



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 19, 2023 AT 2.30 P.M.

1. The Assembly assembled at 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 at the commencement of the Assembly caused the bell to rung for 10 minutes.

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

3. COMMUNICATION FROM THE CHAIR: -

The Speaker conveyed the following communication: -

BUSINESS BEFORE ASSEMBLY

“Hon. Members, without appearing to pre-empt debate on the business appearing in today's Order Paper, it is important that I inform the House that we have received two requests from the County Executive vide letters Ref. NCC/CS/PAA/297 and Ref. NCC/CS/PAA/300 all dated 18th April, 2023 seeking the County Assembly's approval of certain aspects on the financing of Urban-Renewal projects and the School feeding programme.

Hon. Members, due to the significance of the urban renewal projects and the school feeding programme to the County Government, the National Government and the residents of this great city, both requests were placed before the Assembly Business Committee during the Committee's today's meeting. The Committee resolved that the matters be placed before the House this afternoon for consideration. Accordingly, I will be expecting the Leader of the Majority to move Motions seeking the concurrence or otherwise of the Assembly on the County Executive's requests. I therefore, encourage all Hon. Members to take a keen interest in both Motion when they shall be moved for deliberations.

You are so guided!

4. NOTICES OF MOTION: -

The following notices of motion were issued:-

I. WHEREAS, the Nairobi City County Government intends to initiate a school feeding program;

AND WHEREAS, in order to fund the program the County Government will require financing both from the exchequer and development partners;

NOW THEREFORE, pursuant to the provisions of Sections 116 and 119 of the Public Finance Management Act, 2012 this Assembly resolves to **AUTHORIZE** the request by the County Executive Committee vide a letter Ref. NCC/CS/PAA/300 dated 18th April, 2023, to open a School Feeding Fund Bank Account and further urges the County Executive Committee Member for Finance to develop and submit to the County Assembly regulations to govern the School Feeding program for approval.

II. WHEREAS, Paragraph 8 (d) of the Second Part of the Fourth Schedule to the Constitution of Kenya bestows County Governments with the mandate of county planning and development which includes provision of housing;

WHEREAS, the Nairobi City County Government in its bid to provide decent and affordable housing to the city residents is implementing Urban Renewal projects under a joint venture arrangement with development partners; AND

WHEREAS, under the joint venture arrangement, the Nairobi City County Government and Private Developers formed a Special Purpose Vehicle (SPV) to implement the projects where the County Government holds the majority shares of ninety-nine (99) while the private developers holds one (1) share;

NOTING, that under the joint venture arrangement, the Nairobi City County Government is expected to provide land for the projects while the developers are to raise funds and implement the projects;

FURTHER NOTING, that in order to raise the required funds, financial institutions have required the private developers to provide collateral in order to provide the finances;

RECOGNISING, that at its sitting held on 18th April, 2023, the County Executive Committee resolved that Nairobi City County Government Title Deeds for the Urban Renewal project sites be deposited with Financial Institutions to act as simple non-collateral deposits in order to enable the joint venture development partners to raise finances necessary to implement the Urban Renewal projects;

ACKNOWLEDGING, that vide a letter Ref. NCC/CS/PAA/297 dated 18th April, 2023 by the Ag. County Secretary, the County Executive requests this County Assembly to approve the aforementioned resolution of 18th April, 2023 with respect to the Pangani Estate project site;

NOW THEREFORE, taking into account the significance of the Urban Renewal Project to the residents of Nairobi City County, the resolution of the County Executive of 18th April, 2023 and the subsequent request to the Assembly and the conditions set out for the implementing of the joint venture, and pursuant to Section 8 of the County Governments Act, 2012, this County Assembly **RESOLVES** to **APPROVE** the resolution of the County Executive of 18th April, 2023, that Nairobi City County Government Title Deed for the Pangani Estate Urban Renewal Project site be deposited with the requesting financial institution, as simple non-collateral deposit, to facilitate the Joint Venture Development partner to raise the financing of the project

(Leader of Majority)

III. THAT, aware that Articles 209 and 210 of the Constitution, 2010 grants powers to County Governments to impose, vary or waiver taxes, fees, levies and other charges in order to raise revenues to fund both their recurrent and development programs; **FURTHER AWARE** that, Nairobi City County boasts of several revenue streams key among them being parking fees which include loading zones yet there has been gross underperformance as regards the county's annual revenue collection vis a vis its annual expenditure; **NOTING THAT**, in successive Financial Years, the County Government has continuously lost revenue from loading zones due to non-payment by entities using them i.e. both private and government institutions; further noting that, the County Treasury does not have information on the number, location and the designated users/beneficiaries of all loading zones in the City; concerned that, the responsible County Government Officers fail to enforce measures aimed at collecting revenue from the loading zones due to compromise, corruption, negligence and a weak legal framework on loading zones; recognizing that maximum revenue collection is one of the foundations needed to buttress sustainable economic growth; this Assembly resolves that the County Government: -

- i. Identifies, automate and clearly mark all loading zones within the City and submit a comprehensive report on the identified loading zones to this Assembly within sixty (60) days of adoption of this Motion;

- ii. Repossess all loading zones with outstanding balances until the balances are cleared by concerned parties/beneficiaries;
- iii. Develops a legal frame work either in form of a legislative proposal or regulations on allocation and management of loading zones and submit the same to this Assembly for approval within sixty (60) days of adoption of this Motion; and
- iv. Suspend any allocation or renewal of allocated loading zones until the aforementioned legal framework is enacted and/or operationalized.

(Hon. Paul Kados, MCA)

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

Pursuant to Standing Order 47 (2) (c) the following statements were requested:-

- i. Hon. Antony Maragu, MCA from the Chairperson Sectoral Committee on Planning and Housing regarding the construction of center for parliamentary studies & training in Karen Ward. **(Response due in 14 days)**
- ii. Hon. Stazo Omungala, MCA from the Chairperson of the Sectoral Committee on Health Services regarding the transfer of Health workers from Mama Lucy Kibaki Hospital and Pumwani Hospital. **(Response due in 21 days)**
- iii. Hon. Redson Otieno, MCA from the Chairperson Health Committee regarding the County Health facilities constructed by defunct Nairobi Metropolitan Services (N.M.S). **(Response due in 21 days).**

6. MOTION - FINANCING OF URBAN RENEWAL PROJECTS

Motion made, seconded & Question proposed:-

WHEREAS, Paragraph 8 (d) of the Second Part of the Fourth Schedule to the Constitution of Kenya bestows County Governments with the mandate of county planning and development which includes provision of housing;

WHEREAS, the Nairobi City County Government in its bid to provide decent and affordable housing to the city residents is implementing Urban Renewal projects under a joint venture arrangement with development partners; AND

WHEREAS, under the joint venture arrangement, the Nairobi City County Government and Private Developers formed a Special Purpose Vehicle (SPV) to implement the projects where the County Government holds the majority shares of ninety-nine (99) while the private developers holds one (1) share;

NOTING, that under the joint venture arrangement, the Nairobi City County Government is expected to provide land for the projects while the developers are to raise funds and implement the projects;

FURTHER NOTING, that in order to raise the required funds, financial institutions have required the private developers to provide collateral in order to provide the finances;

RECOGNISING, that at its sitting held on 18th April, 2023, the County Executive Committee resolved that Nairobi City County Government Title Deeds for the Urban Renewal project sites be deposited with Financial Institutions to act as simple non-collateral deposits in order to enable the joint venture development partners to raise finances necessary to implement the Urban Renewal projects;

ACKNOWLEDGING, that vide a letter Ref. NCC/CS/PAA/297 dated 18th April, 2023 by the Ag. County Secretary, the County Executive requests this County Assembly to approve the aforementioned resolution of 18th April, 2023 with respect to the Pangani Estate project site;

NOW THEREFORE, taking into account the significance of the Urban Renewal Project to the residents of Nairobi City County, the resolution of the County Executive of 18th April, 2023 and the subsequent request to the Assembly and the conditions set out for the implementing of the joint venture, and pursuant to Section 8 of the County Governments Act, 2012, this County Assembly **RESOLVES** to **APPROVE** the resolution of the County Executive of 18th April, 2023, that Nairobi City County Government Title Deed for the Pangani Estate Urban Renewal Project site be deposited with the requesting financial institution, as simple non-collateral deposit, to facilitate the Joint Venture Development partner to raise the financing of the project

(Hon. Majority Leader)

Debate ensued

Mover replied

Question put & Motion agreed to.

7. MOTION. OPENING OF THE SCHOOL FEEDING PROGRAM FUND ACCOUNT

Motion made, seconded & Question proposed

WHEREAS, the Nairobi City County Government intends to initiate a school feeding program;

AND WHEREAS, in order to fund the program the County Government will require financing both from the exchequer and development partners;

NOW THEREFORE, pursuant to the provisions of Sections 116 and 119 of the Public Finance Management Act, 2012 this Assembly resolves to **AUTHORIZE** the request by the County Executive Committee vide a letter Ref. NCC/CS/PAA/300 dated 18th April, 2023, to open a School Feeding Fund Bank Account and further urges the County Executive Committee Member for Finance to develop and submit to the County Assembly regulations to govern the School Feeding program for approval.

Debate ensued
Mover replied
Question put & Motion agreed to.

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

8. **ASSEMBLY ROSE** - _____ at Thirty-Seven Minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, April 20th, 2023 at 2.30 p.m.