



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (SECOND SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 12, 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 Hon. Speaker having confirmed that there was Quorum at the commencement of the Assembly called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR: -**

The Speaker conveyed the following communication: -

**RESUMPTION FROM LONG RECESS**

**Welcoming Members and taking stock**

**“Hon. Members,** May I at the outset pass my greetings to you and convey the following communication:

**Hon. Members,** I take this opportunity to welcome you all to the Third Part of the Second Session of the Assembly Calendar and I believe that you had fruitful engagements with your constituents and fulfilling moments with your families.

**Hon. Members,** on the adjournment day on 10<sup>th</sup> August 2023, as an Assembly, we had made remarkable progress in terms of dispensing with the business presented before the Assembly. Indeed, a good number of Committees processed and tabled reports on Statements, workshops and Petitions amongst others. Hon. Members, during the workshop of the Select Committee on Assembly Business, we took stock of progress made in actualizing institutional objectives. May I commend a great number of Members who have demonstrated great interest in legislative, representation and oversight roles going by the number of Motions and Legislative Proposals my Office has been able to receive and process.

**Hon. Members**, the foregoing commendation ought not to obscure us from the reality that we are yet to meet our objectives going by the now lapsed Assembly Strategic Plan. I want to call upon all Members to make use of the Office of the Clerk which is fairly resourced to assist you to package your ideas into concrete proposals for consideration by Committees and the Plenary. Indeed the Officers in the Directorate of Legislative Services and the Research Department are at your disposal for packaging and processing of these ideas.

#### **Pending Business before Committees**

**Hon. Members**, I have however established that there are numerous business pending before Committees not limited to reports on Statements, workshops, Bills, Petitions, Statutory Instruments amongst others. I call upon all the Chairpersons with the Leadership of the Deputy Speaker to expedite consideration of the business for consideration by the Assembly. Of great importance, Hon. Members are Legislative Proposals awaiting publication and some are still before Committees for pre-publication scrutiny. The Office of the Clerk is directed to hasten the publication of the Bills that are ready and Chairpersons whose Committees have pending reports on pre-publication scrutiny are requested to fast track deliberations and present the reports.

#### **Car re-imbusement**

**Hon. Members**, indeed the Assembly successfully completed the processing and advancement of car reimbursement to Members in line with the Salaries and Remuneration Commission (SRC) circular. Members were subsequently required to submit logbooks and valuation reports to the Office of the Clerk. It has however come to my attention that a good number of Members are yet to submit the said documents and are accordingly required to do so as soon as possible failure to which the Assembly will institute measures to have the money recovered from salaries.

#### **Invitation to First Lady's Event**

Hon. Members, my Office is in receipt of an invitation from Tuombeni Kenya under the auspices of the First Lady. The event involves a leadership banquet and national prayer altar with Dr. Rodney Howard-Browner Team to be held at Uhuru Gardens, Nairobi on **Wednesday 13<sup>th</sup> September 2023 from 6.00 p.m.**

**Hon. Members**, may I have the honour to extend this invitation you and request you to attend.

**Invitation of Hon. Members by the Governor**

**Hon. Members**, my Office is also in receipt of a letter from the Ag. County Secretary Ref. PPCE&CS/CCO/PPLQ/188/005/2023 dated 5<sup>th</sup> September 2023 on public participation forums on the proposed establishment of **Western, Southern, Central, Eastern and Northern Boroughs**. In the letter, the public participation forums have been organized on **Wednesday 13<sup>th</sup> and Thursday 14<sup>th</sup> September 2023** across the Seventeen (17) Sub-Counties as follows:

1. Dagoretti North at Dagoretti Muslim Primary School on **13<sup>th</sup> September at 9.00 am;**
2. Dagoretti South at Waithaka Social Hall on **13<sup>th</sup> September at 9.00 am;**
3. Lang'ata at Mugumoini Social Hall on **13<sup>th</sup> September at 9.00 a.m;**
4. Kibra at Joseph Kang'ethe Social on **13<sup>th</sup> September at 9.00 a.m;**
5. Makadara Jericho Social Hall on **13<sup>th</sup> September at 9.00 a.m;**
6. Ruaraka at Mathare North Social Hall on **13<sup>th</sup> September at 9.00 a.m;**
7. Kamukunji at Easteligh Social Hall on **13<sup>th</sup> September at 9.00 a.m;**
8. Mathare at Undugu Social Hall on **13<sup>th</sup> September at 9.00 a.m;**
9. Westlands at City Park on **14<sup>th</sup> September at 9.00 a.m;**
10. Embakasi West at Sub-Administrator's Office on **14<sup>th</sup> September at 9.00 a.m;**
11. Embakasi East at Emakasi Social Hall on **14<sup>th</sup> September at 9.00 a.m;**
12. Embakasi North at Dandora Phase 1 Social Hall on **14<sup>th</sup> September at 9.00 a.m;**
13. Embakasi South at Mukuru Health Centre (Imara Daima) on **14<sup>th</sup> September at 9.00 a.m;**
14. Embakasi Central at Kayole 2 Social Hall on **14<sup>th</sup> September at 9.00 a.m;**
15. Roysambu at Roysambu Kahawa West Market Parking lot on **14<sup>th</sup> September at 9.00 a.m;**
16. Kasarani at Kasarani Health Centre **14<sup>th</sup> September at 9.00 a.m;**  
and
17. Starehe at Kariokor Social on **14<sup>th</sup> September at 9.00 a.m**

**Hon. Members**, you are therefore invited to attend and participate in the foregoing forums.

**WDP projects**

**Hon. Members**, further, my Office is in receipt of a letter **Ref. NCC/WDP/VOL 1/0/2023** dated **29<sup>th</sup> August 2023** from the Ag. Chief Executive Officer (CEO) for Ward Development Programme (WDP) regarding the processing and incorporation of WDP programmes and projects into the

FY 2024/2025 County Annual Development Plan. In the communication, the Ag. CEO submitted the proposed list of projects in line with the County Integrated Development Plan 2023- 2027.

**Hon. Members**, in view of the foregoing, the Office of the Clerk is hereby directed to circulate to all Members, the said list of projects for verification and confirmation. **Hon. Members**, should you need any clarifications or have any proposals with respect to the foregoing document, kindly reach to the Office of the Ag. CEO for WDP for reconciliation of the projects.

You are so guided.

I thank you **Hon. Members.**"

**4. PAPERS LAID: -**

The following paper was laid on the Table of the Assembly: -

- a) **THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN 2024/25.**

*(The Leader of Majority)*

**5. NOTICE OF MOTION - HON. PETER IMWATOK, MCA - MAJORITY LEADER**

**THAT**, aware that Paragraph 4 (h) of Part 2 of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments with the responsibility of managing sports activities and facilities; **FURTHER AWARE** that, the Nairobi City County Assembly enacted the Nairobi City County Sports Management Act, 2017 to provide for the management, promotion and regulation of sports in the County; **NOTING** that, Section 11 of the said Act provides for the establishment of the Sports Fund whose purpose amongst others is to fund the training, research, development and capacity building of sports activities in accordance with the Sports Plan contemplated under Section 8 of the said Act; **CONCERNED** that, despite these clear provisions of the law, the County Executive is yet to establish the Sports Fund to support sporting activities in the County as envisioned in the Act thus hampering the development of sports; **FURTHER CONCERNED** that, sporting teams that represent the County in various national competitions have been turned into beggars depending on well-wishers which is not only heartbreaking but humiliating as well; this Assembly **RESOLVES** that the County Executive:-

- i) Operationalize the Sports Fund as envisioned under Sections 10 and 11 of the Nairobi City County Sports Management Act, 2017 and further that the funds be utilized in supporting sporting teams in the County;

- ii) Factors monies in the Budget Estimates for the FY 2024/25 for purposes of the Fund; and
- iii) Develops and submit to the County Assembly Regulations contemplated under Section 16 of the said Act within three (3) months of adoption of this Motion. The regulations should amongst other things provide for the management of the Sports fund.

**6. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(a)**

Pursuant to Standing Order 47(2) (a), the Hon. Sospeter Mumbi, MCA gave a Statement informing the County Assembly of the business coming before the County Assembly in the following week.

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

The Leader of Majority Party issued a Statement pursuant to Standing Order 47(2) (b).

**8. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(b)**

The Leader of Minority Party issued a Statement pursuant to Standing Order 47(2) (b).

**9. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(C)**

Pursuant to Standing Order 47(2) (c), the following Member requested for Statement: -

- a) Hon. Dr. Clement Nganga Kamaru, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding abandoned construction of sewer system by Athi Water in Kahawa West Ward.

**10. PROCEDURAL MOTION – REDUCTION OF THE PUBLICATION PERIOD OF THE NAIROBI CITY COUNTY FINANCE BILL, 2013**

Motion Moved and Question Proposed;

**THAT**, Notwithstanding the provisions of Standing Order 131, this Assembly resolves to reduce the publication period of the Nairobi City County Finance Bill, 2023 (Assembly Bill No.5 of 2023) from seven (7) days to five (5) days.

*(The Majority Leader)*

*Debate Ensued;*

*Mover Replied;*

*Question put and Agreed to.*

**11. BILL – THE NAIROBI CITY COUNTY FINANCE BILL, 2023 (ASSEMBLY BILL NO. 5 OF 2023)**

Order for First Reading read;

Bill read a First Time and committed to the Select Committee on County Finance Budget & Appropriations.

**12. BILL – THE NAIROBI CITY COUNTY CLIMATE CHANGE BILL, 2023 (ASSEMBLY BILL NO. 4 OF 2023)**

Order for First Reading read;

Bill read a First Time and committed to the Sectoral Committee on Environment & Natural Resources.

**13. MOTION – TO APPROVE EXTERNAL MEMBERS OF THE COUNTY ASSEMBLY SERVICE BOARD**

**Motion Made and Question Proposed: -**

**THAT**, pursuant to Sections 12 (3) (d) of the County Governments Act, 2012 and Sections 8 and 9 of the County Assembly Services Act, 2017, the County Assembly notes the report of the Service Board and **approves** the appointment of **Mr. Maurice Ochieng Owino** and **Ms. Mary Njeri Ndege** as the two (2) external members of the Nairobi City County Assembly Service Board.

*(Hon. Susan Makungu, MCA – Board Member)*

Debate Ensured;

Mover Replied;

Question put & Agreed to.

**14. MOTION – TO REMOVE BROKEN DOWN VEHICLES IN THE COUNTY**

**Motion Made and Question Proposed: -**

**THAT**, aware that Part II of the Fourth Schedule to the Constitution of Kenya, 2010 apportions traffic and parking function to County Governments; **ACKNOWLEDGING THAT** Section 14 of the Nairobi City County Transport Act, 2020 prohibits any activities on road reserves and spells out the sanctions for violation of the same; **COGNIZANT THAT** there are many vehicles in the County that are broken down and whose owners are unknown and that such vehicles are often parked and left along main roads, in estate roads and public spaces; **FURTHER COGNIZANT** that car yards operating along major roads in the County also illegally park their units on public spaces resulting to obstruction of pedestrian walkways;

**CONCERNED THAT** such abandoned vehicles present obstruction to flow of traffic mostly along pedestrian walk ways and that such vehicle provide an inadvertent hiding spaces for would be criminal, hence pre-exposing residents to security risks; **FURTHER CONCERNED** that such activities on road reserves constitute encroachment onto road reserves that are meant for road construction related activities; **NOTING THAT** removal of such vehicles from public spaces will go a long way to clear up the most needed public spaces for activities they are purposed for; now therefore, this Assembly resolves that the County Executive:-

- 1) Issues a public notice asking the owners to remove all broken down vehicles and road construction equipment from any public spaces in the County or they be removed by the County at the owner's cost at the expiry of a period of 2 months;
- 2) Issues a public notice to all car yard owners to vacate any public spaces they operate in within a period of one (1) month at the expiry of which the County will enforce compliance through an operation of towing away the vehicles; and
- 3) Through, the County Executive Chief Officer for Security and Compliance puts in place measures for Countywide operation to enforce the foregoing vacation notices at the specified timelines; and continuously monitor any further violations for action.

*(Hon. Sospeter Mumbi, MCA)*

Debated ensued;

Rising from his seat pursuant to Standing Order 34 (1), the Minority Leader, Hon. Anthony Kiragu, MCA moved the Motion, That, the County Assembly do now adjourn.

Question proposed;  
Question put and Agreed to.

There being no other business and the time being twenty minutes to Five O'clock, the Hon. Speaker adjourned the Assembly.

**15. ASSEMBLY ROSE** - at Twenty Minutes to Five O'clock.

**MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, September 12<sup>th</sup>, 2023 at 2.30 p.m.

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