



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 8, 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 Temporary Speaker (Hon. Anthony Kimemia, MCA) having confirmed that there was no Quorum ordered that the bell be rung for ten minutes.

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

3. NOTICES OF MOTION – HON. BRIAN ITENYA, MCA

The following notice of motion was issued: -

THAT, aware that Article 196(1) of the Constitution of Kenya, 2010 and paragraph 5 of the fourth Schedule to the Constitution provides that functions and powers of the County Government on County Transport, including regulation of County Roads, street lighting and public road transport, traffic and parking; **FURTHER AWARE** that paragraph 8 of part 2 of the fourth schedule to the Constitution, 2010 provides for County Planning and development, including housing as a County Function, **ACKNOWLEDGING THAT** recent years have witnessed increase of development of residential apartments within the County, and more so in informal areas, Concerned that most residential buildings were built with inadequate parking places 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-ups 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.

4. REQUEST FOR STATEMENT PURSUANT TO STANDING ORDER 47(2)(c)

Pursuant to Standing Order 47 (2) (c) the following responses to statement were read:-

- i. Hon. Samson Jera, MCA requested for a statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the stalled development on public lands in the

County, specifically in Kibra Suib-County. **(Response due in 2 weeks)**

- ii. Hon. Kamau Fiunifiu, MCA requested for a statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the alleged acquisition of public utility land in the Gigiri area by a private developer. **(Statement differed)**

5. MOTION - DESIGNATED TERMINI FOR OPERATION PUBLIC TRANSPORT VEHICLES IN THE COUNTY.

Motion made and question proposed;

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 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)

Debate ensued;

Mover replied;

Question put and **agreed to;**

And the time being twenty-two minutes Past Three O'clock the temporary Speaker (Hon. Anthony Kimemia, MCA) adjourned the Assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE - at twenty-two minutes past three thirty O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, June 13th, 2023 at 2.30 p.m