



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 6, 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 presiding Chair (Hon. Malyun Abdi, MCA) 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 presiding Chair called the Assembly to order.

3. PAPER LAID: -

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

- i. **THE REPORT OF THE AUDITOR GENERAL ON NAIROBI CITY WATER AND SEWERAGE COMPANY FOR THE YEAR ENDED 30TH JUNE, 2023.**

(Hon. John Ndile, MCA – Deputy Majority Leader)

4. NOTICE OF MOTION – HON. JEREMIAH THEMENDU, MCA

THAT, aware that Chapter Four of the Constitution of Kenya 2010 provides for the Bill of rights and freedoms 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 standard of health which includes the right to health care services, including reproductive health care, 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 Two of the Fourth Schedule of the Constitution provides for the functions of the County Governments which include County planning and

development, county health services, water and sanitation services amongst others; **concerned that** the recent demolitions in parts of the County targeting buildings and 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 no 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 measurements 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 the alternative safer areas.

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. The Hon. Redson Otieno, MCA requested for a Statement from the Chairperson of the Select Committee on Ward Development Fund regarding payment of Ward Development Fund projects for the period September 2017 to December 2022. *(Response due in 14 days after Recess); and*
- ii. The Hon. Redson Otieno, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the management of City Mortuary. *(Response due in 14 days after Recess)*

6. COMMITTEE OF THE WHOLE ASSEMBLY – TO CONSIDER THE NAIROBI CITY COUNTY TECHNICAL, VOCATIONAL EDUCATION AND TRAINING BILL, 2023 (ASSEMBLY BILL NO.6 OF 2023)

Order for Committee of the Whole County Assembly read; the Bill was withdrawn pursuant to the provisions of Standing 147 (1).

7. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY TO CONSIDER THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2023 (ASSEMBLY BILL NO.8 OF 2023)

Order for Committee of the Whole County Assembly read;

The Nairobi City County Early Childhood Development and Education Bill, 2023 (Assembly Bill No.8 of 2023)

IN THE COMMITTEE

(Hon. Diana Katile, MCA – in the Chair)

Clauses 3 & 4:

Question that Clauses 3 & 4 be part of the Bill proposed, put and agreed to;

Clause 5:

THAT Clause 5 of the Bill be amended as follows-

- (i) In Sub-Clause (1) by inserting a new paragraph (w) "**protection and safeguarding rights of children against societal issues like sexual gender-based violence**"

(Hon. Perpetua Mponjiwa, 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;

Clauses 6,7,8,9,10 & 11:

Question that Clauses 6,7,8,9,10 & 11 be part of the Bill proposed, put and agreed to;

Clause 12:

THAT, Clause 12 of the Bill be amended by -

- (i) By deleting Sub- Clause (2) (3) and (4) in their entirety.

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 12 as amended be part of the Bill proposed, put and agreed to;

Clauses 13,14,15,16,17,18,19,20,21,22,23 & 24:

Question that Clauses 13,14,15,16,17,18,19,20,21,22,23 & 24 be part of the Bill proposed, put and agreed to;

Clause 25:

THAT, Clause 25 of the Bill be amended by -

- (i) By inserting the word **“administrative”** immediately before the words **“curriculum framework”** to appear in the provision of the entire clause.

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 25 as amended be part of the Bill proposed, put and agreed to;

Clause 26:

Question that Clause 26 be part of the Bill proposed, put and agreed to;

Clause 27:

THAT, Clause 27 of the Bill be amended by -

- (i) In sub-clause (3) paragraph (a) by entirely deleting the word **“mentally”** and also by rewording the words **“hearing impaired learners”** to read **“learners with hearing impairment”**
- (ii) In sub-clause (3) paragraph (c) by deleting the word **“specifically”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 27 as amended be part of the Bill proposed, put and agreed to;

Clause 28:

Question that Clause 28 be part of the Bill proposed, put and agreed to;

Clause 29:

THAT, Clause 29 of the Bill be amended by -

- (i) In Sub-Clause (1) by deleting the word **“research”** appearing immediately after the words **“education assessment and”** and replacing it with **“resource”**
- (ii) In sub-clause (2) paragraph (b) by deleting the term **“methods”** appearing immediately after the word **“appropriate”** and replacing it with **“intervention”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 29 as amended be part of the Bill proposed, put and agreed to;

Clause 30:

Question that Clause 30 be part of the Bill proposed, put and Agreed to;

Clause 31:

THAT, Clause 31 of the Bill be amended as follows; -

- (i) By deleting the words **“future provision”** in the header of the clause and replace it with **“transition”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 31 as amended be part of the Bill proposed, put and agreed to;

Clause 32:

THAT, Clause 32 of the Bill be amended as follows; -

- (i) By inserting the words **“of Kenya”** immediately after the word **“constitution”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 32 as amended be part of the Bill proposed, put and agreed to;

Clauses 33,34 &35:

Question that Clauses 33, 34 &35 be part of the Bill proposed, put and Agreed to;

Clause 36:

THAT, Clause 36 of the Bill be amended as follows; -

- (i) In sub-clause (1) paragraph (f) by deleting the word **“needs”** appearing immediately after the word **“special”** and substituting thereof with **“Education”**;

- (ii) In sub-clause (1) paragraph (f) by inserting the words **“for teachers of schools with children with special needs”** immediately after the word **“advantage”**.

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 36 as amended be part of the Bill proposed, put and agreed to;

Clause 37:

THAT, Clause 37 of the Bill be amended as follows; -

- (i) By deleting the numerical **“34”** and replacing it with **“36”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 37 as amended be part of the Bill proposed, put and agreed to;

Clauses 38,39,40,41,42 &43:

Question that Clauses 38,39,40,41,42 &43 be part of the Bill proposed, put and Agreed to;

Clause 44:

THAT, Clause 44 of the Bill be amended as follows; -

- (i) In sub-clause (2) by deleting the words **“head teacher”** and replacing with the words **“centre managers”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 44 as amended be part of the Bill proposed, put and agreed to;

Clause 45:

Question that Clauses 45 part of the Bill proposed, put and Agreed to;

Clause 46:

THAT, Clause 46 of the Bill be amended as follows; -

- (i) By deleting the repetition of the words **“home based education and care service”**

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 46 as amended be part of the Bill proposed, put and agreed to;

Clauses 47,48,49,50,51,52,53 & 54:

Question that Clauses 47,48,49,50,51,52,53 & 54 be part of the Bill proposed, put and Agreed to;

Clause 2:

Question that Clause 2 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. Perpetua Mponjiwa, 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;

Clause 1:

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

(Hon. Perpetua Mponjiwa, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 1 as amended be part of the Bill proposed, put and agreed to;

Bill to be reported with amendments.

8. ASSEMBLY RESUMED: -

The Nairobi City County Early Childhood Development and Education Bill, 2023 (Assembly Bill No.8 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. Perpetua Mponjiwa, MCA)

Question put and agreed to.

Motion made and question proposed: -

THAT, The Nairobi City County Early Childhood Development and Education Bill, 2023 (Assembly Bill No.8 of 2023) be now read a Third Time.

(Hon. Perpetua Mponjiwa, MCA)

Debate ensued;

Question put and **agreed to.**

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

And the time being fifteen minutes to Four O'clock, the presiding Chair (Hon. Malyun Abdi, MCA) adjourned the Assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE - at Fifteen minutes to Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, August 7th, 2024 at 2.30 p.m.