



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (THIRD SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 10<sup>TH</sup>, 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: -

---

**COMMUNICATION FROM THE CHAIR (I)**

---

**Welcoming from long Recess**

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

**Honourable Members**, May I take this opportunity to warmly welcome you back to the Assembly from the Long Recess. I believe that the last few weeks have provided you with the much needed break during which you had time to engage your constituents and bonding time with your families.

**Honorable Members**, During the recess period, there is no doubt that you have your tray full of matters related to legislation, representation and oversight that need to be brought to the attention of the Assembly for consideration. May I remind all of us that that is the reason we are here and that through the various tools and human resource at our

disposal, let us have these issues, ideas and proposals packaged and presented to the Assembly for consideration. Let me re-assure you that my Office and the Office of the Clerk are open for any consultations related to your mandate and welfare. I commit to provide the necessary support required to ensure that everybody plays his/her part in our endeavor to serve the people of Nairobi. Similarly, may I encourage all Chairpersons to take stock of and dispense with all pending business before their respective Committees. I understand there are reports on Bills, Petitions and quite a number of Statements which are pending before Committees, hence the need to expedite their processing.

**Honorable Members,**

The County Assembly is in receipt of a letter from the County Executive Ref. NCC/CS/GA/778 dated 6<sup>th</sup> August 2024. In the letter, the Ag. County Secretary conveyed the changes effected in the County Executive by H.E the Governor in the County Executive Committee and among the Chief Officers as follows:

**Changes in the County Executive Committee**

- i) **Stephen Gathuitha** re-assigned from Built Environment and Urban Planning Sector to **Boroughs Administration and Pernell Sector;**
- ii) **Patrick Mbogo** re-assigned from Boroughs Administration and Personnel to **Built Environment and Urban Planning Sector;**
- iii) **Brian Mulama** re-assigned from Mobility and Works Sector to **Talent, Skills Development and Care Sector;**
- iv) **Maureen Njeri** re-assigned from Business and Hustler Opportunities Sector to **Green Nairobi Sector;**
- v) **Ibrahim Auma Nyangoya** re-assigned from Inclusivity, Public Participation and Customer Service Sector to **Mobility and Works Sector;** and
- vi) **Dr. Anastasia Nyalita** re-assigned from Talent, Skills Development and Care Sector to **Inclusivity, Public Participation and Customer Service Sector.**

**Changes among Chief Officers**

- i) **Geoffrey Mosira** re-assigned from Health Facilities Sub-Sector to **Environment Sub-Sector;**

- ii) **Tiras Njoroge** re-assigned from Smart Nairobi Sub-Sector to **Revenue Admiration and Ag. Chief Officer for ICT Infrastructure Sub-Sector**;
- iii) **Boniface Nyamu** re-assigned Mobility Sub-Sector to **Business and Hustler Opportunities Sub-Sector**;
- iv) **Godfrey Akumali** reassigned from Cooperatives Sub-Sector to **Social Services Sub-Sector**;
- v) **Zipporah Mwangi** re-assigned from Business and Hustler opportunities Sub-Sector to **Public Participation, Citizen Engagement and Customer Service Sub-Sector**;
- vi) **Dr. Michel Waikenda** re-assigned from Economic Planning Sub-Sector to **Mobility Sub-Sector**;
- vii) **George Mutiso** re-assigned from Social Services Sub-Sector to **Cooperatives Sub-Sector**;
- viii) **Hibrahim Otieno** re-assigned from Environment Sub-Sector to **Health Facilities Sub-Sector**;
- ix) **John Lintari** re-assigned from ICT Infrastructure Sub-Sector to **Economic Planning Sub-Sector**;
- x) **Lydia Mathia** re-assigned from Public Participation, Citizen Engagement and Customer Service Sub-Sector to **Housing and Urban Renewal Sub-Sector**; and
- xi) **Wilson Gakuya** re-assigned from Revenue administration Sub-Sector to **Smart Nairobi Sub-Sector**.

In addition, H.E the Governor designated Mr. Godfrey Akumali as the **acting County Secretary** to succeed Mr. Patrick Analo who maintains his position as **Chief Officer for Urban Planning and Development**.

#### **Honorable Members,**

This is therefore to convey the foregoing changes in the County Executive for your noting. In addition, may I take this opportunity to wish well the County Executive Committee Members, Chief Officers and the acting County Secretary in their new roles. I have no doubt that they will work closely and harmoniously with the County Assembly and its Committees in order to fulfil the Constitutional mandates and desires of the people of Nairobi.

I thank you Honorable Members.

**COMMUNICATION FROM THE CHAIR (II)**

Honorable Members, I have the following further Communication to convey:

**County Assembly Mace**

**Honorable Members,** Allow me to bring to you attention that the County Assembly concluded the process of procuring a new Mace for the Assembly.

**Honorable Members,** may I officially introduce to you the said Mace which is at its designated position for your appreciation. The new Mace is a state of the art and delicate instrument representing the authority of the County Assembly as it conducts its Sittings, thus, it is required of its custodians and handlers to manage it dutifully with care.

**Honorable Members,** the conduct of Members around the Mace is guided by Standing Order 3(1) which require that the Mace be placed in its position whenever the County Assembly is sitting and it shall be part of the Procession whenever the Speaker in entering of leaving the Assembly. The Mace should also be kept in safe custody by the Sergeant-at- Arms whenever the Assembly is not sitting.

**Honorable Members,** Permit me to refresh your mind on the provisions of the Standing Order 3 (3) that provides that it shall be grave misconduct for a Member to:

- i) Dispossess or attempt to dispossess the Mace from the Sergeant-at-Arms during Speaker's Procession or at any other time; and
- ii) Remove or attempt to remove the Mace of the Assembly from its place in the Chamber

**Honorable Members,**

The consequences of violating the foregoing provisions are set out by Standing Order 117 (2) which are not limited to ordering a Member who violates the same to withdraw from the Precincts of the Assembly for specified number of days and or referral of such a Member to the Select Committee on Powers and Privileges. May I therefore ask Members to conduct themselves with decorum as I will not be hesitant to apply the foregoing provisions should any violations arise.

**Motor vehicle reimbursement tax refund**

**Honorable Members,** You may recall that in my Communication dated 4<sup>th</sup> June 2024, I informed the Assembly about the agreement the Assembly Service Board had reached with the Kenya Revenue Authority. In this arrangement, the Assembly was allowed to refund all Members tax that was levied on motor vehicle reimbursement benefit. In the said Communication, it was required of all Members to submit copies of log books in their names, valuation reports from recognized valuation firms and sale agreements for them to access the refund. Consequently, it was resolved that the refund be deducted from the Pay As You Earn and be paid on a first come first come basis. Honorable Members, I am glad to report that as at this Sitting, 111 Members who fully complied with the foregoing requirements have already been refunded the said money. However, 10 Members are yet to comply and 3 Members have since complied and the process of payment is underway. May I urge the 10 Members who are yet to submit the requisite document to do so as soon as possible to enable the processing of your refund.

**Surrender of pending imprests**

**Honorable Members,**

Regulation 95 (5) of Public Finance Management Act, 2012 Regulations (2015) require that a holder of a temporary imprest to account for or surrender the imprest within 7 working days after returning to duty station. Should the imprest holder fail to surrender imprest within the specified timeline, the accounting officer is required by Section 6 to of the Regulations recover in full amount from the holder's salary.

**Honourbale Members,**

My office is in receipt of a report that has analyzed in detail, the pending imprests for Members and staff alike. I have perused the said report and I have established that a great number of Members are yet to surrender imprests advanced to you as facilitation to attend Committee workshops, international travel and other official activities. **Honorable Members,** take note that surrender of imprest is an individual responsibility and as such, I call upon all Members to make individual effort to surrender all your pending imprests. In this regard, the Clerk is hereby directed to communicate to each Member on their pending imprests with a timeline within which all Members shall be required to comply.

**Honorable Members**, going into the future and in order to avert audit queries related to delayed surrender of imprests, the Clerk shall not process any new request for advancement of imprest to any Member who shall not have surrendered any previous imprests advanced to him/her. Further, Honorable Members, kindly note that the Ethics and Anti-Corruption Commission (EACC) has written to my office on their scheduled visit to the Assembly to conduct an audit on our systems including compliance with statutory requirements as the case of timely surrender of imprests. To avoid embarrassment to Honorable Members that may arise out of the EACC process, you are requested to urgently comply with the provisions of the Regulations on surrender of imprests.

I thank you Honorable Members.

#### **4. MESSAGES: -**

- 1. Honorable Members**, I have a Message from the Governor to convey:
- 2.** Honorable Members, Standing Order 45 (1) relating to Messages from the Governor provides that: -

*“The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.”*

- 3. Honorable Members**, in this regard, I wish to report that my office is in receipt of a Message from the Governor of Nairobi City County, H.E Hon. Sakaja Arthur Johnson, E.G.H. The Message regards a memorandum on Nairobi City County Early Childhood Development and Education Bill, 2024 which this Assembly passed on 6<sup>th</sup> August 2024.

- 4. Honorable Members**, Standing Order 150 (1) provides that and I quote:

*“Whenever the Governor refers a Bill back to the County Assembly under Section 24(3) of the County Governments Act, 2012 and Standing Order 149(3), the Speaker shall convey to the Assembly a Message on the Memorandum pursuant to Standing Order 45 on ‘Messages from the Governor’ and where applicable, give any special guidelines.”*

5. **Honorable Members**, in the Message, H.E the Governor acknowledges that the County Assembly passed the said Bill in accordance with Article 185 of the Constitution of Kenya, 2010 and subsequently, the same presented to his office for assent. Further, the Governor avers that he sought the advice of the County Attorney and received concerns from the user department regarding the provisions of the Bill.
6. **Honorable Members**, on the account of the foregoing advice and concerns and in exercise of the powers bestowed onto him by section 24 (3) (2)(b) of the County Governments Act, 2024, H.E the Governor declined to assent to the said Bill and referred it back to this Assembly for reconsideration in accordance with the accompanying memorandum.
7. **Honorable Members**, Standing Order 48 provides that and I quote:  
*“The Message, together with the Memoranda shall stand committed to the relevant Assembly Committee for consideration and the Clerk shall circulate copies of the said memorandum to the Committee and all Members.”*
8. Accordingly, **Honorable Members**, I hereby refer the foregoing Message together with the accompanying memorandum to the Sectoral Committee on Children, Early Childhood Education and Vocational for consideration, processing and reporting in accordance with the Standing Orders. Similarly, the Clerk is hereby directed to make the memorandum available to all Members at the next available opportunity.
9. **Honorable Members**, for your information, Standing Order 150 (2)(c) provides that *“A Member who wishes to move an amendment on the reservations raised by the Governor on a Bill shall within 24 hours before the day the memorandum is to be considered in committee of the whole, hand to the Speaker a written notification of the proposed amendment, but the Speaker shall refuse to allow such request unless satisfied that the amendment is not frivolous.”*

I thank you Honorable Members.

##### **5. PAPERS LAID:-**

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

- i. **THE COUNTY ANNUAL DEVELOPMENT PLAN 2025/2026**

ii. **THE REPORT OF THE CONTROLLER OF BUDGET ON THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR THE FIRST NINE MONTHS OF THE FY 2023/2024**

*(Hon. Peter Imwatok, MCA – Leader of Majority)*

**6. NOTICE OF MOTION – RENOVATION OF BUS STATION TERMINUS**

**THAT**, aware that public transportation is a critical component of the County's economy and by extension, the Country's micro and macroeconomics since it facilitates the movement of people, goods and services. **NOTING THAT** the Fourth Schedule of Constitution of Kenya 2010 apports public transport, parking, traffic management to County Government; **APPRECIATING THAT** in order to endeavor to bring order in public transport, parking and traffic management, the Assembly passed the Nairobi City County Transport Act, 2017 which is a progressive and transformative piece of legislation if implemented. **FURTHER APPRECIATING THAT** in the said Act, the County Government is required to designate termini for use by public transport vehicles operating within the County and long distance vehicles. In the Gazette Notice No. 4479 dated 12<sup>th</sup> May 2017 by the County Government, Bus Station, terminus was designated as a public transport facility (terminus) to be used by public service vehicles in specified within the County; **REGRETTING THAT** over time, bus station terminus has been in state of neglect and the facility has illegally been occupied by traders who have contributed to deterioration of its condition by erecting illegal and invasive structures; **ACKNOWLEDGING THAT** together with other public transport facilities, Bus Station terminus can immensely contribute to reduction of public transport disorder in the County if rehabilitated and properly ordered and that the County can benefit through optimized revenue collection that can be deployed to priority development areas. **DISTURBED THAT** should the County leave Bus Station terminus in the current state of despair without remedy, it will lose its significance of facilitating ease of movement of people, goods and services within the County. **NOW THEREFORE**, this Assembly resolves that:

- a) The County Executive closes down the Bus Station terminus for the purposes of carrying out comprehensive renovations and thereafter implement measures for orderly operations of public transportation;
- b) The County Executive to issue an adequate public notice notifying the planned closure for renovations and put in place temporary picking and drop off measures for public transport vehicles that are currently using the facility; and
- c) That upon completion of the rehabilitation exercise, the County Executive to ban all trading activities within the station so that it is exclusively for activities related to public transportation.



**7. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(c)**

The following Statement was requested: -

- i. The Hon. Oscar Lore, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding compliance with lands and urban planning guidelines.

***(Response due in 3 weeks)***

- ii. The Hon. Oscar Lore, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding compliance with lands and urban planning guidelines.

***(Response due in 2 weeks)***

**8. MOTION- MOTION BY HON. PERPETUA MPONJIWA, MCA**

**Subject: Regulation of Airbnb Services within the County**

**THAT**, 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)*

*Debate Arising;*

*Mover replied;*

*Question put and **Agreed to***

9. ASSEMBLY ROSE - at Fifty two minutes past four O'clock.

---

MEMORANDUM

The Speaker will take the Chair on  
Wednesday, September 11<sup>th</sup>, 2024 at 2.30 p.m