



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 19, 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 Deputy Speaker having confirmed that there was no Quorum at the commencement of the Assembly caused the bell to be rung for 10 minutes.

There being a Quorum at the expiration of 10 minutes the Deputy Speaker called the Assembly to order.

3. COMMUNICATION FROM THE SPEAKER

The Speaker issued the following communication:-

USE OF ASSEMBLY PRECINCTS BY EAST AFRICAN LEGISLATIVE ASSEMBLY MEMBERS

“Hon. Members, I have the following communication to convey.

The Assembly is in receipt of a letter from the East African Legislative Assembly (EALA) dated 11th September 2024 which is legislative arm of the East African Community (EAC). In the letter, the regional Assembly informs of the intention of its Committee on Legal, Rules and Privileges to conduct an investigative hearing in Nairobi from 23rd to 28th September 2024 in Nairobi.

Hon Members, in that regard, the regional legislature has requested this Assembly to grant the Committee equipped spaces for the conduct of the said investigative hearing. Hon Members, just to refresh your minds, EAC is an 8 Member regional bloc to which Kenya is a partner member, and was established

to widen and deepen co-operation among the partner states in political, economic and social spheres for their mutual benefit. EALA, on the other hand has been a long-time crucial partner to our institution in capacity building in the areas of legislation, oversight and representation.

Consequently, Hon Members, and in view of the foregoing, I have held consultations with the Assembly leadership and there was concurrence to accede to the request, and as such, the Committee will be using this Chamber amongst other spaces to be identified within the precincts.

In this regard, the Leader of Majority will this afternoon be moving a Motion to alter our 2024 Assembly calendar in order to adjourn and accommodate the intentions of our partner. However, committees' businesses shall continue uninterrupted. May I remind all Members of the Assembly staff to always conduct themselves with decorum especially during the period the dignitaries from across the region will be using our precincts. Similarly, the Clerk is hereby directed to put in place measures to ensure that order around and within the Assembly is maintained, and to designate secured parking areas for the dignitaries, accompanying staff and any other witness.

DISRUPTION OF TICKETING SERVICES

Hon Members, as you may recall, the communication I issued after the resumption from the long recess, I assure the assembly of the commitment of the County Assembly Service Board and the leadership towards the welfare of Members. This includes facilitation for attendance to official County Assembly business taking place within and outside the country. As you may have witnessed in the recent past, we have endeavored to a reasonable level to ensure that Members are not impeded by anything to participate in any forum I approved.

Hon. Members, the operation of the Assembly is highly dependent on the availability of funds based on which we are able to facilitate Members to attend workshops and participate in other activities outside the country. To achieve this, the Assembly engages service providers whose consistence is dependent on how often the County Assembly is able to pay them. However, in the recent past, the Assembly has been facing cash flow challenges whose effect is that we are unable to pay our service providers and suppliers on time as expected.

In this regard, the service providers responsible for provisions of air ticketing services have halted their services and this is adversely the programmes and activities of the Assembly since we have no receipts from the exchequer.

Hon. Members, accordingly, I am aware that the number of committees workshops are scheduled to take place in the coming weeks. Similarly, I am aware that several delegations are scheduled to attend to official activities outside the country. Therefore, in the view of the foregoing challenges facing air ticketing, I am constrained to approve any further processing of the said travels. Accordingly, all scheduled foreign travels are hereby suspended until the

Assembly is able to pay the service providers, more so the service providers for air ticketing. I thank you, Hon. Members”.

4. PAPER LAID: -

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

- i. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD FOR THE YEAR ENDED 30TH JUNE 2022;**
- ii. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE SPECIAL REPORT OF THE AUDITOR GENERAL ON PUBLIC PARTICIPATION IN NAIROBI CITY COUNTY BUDGET MAKING PROCESS FOR THE FINANCIAL YEAR 2021-2022;**
- iii. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON FINANCIAL STATEMENTS FOR NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME FOR THE YEAR ENDED 30TH JUNE 2019;**
- iv. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON COVID 19 ROLL OUT FOR THE NAIROBI CITY COUNTY GOVERNMENT;**
- v. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON FINANCIAL STATEMENTS FOR THE NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD CAR LOAN SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2019; and**
- vi. THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON THE CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE COUNTY REVENUE FUND FOR THE NAIROBI CITY COUNTY GOVERNMENT FOR THE YEAR ENDED 2021-2022.**

(Hon. Chege Mwaura, MCA – Chairperson Select Committee on Public Accounts)

5. NOTICE OF MOTION

THAT, this County Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of Auditor General on the Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2022, laid on the Table of this Assembly, today, Thursday 19th September 2024.

- i. THAT, this Assembly adopts the report of the Select Committee on Public Accounts on consideration of the special report of the Auditor General on public participation in Nairobi City County budget making process for the financial year 2021/2022.
- ii. THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the financial statements for the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2019.
- iii. THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the County Revenue Fund for Nairobi County Government for the financial year 2021/2022.
- iv. THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the financial statements for the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended 30th June 2019.
- v. THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on COVID 19 vaccine roll out for the Nairobi City County Government.

6. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(c)

The following Statements were requested: -

- i. Hon. Chege Mwaura, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jeevanjee affordable housing projects. (Response due in 7 days after recess)
- ii. Hon. Redson Onyango, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing

Regarding the encroachment of various restaurants along corridors of buildings in the Central Business District in Nairobi. (Response due in 14 days after recess)

- iii. Hon. Redson Onyango, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the status of a parcel of land LR. No. 1508/1/2 along Kiambu road in Karura Ward. (Response due in 14 days after recess)
- iv. Hon. Joseph Ndung'u, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding safety of high-rise buildings in Nairobi City County, more so in Kiamaiko Ward. (Response due in 21 days after recess)

7. PROCEDURAL MOTION

Motion Made and Question Proposed;

THAT, pursuant to the provision of Standing Order No. 31 (4), this Assembly resolves to alter the County Assembly Calendar and adjourn until Tuesday 1st October 2024 at 2.30 p.m. (Regular Sessions).

(Hon. Chege Mwaura, MCA)

Motion seconded by Hon. Silasa Matara, MCA

Question proposed;

Debate ensued;

Mover replied;

Question put and agreed to;

8. MOTION: COMPENSATION OF AFFECTED HOUSEHOLDS DURING DEMOLITIONS

Motion Made and Question Proposed;

THAT, aware that Chapter Four of the Constitution of Kenya, 2010 provides for the Bill of rights and freedom of every person in the Country, which include inherent dignity and the right to have that dignity respected and protected, right to clean and healthy environment, right to the highest attainable standards of health which includes the right to health care services, right to accessible and adequate housing, and to reasonable standards of sanitation, right to be free from hunger, and to have adequate food of acceptable quality; and right to clean and safe water in adequate quantities;

FURTHER AWARE THAT, Part II of the Fourth Schedule of the Constitution provides for the functions of County Governments which include County planning and development, County health services, water and sanitation services amongst others;

CONCERNED THAT, the recent inhumane demolitions in parts of the County targeting buildings and other structures in riparian lands have left several families in agony and devastation; **FURTHER CONCERNED**

THAT, the rights of the affected families have been infringed after being left in unhealthy environment, with improper sanitation and lack of clean water;

ACKNOWLEDGING THAT, Regulation 6 (c) of the Environmental Management and Coordination Regulations, 2009 provides that a person shall cultivate or undertake any development activity within full width of a river or stream to a minimum of six metres and a maximum of thirty metres on either side based on the highest recorded flood level;

NOTING THAT, the demolitions were undertaken haphazardly and in inhumane manner without proper assessment of the areas;

THIS ASSEMBLY urges the County Executive in conjunction with the relevant National Government Agencies to: -

1. Conduct a survey to establish the exact measures to be considered as riparian land for the affected families to rebuild their structures in appropriate areas;
2. Compensate the affected families whose structures were erroneously demolished; and
3. Relocate the affected families to alternative safer areas.

(Hon. Jeremiah Themendu, MCA)

Motion made and seconded;

Question Proposed;

Debate ensued;

Mover replied;

Question put and agreed to.

And the time being Four O'clock, the Deputy speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE - at Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, October 1st, 2024 at 2.30 p.m.