



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 4TH, 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 (Hon. Kennedy Ng'ondi) 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: -

RESUMPTION FROM RECESS

Honorable Members, I have the following Communication to convey:

Honorable Members, Distinguished colleagues, esteemed members of the press, and valued citizens, I welcome you all back to this Chamber after a period of well-deserved recess. While these past weeks may have provided an opportunity for personal renewal, the world outside these precincts has continued to operate. We reconvene today with a renewed sense of purpose, ready to tackle the challenges and

opportunities that lie ahead in trust for the people and within the ambit of our mandate. The time for reflection has therefore passed and the public, who are our constituents, are eagerly awaiting our return to business. They entrust us with the responsibility of shaping the future, navigating complex issues and delivering on the promises we made. Hon. Members, the specific nature of those Challenges will, of course, vary depending on the body we represent. However, one thing remains constant: the need for us to approach our work with a spirit of collaboration, compromise and a genuine desire to serve the greater good. The headlines during our absence may have been dominated by rallying call for use to rise to the occasion with respect to issues of urban planning in the County, challenges facing the health sector, need for urgent interventions during the recent flooding, cost of doing business, deteriorating public transport sector and provision of reliable water and sewerage services. These issues, Hon. Members, fall properly within our Constitutional mandate. We have been endowed with adequate tools in both Plenary and Committees to ensure that the County Executive is put to task to provide quality, affordable and reliable services in relation to all the Sectors. It is therefore a wakeup call to all of us here and collaboratively with the County Executive to re-double our collective efforts through legislations, policies, and practical activities to service our constituents.

To achieve this, I urge you all to:

1. Prioritize civility: The power of respectful discourse cannot be overstated. Heated rhetoric and personal attacks serve only to further divide us. Let us engage in open and honest debate, acknowledging the validity of opposing viewpoints while striving to find common ground.
2. Focus on solutions, not slogans: We are all here because we care. Let us translate that passion into concrete solutions for the County. We must move beyond soundbites and engage in the difficult but necessary work of crafting effective policies.
3. Remember the people we serve: The decisions we make here have a real and tangible impact on the lives of those we represent. Let us never lose sight of that responsibility. Let every vote, every debate, and every bill be guided by the principle of serving the greater good.

PENDING BUSINESS

Hon. Members, you may recall that in my previous Communications, I have emphasized the need for the Committees and Plenary alike, to prioritize and conclude pending business in order to fit an effective legislature. However, I have observed, through a report presented at the Sittings of the Select Committees on Assembly Business and on Liaison that the performance of the Assembly was not satisfactory. For instance, committees are not observing timelines set out in statutes and the Standing Orders while processing of crucial business such as Bills, Petitions and Statements. This has occasioned pile up of business that require consideration and determination by the Plenary. Hon. Members, as we pursue our collective mandate, it is important to note that we are continuously being assessed by our constituents. Hon. Members, therefore, I am once again call upon chairpersons of all committees to rise to the occasion and ensure that respective committees process all pending business in the next 21 days and present the same for consideration by the Assembly. Chairpersons have reported a number of challenges, including but not limited to insufficient commitment by some CEC Members to legislative business. In this regard, I am aware that the Select Committee on Liaison is scheduled to convene a meeting with the County Attorney and the County Secretary to set in motion some measures to ensure flow of business. I am also aware that the Select Committee on Liaison has noted the challenge of pending business and issued specific directions on the same. Therefore, the collectivity of the foregoing measures should prompt enhanced traffic of business to be considered.

RECONSTITUTED COMMITTEES

Hon. Members, before the Assembly proceeded for the long recess, party leaderships examined the performance of two committees and found it fit to reconstitute the Sectoral Committee on Water and Sanitation and the Select Committee on Public Accounts to enhance output and performance. Before the two committees, are crucial business including pieces of legislation and numerous audit reports whose timelines are set out in the Constitution of Kenya, our Standing Orders and Statutes. As your Speaker, I not only concern myself with the overall performance of the Assembly but also appreciate the crucial input and challenges of individual entities. Thus, it is my expectation that the new Memberships and leaderships of the two Committees will quickly settle to

business and deal with all pending work as quickly as possible. I understand that from PAC, the Assembly is expecting more than 10 audit reports. As such, I call upon the Chairman, Hon. Chege Mwaura and the new Committee membership to step up your efforts to clear your tray because the Assembly is expecting much from you this time round.

LEGISLATIVE MANDATE

Hon. Members, legislation is at the core of our mandate and it is one of the key items we are assessed against both by the public represent and oversight bodies such as Auditor General, Commission of Revenue Allocation and the Senate. Comparatively, this Assembly is yet to give an indication that we will achieve the target of Bills and legislations set out in our Strategic Plan. I am aware that there are a number of Bills that are at various stages. I am also aware that my office is in receipt of a number of legislative proposals including proposals to legislate on water and sewerage services. However, this should not make us complacent, rather we should continuously originate new and innovative ideas to address challenges facing service delivery in the County. I encourage you to make use of the secretariat provided by the Office of the Clerk to package these ideas into acceptable proposals. Nonetheless, I call upon the Office of the Clerk to expedite the processing of the said legislative proposals. Hon. Members, I am aware that the Select Committee on Liaison under the leadership of the Deputy Speaker has already held its 4th Quarter forum where they took stock of Committee activities and resolved that unlike the previous 3 Quarters, there will be two collective capacity building and sensitization works in the 4th Quarter. That is the Committee of the Whole to retreat in Mombasa and Naivasha respectively. It is my expectation that there will be candid discussions and deliberations on Assembly mandate and welfare of Members in view of improving performance. Accordingly, may I seize this moment to applaud the Select Committee on Liaison under the leadership of the Deputy Speaker for continuously engaging yourself with the business of effective Committee system by allocating resources and reviewing policies to ensure Committees operate seamlessly. Hon. Members, may I reiterate that my Office is fully committed to ensuring that you are fully facilitated and supported to deliver on your individual and collective mandate, thus I call upon you to pursue our objective with unity of purpose and objective discourse that is devoid of divisive rhetoric. I have confidence that, with this resolve, we shall deliver on our Constitutional duty with efficiency and

effectiveness.

PROGRESS ON MATTERS AFFECTING MEMBERS' WELFARE

Hon. Members, I have a further Communication to convey regarding the progress made on various matters affecting Members' welfare, as follows: -

1. Motor Vehicle Reimbursement Benefit.

Hon. Members, as you are aware, at the commencement of this Third Assembly, the County Assembly Service Board, pursuant to the enabling Salaries and Remuneration Commission (SRC) Circular, facilitated the disbursement of the motor vehicle reimbursement benefit to all Members. All Members were required to submit copies of log books in their names, valuation reports from recognized valuation firms and sale

agreements for them to access the benefit. However, with the indulgence of the Service Board, Members who did not have readily available documentation were allowed to access the benefit but were given a timeline to comply with these requirements. This timeline has already expired. Hon. Members, as you are further aware, the said documents were to be used to process the requisition of the funds in order to replenish the car and mortgage fund whose funds were used to settle this benefit with the concurrence with the Loans Management Committee. However, I have examined the latest compliance report and I have established that 37 Members are yet to comply, making it difficult to requisition these funds. In this regard, I urge the 37 Members who are yet to comply and who have duly been informed on the same to do so within the next 14 days, failure to which, the Board will not have no other option but to deduct the funds from their monthly salary, as already resolved by the Loans Committee.

2. Motor Vehicle Reimbursement Tax Refund.

Hon. Members, regarding the tax refund on the motor vehicle re-imburement benefit, you will recall that on 1st November 2023, I informed the Assembly that the Service Board was in the process of engaging the KRA on how to refund the tax following a decision of the High Court. In this regard, I wish to inform you that we have agreed with the KRA that the Service Board refunds the tax due to each Member by recovering from the Pay As You Earn (P.A.Y.E) tax obligation due to the KRA, commencing with the month of April 2024. Accordingly, all Members shall be refunded the deducted amount in full.

3. Construction of the Assembly Administration Block

Hon. Members, you may have noted through your interaction with budget documents in previous budget cycles, that the County Assembly Service Board has been making endeavors to construct a new office block in order to address the challenge of office space shortage within the current City Hall precincts. I am glad to report that as communicated by H.E. the Governor during his address to this Assembly, the County Executive has already identified and allocated a piece of land for the Assembly to construct the said block. Consequently, we are in the process of officially acquiring the said piece of land ahead of the commencement of construction preferably from the next Financial Year, which is one month away. May I therefore, on behalf of the County Assembly render my utmost appreciation to H.E the Governor and his County Executive Committee for accepting and facilitating our request for a space to put up the administration block.

4. Members' Lounge

Hon. Members, in my earlier Communications, I reiterated my commitment to your welfare including facilitation and provision of the most conducive environment and conditions which are important to the execution of your mandate. In this regard, the Board undertook to provide a caucusing space, popularly referred to as Members' Lounge. To address this, a contractor was identified and engaged through the procurement process to design and construct an appealing Lounge where Members will engage, rest and consult. In this regard, Hon. Members, I am delighted to report that the contractor has taken up the site and will be concluded before the close of the current Financial Year

5. Pending Third Quarter retreat per diems

Hon. Members, I am aware that Third Quarter retreat per diems for all Members and staff who travelled are yet to be paid. This has been occasioned by the delay in the uploading of the Supplementary Budget which this House passed. However, we are making arrangements both internally and externally to ensure that the per diems are fully paid and that in future no Member shall travel without facilitation. Hon. Members, let me therefore give you my assurance as the Chairman of the Board, that even with limitations and challenges of budget, the Assembly is on course to transform into a befitting legislature defined in our

vision statement of being the most efficient and effective legislature in promoting good governance in Africa and beyond

4. PAPERS LAID: - The following papers were laid on the Table of the Assembly:-

THE CONSOLIDATED ANNUAL REPORT FOR THE SELECT COMMITTEE ON LIAISON ON PROGRESS REPORTS OF THE ASSEMBLY COMMITTEES FOR THE PERIOD ENDED DECEMBER 2023.

(Hon. Paul Kados, MCA Chairperson, Sectoral Committee on Liaison)

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

Pursuant to Standing Order 47(2) (a) Hon. Hashim Kamau, MCA laid on the table a statement on behalf of the Assembly Business Committee informing the County Assembly of the Business coming before the County Assembly in the following week.

6. MOTION- MOTION BY HON. HELLEN AWUOR OKELLO, MCA: REGULATION OF BOREHOLE WATER VENDORS

Motion Made and Question Proposed

THAT, aware that Article 43 (1) of the Constitution of Kenya 2010 provides for the right of every person to access clean and safe water in adequate quantities; further aware that paragraph 11 (b) of Part Two of the Fourth Schedule to the Constitution provides for County public works and services including water and sanitation services as a function of the County Government; Cognizant that Nairobi City County Government regulates the operations of the Nairobi City Water & Sewerage Company Limited in provision of clean and accessible water to its residents; concerned that the water supplied by the Nairobi City Water and Sewerage Company Limited is not sufficient to serve the ever growing demand by the Nairobi residents; further concerned that there are private borehole water vendors that supply water to the City residents without any clear legal framework for their operations; disturbed that majority of borehole water vendors sell untreated water from illegal boreholes in some estates which is a health hazard thus exposing residents to several diseases such as typhoid and cholera, this Assembly resolves **THAT:-**

1. The County Executive Committee Member in charge of Water & Sanitation through the relevant authority commence the process of registration of all borehole water vendors in Nairobi City County and forward a detailed database for each Ward to this Assembly within sixty (60) days from the date of adoption of this Motion; and
2. The County Executive Committee Member in charge of Water & Sanitation develops a policy to guide the operationalization of borehole water vendors within Nairobi City County.

(Hon. Hellen Auuor Okello)

Debate Arising;

Mover replied;

*Question put and **Agreed to***

And the time being Twelve minutes past four O'clock the Speaker Adjourned the Assembly without question put pursuant to the Standing Orders.

4. ASSEMBLY ROSE - at Twelve minutes past four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, June 5th, 2024 at 2.30 p.m