



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 15, 2024 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 Quorum called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The Speaker issued the following communication:-

PARKING AT THE ASSEMBLY FOR MEMBERS AND STAFF

“Honorable Members, good afternoon and I have the following further Communication to convey regarding administration of parking services for the Assembly.

Honorable Members, As you may recall, I issued a Communication to this Assembly on 12th February 2024 on administration of the parking privileges accorded to Members and staff of the Assembly. The said Communication was occasioned by a public interest lobby group called RLO Association which observed that Members of County Assembly, staff and unauthorized persons park inappropriately along Wabera Street, Mama Ngina Street and City Hall Way causing obstruction and directly endangering lives of pedestrians and motorists. Aggravated occurrences adversely inconvenience persons living with disabilities. In this regard, I isolated

and blamed parking boys who irregularly lure unauthorized persons to parking slots reserved for the Assembly. In this regard, I gave specific directions to the Clerk for execution including enforcement on removal of parking boys.

Honorable Members, When the Assembly was facing challenges of parking, these occurrences were rampant. However, with the intervention of the Assembly Leadership, our engagements with the County Executive led to the Assembly being allocated parking slots along Mama Ngina Street, Wabera Streets, City Hall Way e.t.c. This was expected to resolve the challenges Members and staff face and avoid parking on roads, pedestrian walkways, pavements and roundabouts. However, the trend seems to continue. The persistence of inappropriate parking around the Assembly has once again drawn the attention of the public who have sued the Assembly for not only causing obstruction and exposing people and motorists to danger, but also occasioning unnecessary traffic jam with ripple effect across the Central Business District.

Honorable Members, Here is the case in point. If you are a consumer of social media information, a clip has been doing rounds the X platform where a scuffle occurred right outside the Assembly entrance where a vehicle associated with a leader in this Assembly was parked inappropriately and may be used against the Assembly in the court.

Honorable Members, My office has been working closely with the Office of the Clerk to endeavour to address the challenges of parking around the Assembly. We have since gathered information that directly points at the unfortunate conduct of Members of County Assembly who irregularly engage the services of parking boys and this has greatly hampered enforcement such that when unauthorized vehicles are parked in Assembly slots, Members and staff lack parking for their vehicles and consequently park in undesignated spaces in order to attend to business in the Assembly. Specifically, it has been observed that whenever the office of the Clerk through the Director for Security Services clamp unauthorized vehicles and arrest parking boys for irregular and illegal undertakings, Members of County Assembly facilitate their release by virtue of their privilege. This therefore can only be one thing, deliberate collusion and interference leads to confusion and court action.

Honorable Members, The Assembly accords you certain privileges to make it convenient for you to attend to your Constitutional mandate including provision of parking stickers and parking spaces so that you are exempted from regular County enforcement measures. However, these privileges are not absolute, neither are they open for abuse since control mechanisms are provided for in the County Assemblies Powers and Privileges Act, 2017 and Speaker's Rules. I call upon all Members to live up to your title of Honorable and conduct yourselves honorably. As the custodian of these privileges, I am called upon to uphold and enforce what is required to protect the integrity of this Assembly and I will not shy away from this. In this regard, for strict and immediate enforcement, I direct the Clerk as follows:

- i) That any unauthorized vehicle that is parked in any of the Assembly designated parking slots be clamped and towed away in line with County enforcement procedures;
- ii) That any Member of the County Assembly or staff found to have parked on the road, pedestrian crossing, pavement, roundabout or any undesignated spaces to immediately be notified to park properly and a report made to my office in writing;
- iii) That any person found, either on their own or in collusion, irregularly parking or ushering other persons who are unauthorized to park in Assembly designated parking slots be arrested and processed for prosecution;
- iv) That Members found to interfere with the course of enforcement of the foregoing shall also be reported to my office forthwith for action;
- v) That the Office of the Clerk to designate officers to assist Members in finding parking and securing the Assembly designated parking slots;
- vi) That the Clerk is hereby given latitude to engage enforcement organs of the National and County Government for assistance in enforcing the foregoing directives; and
- vii) That a progress report to be made to my office within fourteen days of this Communication on the fairing of the enforcement actions.

Since this matter has found itself to the courts, I am not merely announcing measures, but I will take stern action. Therefore I call upon all of you to cooperate

with my Office and the Office of the Clerk. This notwithstanding, we are committed in securing a long term in house solution to the parking issue including construction of an office block and that the Select Committee on Liaison has recommended formation of an Ad Hoc Committee to investigate and report on circumstances under which the High Court parking was transferred to the Judiciary.

I thank you Honorable Members and you are so guided.”

4. PAPERS LAID:-

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

- a) THE REPORT OF THE WORKSHOP OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS;

(Chairperson, Sectoral Committee on Justice and Legal Affairs)

- b) THE REPORT OF THE WORKSHOP OF THE SECTORAL COMMITTEE ON LANDS, URBAN PLANNING AND HOUSING;

(Chairperson, Sectoral Committee on Lands, Urban Planning and Housing;

- c) THE REPORT OF THE WORKSHOP OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES;

(Chairperson, Sectoral Committee on Environment and Natural Resources;

- d) THE REPORT OF THE WORKSHOP OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES;

(Chairperson, Sectoral Committee on Environment and Natural Resources;

5. STATEMENT

Pursuant to Standing Order 45 (2) (C) the following Statements were issued:-

- a) Hon. Peter Imwatok, MCA to the Sectoral Committee on Roads, Transport and Public Works regarding the status of capital projects in the County;

- b) Hon. Redson Onyango regarding procedure for recruitment of Chief officer (CEO), Nairobi City County Public Service Board Mr. Nyamwaya Nyagara; and
- c) Hon Geoffrey Majiwa to Sectoral Committee on Culture and Community Services on the infrastructure status of Uhuru Park.

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

Pursuant to Standing Order 45 (2) (f) the following responses to Statements were issued:-

Hon. Alvin Palapala gave a response to Statement requested by Hon. Abbas Khalif regarding the **ownership and development of the parcel of land LR. No. 32354 (Original LR No. 20273) in South C;**

7. MOTION- *PROTECTION OF THE MINORS FROM ECONOMIC EXPLOITATION.*

(Motion Made and Question Proposed)

THAT, aware that Article 53 of the Constitution of Kenya, 2010 provides that every child has the right to; *inter-alia* free and compulsory basic education, and the right of all children to be protected from abuse, neglect, harmful cultural practices, all form of violence, inhumane treatment and punishment, and hazardous or exploitative labor; FURTHER AWARE THAT, Paragraph 9 of Part II of the Fourth Schedule of the Constitution provides for pre-primary education and childcare facilities as a County function; DISTURBED THAT, children below the age of five years, often accompanied by parents or perceived guardians get subjected to street tussles and economic exploitation, depriving them the right to early education; APPRECIATING, the recent school feeding program introduced by the County Government in public schools dubbed "*Dishi na County*" which is aimed at encouraging and promoting enrollment of children to schools for a better and promising future; DEEPLY CONCERNED THAT, the presence of minors in the Central Business District and its environ is on the rise; THIS ASSEMBLY therefore urges the County Executive to; - 1. Conduct a crackdown of all the minors idling, loitering aimlessly, begging or engaging in commercial activities in the Central Business District and its environs with a view of integrating the minors to school program; and, 2. Introduce a street-to-school strategy program that would advocate for the protection of the minors' rights to education.

(Chairperson, Select Committee on County Finance, Budget & Appropriations)

(Hon. Rosemary Masitsa)

Resumption of debated ensued;
Mover replied;
Question put and agreed to.

9. ASSEMBLY ROSE - at ten ~~Minutes~~ past four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, October 16th, 2024 at 2.30 p.m