon. Moses Kitema, MCA requested for a statement from the Chairpersons of the Sectoral Committees on Transport and Public Works and Water and Sanitation Committees regarding the dilapidated roads especially GNCA road in Kware Ward. **(Response due in 2 weeks)**
- iii) Hon. Silas Matara, MCA requested for a statement from the chairperson of the Sectorial committee on Transport and Public Works regarding the advertised road projects by Nairobi Metropolitan Services (NMS).
(Response due in 2 weeks)
- iv) Hon. Silas Matara, MCA requested for a statement from the chairperson of the Sectoral committee on Water and Sanitation regarding the drilling of 7 boreholes that were advertised through a tender on 6th May, 2022 by NWSC whose projects have stalled including the one in Dandora II Ward.
(Response due in 1week)
- v) Hon. Robert Alai, MCA will request for a statement from the chairperson of Sectorial committee of Planning, Lands and Housing on the alleged irregular and or fraudulent disposal and or transfer of Land Reference number 209/6612, the property at Mariakani Estate, along and or within Mkoma Road. South B. **(Response due after long recess)**
- vi) Hon. Mark Thiga, MCA requested for a statement from the Chairperson of the Sectoral Committee on Health Services regarding the stalled construction project in the County and in particular Upendo Hospital in Hospital Ward. **(Response due in 2 weeks)**

8. MOTION – EXTENSION OF SITTING.

Motion Made and Question Proposed;

THAT Pursuant to standing order 33(3) this Assembly resolves to extend its sitting time until conclusion of the business contained in the Order Paper.

(Hon. Silas Matara, MCA)

No debate ensued;

Mover replied;

Question put and **agreed to;**

9. MOTION - ROLLING OUT OF THE AUTOMATED WATER READING METERS FOR NAIROBI WATER & SEWERAGE COMPANY LTD.

Motion Made and Question Proposed;

AWARE THAT, Article 43 of the Constitution of Kenya, 2010 provides that every person has the right to clean and safe water in adequate quantities; **FURTHER AWARE** that paragraph 11 (b) of Part 2 of the Fourth Schedule of the same Constitution bestows water and sanitation service as one of the County Government's devolved function; **ACKNOWLEDGING** the existence of Nairobi City Water and Sewerage Company (NCWSC) which was incorporated in December 2003 under the Companies Act cap 486 as subsidiary of Nairobi City County with the main responsibility of providing and managing water and sewerage services in Nairobi City County; **FURTHER ACKNOWLEDGING** that the said company is mandated to provide its services to a projected population of 5.9 million according to the Nairobi City County Integrated Development Plan (CIDP) 2018-2022; **CONCERNED** that some parts of the County still experience water shortage, some artificial as a result of illegal connections, undetected pipe breakages amongst other, leading to low revenue collection by the company; **DISTURBED** that high non-revenue water remains one of the biggest challenge in addressing the County's daily demand of 810,000 cubic meters as only 526,000 cubic meters of water, being 65% is what the residents receive; **NOTING** the need for the County Government to introduce smart digital water meters that have low pressure sensor alarm, able to detect and alarm any water leakage and able to support prepay capabilities and reduce operational cost; this **ASSEMBLY THEREFORE RESOLVES** that the County Executive in liaison with the Nairobi Water and Sewerage Company moves with speed to introduce and roll-out digital water meters in the County and have such intervention prioritized in the subsequent Annual Development Plan for timely implementation.

(Hon. Mwaura Samora, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

10. MOTION - IDENTIFICATION OF ALL IRREGULARLY ACQUIRED PUBLIC LAND ORIGINALLY SET ASIDE FOR PURPOSES OF BUILDING PUBLIC UTILITIES AND AMENITIES FOR THE PEOPLE OF NAIROBI.

Motion Made and Question Proposed;

THAT AWARE that the Nairobi City County has had challenges with controlling and or preventing the grabbing of public land by unscrupulous profiteers; **NOTING** that numerous estates in the County do not have common amenities and or facilities primarily because public spaces meant for the same were irregularly acquired by developers and re-appropriated for private uses; **RECOGNIZING** that public amenities are a crucial part of urban planning and provide the necessary spaces for wholesome urban communities; **DEEPLY CONCERNED** that the rampant grabbing of pieces of land set aside for this purpose means communities have to forego schools,

hospitals and other public utilities for private profit making developments; **REGRETTING** that the County Executive has been unable to crackdown on the rampant grabbing of land meant for utilities despite various attempts to streamline the same; **AND WHEREAS** the Assembly has in the past adopted various measures to have this matter addressed which have bore little fruit for lack of implementation; **NOW THEREFORE**, this Assembly **RESOLVES** that the County Executive urgently move to identify and map public spaces originally set aside for public utilities from planning approvals and reclaim those that were irregularly acquired by private development. Furthermore, the County Executive to liaise relevant national government agencies to compulsorily acquire land where such doesn't exist for purposes of building public utilities and amenities for the people of Nairobi.

Debate ensued;

Mover replied;

Question put and **agreed to;**

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

11. ASSEMBLY ROSE - at fifty three minutes past four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, November 23rd, 2022 at 2.30 p.m