



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 27, 2024 AT 2.30PM

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 a Quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The Speaker issued the following communication: -

INVITATION TO BATTLE OF CHOIRS AND PROCESSING OF PENDING STATEMENTS.

“**Honorable Members**, I have the following Communication to convey:

Invitation to battle of Choirs Festival

My Office is in receipt of a letter Ref. NCC/CCAT/CCO/VOL 1/2024/028 dated 22nd February 2024 from the Office of the County Secretary drawing the attention of Members of the County Assembly to the Second Edition of Battle of the Choirs. The event will be hosted by the County Executive from 31st March to 1st April 2024 at Uhuru Park.

Honorable Members,

Just to explain a little bit, the said event celebrates the Easter Spirit through choral music and is expected to attract talented choirs from across Nairobi City County. It will provide the choirs with a platform to showcase their musical abilities, spread joy and cultural enrichment within the Community of Nairobi City.

Honorable Members, In this regard, the County Executive calls upon you to raise awareness among your constituents about the said event and to encourage them to prepare to participate in it.

Honorable Members, In the concept note for the said event, the programme has outlined the activities where interested applicants should submit their entries by 6th March 2024. Other activities include Sub-County Roadshows and knockouts which will be held at Charter hall.

Honorable Members, The event will culminate into celebrating the winner on 1st April 2024 at an event to be held at KICC where the 1st three winners will receive cash amongst other consolidated prizes. In this regard, may I call upon you to heed the call of the County Executive and extend your support towards this important event that is beginning to be part of the things that define us as the people of Nairobi City County.

Processing of pending Statements in the Second Session

Honorable Members, As you may recall, in my Communication issued on 13th February 2024 during resumption of the Assembly for the Third Session, I observed that there were numerous business that were pending before Committees and in this regard, I gave a timeline for dispensing with the said business. This includes Statements requested by Hon. Members on various subject matters. However, my attention has been drawn to the backlog of Statements that require special consideration with regards to their processing in Committees.

Honorable Members, Whenever Members requests for a Statement, the Chairperson of the relevant Sectoral Committee gives a time undertaking in which to give to give a response. Hon. Members, may I bring to your attention the provisions of Standing Order 47(2) (e) and (f) regarding processing of Statements in Committees and transmission of response to the Assembly:

- *“(e) The Member who requested for the Statement ... shall be invited to the Committee meeting whenever an officer of the County Executive is to appear to respond to the Statement.”*
- *“(f) The Chairperson of the Committee shall report to the Assembly the Committee’s consideration of a Statement request and whether the same was satisfactorily dispensed with or if there are any challenges that require the speaker to direct further or the Assembly to resolve”*

Honorable Members, In the course of the Second Session, the Assembly has experienced profound delays in provision of responses to Statements from Chairpersons of Committees for various reasons. According to my analysis, there are Eighty Seven (87) pending Statements before different Committees in the Second Session. This may be misconstrued by our constituents as lack of commitment to facilitate the role of a Members of County Assembly as envisioned in Section 9 (1) (b) and (d) of the County Governments act, 2012 on transitioning issues from them to the platform of the Assembly.

Honorable Members, The issue of pending Statements was flagged and extensively deliberated upon at the just ended workshop of the Select Committee on Liaison during their interrogation of annual progress reports of all Assembly Committees. The Chairpersons not only presented their views on the matter, but also the challenges Committees face in the course of processing Statement requests. Accordingly, it was observed that majority of the Statements have been overtaken by events. In this regard, a request was placed to my office by the Committee to guide the Assembly on how to proceed with the said pending Statements of 2023.

Honorable Members, Accordingly, I have interrogated the Statement tracker that is available to all of us and the public on the Assembly website and determined that indeed the issues that were raised by Members in the various Statements were pertinent to the events of the moment in the course of the Session. Although I acknowledge the importance of Statements as a tool of representation function of the Assembly, I have also sought to examine if the challenges presented by the various Chairpersons were also being experienced at the National Assembly before the introduction of the question hour. Indeed, the experience of the National Assembly is not a departure from our experience and in this regard, they adopted a model that is working to date.

Honorable Members, In view of the foregoing, I direct all the Chairpersons to proceed and Table all Statements that are pending before their respective Committees by Thursday 14th April 2024 notwithstanding the satisfaction status of the Members who requested for the Statements.

Honorable Members, To address the challenges presented by the Chairpersons of Committees, the Assembly leadership in conjunction with the Select Committee on Liaison have reached a consensus to have the Standing Orders amended to adopt a model similar to Parliament where County Executive Committee Members will be allowed to attend the Plenary to respond to pressing issues that Members raise from time to time. It is therefore instructive of the Select Committee on Procedure and Rules to immediately commence the process of consolidating proposed amendments to the Standing Orders in view of addressing any gaps that may have been observed this far.

Withdrawal of Regulations

Honorable Members, you will recall that at the Assembly Siting held on 14th February 2024, the Public Finance Management Act (Nairobi City County Festival Fund) Regulations, 2023 were laid on the Table of the Assembly. Subsequently, I erroneously committed the same to the Select Committee on Delegated County Legislation. However, it has since come to my attention that the said Regulations were in draft form and only needed the scrutiny of the relevant Sectoral Committee which is Culture and Community Services.

In this regard, **Hon. Members,** I direct that the said Regulations be withdrawn from the Select Committee on Delegated County Legislation and referred to the Sectoral Committee on Culture and Community Services for precursory scrutiny and concurrence with the relevant Sector at the County Executive. You are so guided **I thank you**".

4. PAPER LAID: -

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

- a) **THE 14TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON PUBLIC PARTICIPATION ON NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN 2024/2025;AND**

b) THE 15TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON PUBLIC PARTICIPATION ON NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN 2024/2025

(Hon. Wilfred Odalo, MCA – Chairperson Select Committee on Budget and Appropriations)

5. NOTICE OF MOTION – REGULATIONS OF AIRBNB SERVICES WITHIN THE COUNTY.

AWARE aware that paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya 2010 provides for County planning and development including housing as a function of the County Government; **further aware** that paragraph 7 of Part Two of the Fourth Schedule to the Constitution of Kenya 2010 provides for trade development and regulation including local tourism as a function of the County Government; **acknowledging** that recent years have witnessed increase of housing services as Airbnb which hosts rent on a short term basis to travellers such as tourists within the County; **concerned** that recent months have witnessed cases of surging femicide in Airbnbs across the Country especially in Nairobi City County with scanty information on the perpetrators made available to the relevant authorities; **further concerned** that Airbnb properties which were originally designed for family vacations and accommodations similar to hotels, are being exploited for criminal activities and parties amongst other vices. This has put the lives of young women especially college and university students at risk; noting that the increasing cases of femicide in Airbnbs has vast negative impact in the society and hinders promotion of local tourism within the County; **further noting** that the National Government through the Ministry of Tourism is in the process of regulating the operations of Airbnbs across the Country, this Assembly urges the County Executive in liaison with the Ministry of Tourism to develop rules and guidelines on establishment, licensing, operations and management of Airbnb properties within the County

(Hon. Perpetua Mponjiwa, MCA)

6. NOTICE OF MOTION – DEVELOPMENT OF A COUNTY LOCAL TOURISM POLICY

THAT, aware that paragraph 4 of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the functions of cultural activities and public entertainment including sports, cultural activities, museums and county parks are vested in the County Government; further paragraph 7 of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the function of local tourism vested in the County Government; acknowledging that Nairobi City County serves as one of the main travel, diplomatic and cultural hub for Eastern and Central Africa

with well-established tourist attraction sites from social, academic to spiritual matters; concerned that the County has not established well-founded cultural activities that can distinguish the uniqueness of the County from others despite having all it takes to be called “ the Green City in the Sun”; noting that cultural activities attract tourists from all over the world which is a source of revenue for the County, create job opportunities/employment for the county residents and create a platform for the Nairobi City County Tourism development agenda, this Assembly urges the County Government to develop a comprehensive County local tourism policy to provide for establishment of strategies and programmes to boost local tourism within the County

(Hon. Perpetua Mponjiwa, MCA)

7. NOTICE OF MOTION –INSTALLATION OF SOLAR POWER IN THE COUNTY PREMISES AND CLEAN ENERGY POLICY.

THAT, aware that paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for electricity and energy regulation as a function of the Government; **further aware** that all societies require energy services to meet basic human needs such as lighting, cooking, space comfort, mobility, communication and to serve productive processes; **cognizant** that for development to be sustainable, delivery of energy services need to be secure and have low environmental impacts; **concerned** that frequent power outage across the County has immense effect on the various Sectors of the Economy such as industries, hospitals, businesses amongst other service providers; **further concerned** that the power outage open an avenue for criminal activities like break-ins given that alarms and surveillance systems, electric fences and other security protocols are disabled in premises that primarily rely on Kenya Power supply; acknowledging that the County Assembly is the process of enacting a legislation on clean, renewable and sustainable energy which will offer opportunity to contribute to social and economic development, energy access, secure energy supply, climate change mitigation, and the reduction of negative environmental and health impacts, this Assembly urges the County Executive to:-

1. Develop a policy on the use and management of clean, renewable and sustainable energy; and
2. Install solar power in all County offices to ensure uninterrupted timely service delivery to residents of Nairobi City County.

(Hon. Samora Mwaura, MCA)

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

The following Statement was requested: -

- i) The Hon. Patrick Macharia, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Education regarding the status of ownership of the County Public land at Kimathi primary School;
(Response due on 12th March, 2024)
- ii) The Hon. Redson Otieno, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Trade and Select Committee on Budget regarding revenue collection from stalls and tents within the CBD;
(Response due on 13th March, 2024)
- iii) Hon. Maurice Ochieng, MCA requested for a Statement from the Chairperson of the Select Committee on Budget regarding awards of tenders in the County; and
(Response due on 11th March 2024)
- iv) Hon. Waithera Chege, MCA will issue a general Statement of topical concern regarding the processing of private Member Bill before a Committee and the role of the Bill sponsor in the process.

9. MOTION – THE REPORT OF THE COMMITTEE ON CONSIDERATION OF THE ADP 2024/2025

Motion Made and Question Proposed;

THAT, the County Assembly adopts the report of the Committee on consideration of the ADP 2024/2025

(Hon.Hon. Wilfred Odalo., MCA – Chairperson County Finance Budget and Appropriations)

Debate ensued;

Mover replied;

Question put and **agreed to**;

10. BILL – THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL,2023 (ASSEMBLY BILL NO. 8 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Nairobi City County Early Childhood Development and Education Bill, 2023 (Assembly Bill No.8 of 2023) be now read a Second Time.

(Hon. Perpetua Mponjiwa, MCA)

Debate ensued;
Mover replied;
Question put and **agreed to;**

Bill read the second time and Committed to Committee of the Whole Assembly.

And the time being thirty minutes Past Four O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

11. ASSEMBLY ROSE - at thirty minutes past Four O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February 28th, 2024 at 2.30 p.m