



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 18, 2023 AT 2.30PM

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

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was no Quorum caused the bell to ring for Ten minutes.

The Speaker having confirmed that there was a Quorum at the expiry of the Ten minutes called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR: -

The Speaker conveyed the following communication: -

RESUMPTION FROM SHORT RECESS

Welcoming Members from recess

“Good afternoon, Hon. Members. May I, at the outset welcome you back from the deserved short recess in conviction that you had a fulfilling engagement with your constituents and families alike. Accordingly, this Sitting is properly convened, the Assembly having adjourned on 7th July 2023 in accordance with the Calendar. As we embark on this stretch of the Second Part of the Calendar, it is my belief that God will grant us His Mercies to work for the people of Nairobi.

Hon. Members, as at the day of adjournment for the Short Recess, the Assembly had made remarkable progress with respect to dispensing

with numerous businesses in line with the overarching roles of legislation, oversight, representation, and policymaking.

Hon. Members, may I register my commendation to the Committees for the renewed energy and effort toward their respective mandates demonstrated through the Tabling of several reports in the run-up to the last adjournment. Indeed, during the workshop held by the Select Committee on Liaison, Committee Chairpersons presented half-year progress reports in which I believe progress is being made. However, this should not obscure us from the fact that we are yet to achieve our targets and aspirations in terms of the number of Motions, number of Bills, number of Statement responded to, number of reports of Auditor General scrutinized, number of Petitions processed and meeting timelines.

Hon. Members, as we take collective and full responsibility, I note that Committees are the driving force behind legislatures. They feed the exhibition, which is the Plenary. May I call upon Committees not to relent in the execution of their mandates. Most importantly, Hon. Members, we just passed the budget for the 2023/2024 Financial year, which is the first budget under the current administration. Committees are required to step up their oversight role to ensure that this budget is executed in accordance with laid down plans. Indeed, it is the duty of the Committees to engage the respective sectors and call for regular implementation reports in accordance with Article 183 (3) of the Constitution of Kenya, 2010, and Section 166 of the Public Finance Management Act, 2012. Further, Committees are required to conclude all pending business and present it to the Plenary for consideration. In addition, I rally the Assembly Leadership and the Select Committee on Liaison to provide continuous support to Committee processes by properly addressing any challenges and collectively, we will deliver a City to work, live and invest in.

Hon. Members, the Office of the Clerk provides critical support to the operations of the County Assembly. I commend this continuous support of officers from the Clerk's Office to Members, Committees, and Plenary. I call upon the Clerk to streamline administrative processes to ensure that the Assembly business is seamless and within the timelines required. From where I sit as the Chairperson of the Board, I encourage all Assembly officers to always uphold professionalism and observe the

code of conduct in discharging their duties.

Devolution conference

Hon. Members, as you may be aware, the Council of Governors has already announced that the 8th Devolution Conference will be held in Eldoret, Uasin Gishu County from 15th to 19th August 2023. Accordingly, the online registration of participants is ongoing. Accordingly, I am happy to inform you that the County Executive has already settled the requisite entry fee for all Members of the County Assembly and all Members have duly been accredited by the Council of Governors and a notification sent to all Members via SMS to your respective mobile phones. As of today, all Members are duly registered, accredited, and invited to attend the said conference on the appointed dates. The Office of the Clerk will be undertaking the other incidental processes and procedures and communicating with the Members. The Office of the Clerk will be willing and ready to assist any Member who may want further clarification or who may not have received the said notification on their phones.

Financial obligations

Hon. Members, as the institutional head, I take cognizance of your welfare very seriously and I will always endeavor to address them. One of the welfare issues is the outstanding payments with respect to Assembly activities attended. Hon. Members, you may appreciate that financial procedures and processes are relatively rigid and we always endeavor to be in good books with independent institutions by following the law.

Hon. Members, may I bring to your attention that as at the closure of the last Financial Year, 2022/2023, the Assembly had made requisitions to the tune of Ksh. 211 million which was pending at the Office of the Controller of Budget. These funds were intended to pay per diems for Members and staff; pay ward office imprests and settle institutional obligations to suppliers. The coming to the end of the last financial year means that the processing of the said funds will be re-done within the current financial year as the first charge of the recently passed budget. Hon. Members, it is my assurance that once the budget for the current financial year is uploaded and live on IFMIS, the Assembly will be in a position to settle all outstanding payments due to Members and staff.

The delayed payments are not the making of the Assembly but are occasioned by a lack of funds in the County Revenue Fund (CRF)

In addition, it is noteworthy that the payment of rent for ward offices from January 2023 has also faced delays and partly due to delayed filing of returns by Members. This will, nonetheless, be settled once the FY 2023/2024 budget is uploaded and funds made available in the County Revenue Fund (CRF),

You are so guided!

I thank you Hon. Members.”

4. PAPERS LAID: -

The following Paper was laid on the Table of the Assembly: -

I. THE REPORT OF AUDITOR GENERAL ON NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE 2022.

(Deputy Speaker)

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

The following Statements were responded to: -

- i. The Chairperson of the Sectoral Committee on Justice and Legal Affairs gave a response to the Statement requested by Hon. Mwaniki Kwenya, MCA regarding harassment of hawkers. **(Satisfactory)**.
- ii. The Vice Chairperson of the Sectoral Committee on Health Services gave a response to the Statement requested by Hon. Samora Mwaura, MCA regarding yellow fever vaccination. **(Satisfactory)**.
- iii. The Chairperson of the Sectoral Committee on Culture and Community Services gave a response to the Statement requested by Hon. Perpetua Mponjiwa, MCA regarding harassment of mushrooming liquor kiosks. **(Satisfactory)**.

6. MOTION – SUBJECT: BUILDING PLANS TO HAVE ADEQUATE PARKING FOR TENANTS.

(Resumption of Debate interrupted on Thursday, 6th July 2023 at 2.30 p.m.)

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 regulation of county roads, street lighting, public road transport

traffic and parking; further aware 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; acknowledging that recent years have witnessed increased development of residential apartments within the County and more so in informal areas; concerned that most residential buildings were built with inadequate parking spaces for the tenants; further concerned that most tenants have opted to parking their vehicles on the road reserves and pavements thus blocking other motorists, this has contributed to increased traffic snarl up in some residential areas in the County especially during rush hours, this Assembly urges the County Executive to develop regulations to provide for all building plans for residential buildings to have adequate parking spaces for tenants.

(Hon. Brian Itenya, MCA)

Mover Replied;

Question put & ***agreed to.***

7. MOTION –ESTABLISHMENT WASTE COLLECTION AND MANAGEMENT SACCOS

THAT, aware that Article 42 of the Constitution of Kenya 2010 provides for the right of every person to a clean and healthy environment; **FURTHER AWARE** that solid waste management which is a function of the County Government remains a serious challenge to the Nairobi City County Government and residents; **CONCERNED** that the implementation of waste management faces numerous challenges ranging from inadequate capacity to handle the challenge, corruption within and beyond the County Government, cartels and lethargic nature of County staff and citizenry faced with apathy and collective irresponsibility for waste management; **ACKNOWLEDGING** that solid waste is an emerging health threat to both levels of government and underscoring its effect on the lives of the people living in Nairobi, the environment and well-being of the city; **FURTHER ACKNOWLEDGING** that the County Government enacted the Nairobi City County Solid Waste Management Act, 2015 whose operationalization has not been realized, this Assembly urges the County Executive to urgently develop the Solid Waste Management Regulations pursuant to Section 38 of the Nairobi City County

Solid Waste Management Act, 2015 to provide for establishment of Waste Collection and Management Saccos in every Ward in order for them to be registered and authorized to collect garbage in an organized manner across the City.

(Hon. Sospeter Mumbi, MCA)

(Motion differed)

There being no other business and the time being Four O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, July 19th, 2023 at 2.30 p.m.