



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (THIRD SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 29, 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 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 Speaker called the Assembly to order.

**3. COMMUNICATION FROM THE SPEAKER**

The speaker issued the following communication: -

**WELCOMING MEMBERS FROM THE SHORT RECESS**

Good afternoon, Hon. Members, I have the following communication to convey.

Hon. Members, may I take this opportunity to warmly welcome you back to the Assembly from the well-deserved short Recess that doubled up as a break to enable you participate in the County Assemblies Sports Association (CASA) games. I believe that you also had time to engage, interact and bond with your constituents and family members.

Consequently, Hon Members, may I extend my utmost gratitude to all of you who made it to Bungoma County to participate in various sporting activities. Further, may I commend officers of the Assembly Service who demonstrated remarkable commitment to preparations and participation in various sporting teams. Congratulations are in order to the teams whose efforts resulted in awards in form of trophies and/or certificates. You made us proud. I give you the assurance that the Board is fully committed to providing the necessary support towards facilitating your welfare and providing necessary and enabling facilities, environment and equipment for teams to exercise and effectively participate in sports going forward.

Accordingly, I will be giving the Leader of Majority Party ten minutes after this Communication, if he is present, to address the Assembly on the

participation of our teams in the sports, highlighting achievements, any challenges and proposals on addressing them as required under his leadership and as the Chair of CASA.

Hon Members, as we resume and commence this last part of the 2024 Assembly Calendar, there have been challenges that the Assembly has been facing including occasional lack of quorum which affects execution of important business in the Plenary. May I rally all of you to introspect and soul search individually and collectively on whether you have effectively discharged your mandate and whether you have effectively contributed to the collective mandate of the Assembly in the course of the Third Session.

That notwithstanding, I thank all the Members who have taken steps to generate legislative proposals, sponsored Motions and brought to the attention of the Assembly pressing matters of their constituents through Statements and Petitions. This has enabled the Assembly to revive its resolve to achieving its strategic objectives. I guarantee you that, that is not in vain because we have already passed a number of Bills and the Clerk has reported to me that quite a number of proposals are being processed for consideration before the end of this Session. The Assembly Business Committee is also lining up business including Motions on varied subjects for consideration.

Hon Members, let me reiterate that the Committee system is the backbone of the execution of the business of the Assembly. Consequently, I want to commend all Chairpersons whose Committees have been active in executing and providing business. On the other hand, as we rally Members to put in individual and collective efforts to originate business and have them processed in the Plenary, this will amount to negligible output if Committees fail to do their part and generate reports for consideration. In this regard, I call upon Chairpersons to properly prioritize business before their respective Committees and furnish the Plenary with relevant reports. I am aware that some Committees are facing challenges which have been brought to the attention of the Liaison Committee for consideration. In addition, Chairpersons are encouraged to take advantage of the 2<sup>nd</sup> Quarter workshops which have since been scheduled by the Liaison Committee to consider and conclude on all pending business. I thank you. Hon. Members.

### **GUIDANCE ON CONSIDERATION OF MATTERS BEFORE COMMITTEES**

I have a further communication; this is on the guidance on consideration of matters before relevant Committees.

Hon Members, my office acknowledges and appreciates that you are bestowed with an important Constitutional mandate to represent your constituents and residents of Nairobi on matters that are within the scope of functions of County Governments. However, the Constitution also mandates the County Assemblies to put in place and operate on the basis of their own procedures; the Standing Orders. Accordingly, while facilitating and presiding

over the execution of the Assembly's mandate, I am required to enforce the observance of these Standing Orders, including protection of proceedings of the Assembly and its Committees.

Hon Members, consequently, may I bring to your attention the provisions of Standing Order No. 94 of our Standing Orders, which provides as follows and I quote: -

*“A Member shall not refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly”*

Hon Members, the import of these provisions is that Select Committees, being a creation of this Assembly, must be allowed to conclude considering business before them and submit their reports to the Assembly in order to inform debate. This also goes a long way in allowing Select Committees to conduct business objectively and independently without undue influence.

In this regard, Hon Members, on 19<sup>th</sup> September 2024, I referred a Statement requested by Hon. Chege Mwaura, MCA to the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jevanje affordable housing projects. However, given the nature of the matter that has attracted a lot of public interest and enthusiasm from Members of this Assembly, a number of Members have since approached my office seeking to raise further statement requests and/or Notices of Motions on the same matter, in a manner that insinuates pre-emption of debate. In view of the provisions of Standing Order No. 94 cited above, I direct that all matters around this issue be handled by the said Committee, which is hereby directed to expedite its investigations and table a comprehensive report as directed on 19<sup>th</sup> September, 2024.

Further, I also direct that any Member with any issue in relation to the stated matter to appear before the Planning and Housing Committee where they are at liberty to raise them for further investigations by the said Committee. Consequently, going forward, I will strictly be guided and apply the provisions of the law, the Standing Orders and practice whenever business related to this matter and any other matter of this nature is brought to my attention for consideration and approval. You stand guided. Thank you, Hon. Members.

#### **4. PAPER LAID: -**

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

**i. THE NAIROBI CITY COUNTY BUDGET REVIEW AND OUTLOOK PAPER, 2024.**

*(Hon. Peter Imwatak, MCA – Majority Leader)*

**ii. THE REPORT OF THE SELECT COMMITTEE ON WARD DEVELOPMENT FUND ON WORKSHOP HELD FROM 1<sup>ST</sup> TO 4<sup>TH</sup>**

**DECEMBER, 2022 AT CONTINENTAL HOTEL, MOMBASA COUNTY.**

*(Hon. Hamisi Maleya, MCA – Committee Member)*

- iii. THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON WORKSHOP HELD FROM 14<sup>TH</sup> TO 16<sup>TH</sup> DECEMBER, 2023 IN NAKURU COUNTY.**

*(Hon. Jared Akama, MCA – Chairperson)*

- iv. THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON WORKSHOP HELD FROM 3<sup>RD</sup> TO 6<sup>TH</sup> SEPTEMBER, 2023 IN MOMBASA COUNTY.**

*(Hon. Jared Akama, MCA – Chairperson)*

**5. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(c)**

The following Member requested for Statements pursuant to the provisions of Standing Order 47(2)(c): -

- i. Hon. Daina Katile, MCA on behalf of Hon. Oscar Lore, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the alleged intrusion and alienation of Public land in the County and specifically at Embakasi Village next to Nyayo Estate in Embakasi Ward. *(Response due in 14 days)*
- ii. Hon. Daina Katile, MCA on behalf of Hon. Oscar Lore, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding regulations for all commercial buildings in the County to have parking spaces and offloading zones. *(Response due in 14 days)*
- iii. Hon. Waithera Chege, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the management and conservation of the Nairobi River. *(Response due in 7 days)*
- iv. Hon. Paul Ndungu, MCA requested for a Statement from the Chairperson on the Sectoral Committee on Health Services regarding the operationalization of the Pumwani dispensary in Pumwani Ward. *(Response due in 21 days)*
- v. Hon. Patrick Macharia, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Energy and ICT regarding the delay in processing of payment receipts by the Nairobi Pay System. *(Response due in 14 days)*

**6. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY TO CONSIDER THE NAIROBI CITY COUNTY PERSONS WITH DISABILITIES (AMENDMENT) BILL, 2023 (ASSEMBLY BILL NO.7 OF 2023)**

Order for Committee of the Whole County Assembly read;

**The Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No.7 of 2023)**

**IN THE COMMITTEE**

(Hon. Antony Kimemia, MCA – in the Chair)

**Clause 4:**

**THAT Clause 4** of the Bill be amended as follows-

- (i) By amending the new Clause 22A Sub- clause (2) paragraph (a) by inserting the words **People with disabilities** to appear immediately before the word 'board' and deleting the words 'with **the approval of the Executive Committee Member for the time being responsible for matters relating to persons with disabilities**'
- (ii) By amending the new Clause 22A Sub-clause (2) paragraph (b) by deleting the words '**Chief Officer in charge of**' and replacing therefor with the words '**Chief Executive Officer of the board**'

*(Hon. Joyce Kamau, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 4 as amended be part of the Bill proposed, put and agreed to;

**Clause 5:**

**THAT, Clause 5** of the Bill be amended by -

- (i) By amending the new Clause 22B Sub- clause (1) paragraph (a) subparagraph (iii) by deleting it and replacing it therefor with a new subparagraph (iii) as follows:
  - (iii) **Provide vocational and therapy services for persons with disabilities.**
- (ii) By amending the new Clause 22B Sub- clause (1) paragraph (a) by inserting a new subparagraph immediately after subparagraph (iv) as follows; -
  - (iv) **Improve the existing county owned therapy centers for persons with disabilities.**
- (iii) By amending the new Clause 22B Sub- clause (1) paragraph (c) by inserting a new paragraph immediately

after paragraph (c) as follows; -

(ca) Provide infrastructure and equipment support to government learning institutions of persons with disabilities.

(cb) Facilitate economic empowerment through grants that enable persons with disabilities to engage in self-employment.

*(Hon. Joyce Muthoni, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 5 as amended be part of the Bill proposed, put and agreed to;

**Long Title:**

**THAT**, the **Long Title** of the Bill be amended by deleting the numerical “**2023**” and substituting thereof with “**2024**”.

*(Hon. Joyce Muthoni, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Long Title as amended be part of the Bill proposed, put and agreed to;

**Short Title:**

**THAT**, the **Short Title** of the Bill be amended by deleting the numerical “**2023**” and substituting thereof with “**2024**”.

*(Hon. Joyce Kamau, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Short Title as amended be part of the Bill proposed, put and agreed to;

Bill to be reported with amendments.

**7. ASSEMBLY RESUMED: -**

**The Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No.7 of 2023)**

Bill reported with amendments

Motion made and Question proposed: -

**THAT**, the Assembly do agree with the Committee of the Whole

Assembly in the said report.

*(Hon. Joyce Kamau, MCA)*

Question put and agreed to.

Motion made and question proposed: -

**THAT,** The Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No.7 of 2023) be now read a Third Time.

*(Hon. Joyce Kamau, MCA)*

Debate ensued;

Question put and **agreed to**.

Bill read a Third Time and **passed**.

And the time being Twenty-Five minutes past Four O'clock, the speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**8. ASSEMBLY ROSE** - at Twenty-Five minutes past Four O'clock.

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, October 30<sup>th</sup>, 2024 at 2.30 p.m.