



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 13, 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 Hon. Speaker having confirmed that there was quorum, called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR.

The Speaker issued the following communications:-

RESUMPTION FROM LONG RECESS

“Honorable Members, Good afternoon and welcome to this afternoon sitting of the Assembly. I have the following Communication to convey **Resumption from long Recess**

Honorable Members, I stand before you today on the momentous occasion of our reconvening after a well-deserved Recess. Time apart allows for reflection, for reconnecting with constituents, and for gathering the energy required to tackle the challenges ahead. I trust you have used this break productively, and now return invigorated and ready to continue serving our nation. I therefore take this opportunity to warmly welcome you back to this esteemed August House.

Honorable Members, as we embark on the 3rd Session of this Assembly, several key priorities lie before us:

- **[Priority No. 1]:** consideration and passage of the Nairobi City County Annual Development Plan FY 2024/2025 which is an important preliminary document in the budget cycle;
- **[Priority No. 2]:** Consideration and passage of the Nairobi City County Fiscal Strategy Paper 2024/2025 which is due for submission by the County Executive on or before 28th February 2024;
- **[Priority No.3]:** Consideration and passage of several Bills that were committed to Sectoral Committees towards the end of the 2nd Session for public participation;
- **[Priority No.4]:** Receipt and consideration of Quarterly Reports by Committees from the County Executive in line with the provisions of the Public Finance Management Act, 2012 and the oversight role bestowed onto the Assembly by Article 185 of the Constitution of Kenya; and
- **[Priority No.5]:** consideration of the Supplementary Budget Estimates. This is an important instrument to re-align the County budget, both the Assembly and the Executive, to realities of the economy and to make it budget more realistic and responsive to the needs of the County.

Remember, Honorable Members:

As we look forward to consider and dispense with the foregoing issues among many others, we are entrusted with the hopes and aspirations of our people. It is our solemn duty to act with integrity, to engage in respectful discourse, and to prioritize the betterment of our County. Let us approach each issue with open minds, seeking common ground and solutions that benefit all.

In addition, this Assembly is not merely a forum for debate. It is a platform for collaboration, finding common ground, forging compromises that benefit all. Let us strive to leave the divisive rhetoric behind and focus on the shared values that bind us together. Let us engage in respectful dialogue, in constructive criticism, and in the pursuit of solutions that truly serve the needs of the people. I make this rallying call because we are not just Members of County Assembly, we are also representatives of the hopes and dreams of our fellow citizens in this great City County. Let us carry their trust with pride, let us work with dedication, and let us strive to leave this County better than we found it.

Pending Business

Honorable Members, as you may recall in my communication at the adjournment of the Assembly's Second Session, I gave an average assessment of our performances as an Assembly. This was informed by the collective discharge of our mandate both in Committees and the Plenary. In the legislative agenda, I observed that we had unsatisfactory performance against the legislative goals set out in the retired Strategic Plan. However, there was light at the end of the tunnel when the challenges related to publishing of Bills were eventually overcome and a good number of Bills were committed to Sectoral Committees. This should, however not obscure us from the need to champion for and originate more legislative proposals. The office of the Clerk is always open to receive ideas, reason with Members and package these ideas into proposals that can grow through the processes and procedures to become Bills. Therefore, I encourage Members to take advantage of the human resource that is at our disposal to originate Bills.

Honorable Members, On oversight, committee system is the engine responsible for setting and driving the agenda in Common Wealth Legislatures. This is for the good reason of flexible procedural environment for conducting business. It is noteworthy to observe that as the adjournment of the Assembly for the Long Recess; virtually all Committees had business pending before them. These are not limited to Petition reports, responses to Statements, reports on Bills, reports on site inspection visits, reports of on Reports of Auditor General, reports on inquiries and reports on statutory instruments. We owe the people of Nairobi this work. In this regard, I call upon all Chairpersons to prioritize pending business in your respective Committees, thus, in the next four (4) weeks, it is my desire that the Assembly will be kept busy considering business generated by Committees out of pending work. Progressively, in respective work plans, Committees must seek to address lingering problems in the County from unresponsive and unaffordable healthcare and poor facilities, dilapidated roads, poor drainage that occasion flooding, challenges in access to education, inadequate community services, chaotic public transport to inaccessible water and sewerage services.

Honorable Members, I am aware that the Select Committee on Liaison under the leadership of the Deputy Speaker is in the process of holding its Sessional inaugural meeting to plan for its workshop whose top of the agenda is to review performance of Committees, make new policies, allocate resources to Committees and set the ball rolling for 3rd quarter workshops. I call upon the Committee to speak with high tone with respect to output from Assembly Committees and put in place mechanisms that will properly guide Chairpersons to focus on the rational agendas rather than leading Committees on adventurous paths of diversionary interests that can taint institutional integrity.

Attendance to Chamber and general conduct

Honorable Members, during the last Session, the Plenary experienced undeserved incidents of consistent lack of quorum. Our Standing Orders are express on Members who miss eight (8) consecutive Plenary Sittings. However, before we reach there, may I bring to the attention of the Assembly that the duty to service is a Constitutional calling and the right to be represented on the part of the people is also anchored in the Constitution. This Session and going forward should surely be different by ensuring that we attend both Plenary and Committee meetings where we discharge our Constitutional responsibilities. On our part as the leadership, as we have done before, we assure you as the Membership of our unwavering commitment to your welfare and wellbeing.

Honorable Members, On the issue of general conduct, as the Chairperson of the Select Committee on Powers and Privileges, the Assembly was treated to several incidences of improper misconduct in the past Session occasioned by interpersonal misunderstandings between Members. **Hon. Members,** the electorate need nothing short of quality services. Article 260 of the Constitution of Kenya designates you as state officers and in its Chapter Six and enabling Statutes, Members are required upon to conduct themselves appropriately both in public and private life in a manner that encourages public confidence in the office they hold. May I put all of us on notice that the Privileges Committee was reconstituted and reinvigorated, thus, any case of inappropriate conduct will be

dealt with firmly in accordance with the provisions of the Standing Orders and the statutes. In addition, as the Speaker and custodian of the law, I will not hesitate to take action on any Member propagating discord through acts of savagery. Nonetheless, Hon. Members, I have confidence that we shall resolve our issues with civility and forge a harmonious Assembly going forward. You are so guided.

MEMBERSHIP OF THE COUNTY ASSEMBLY SERVICE BOARD AND THE DE – WHIPPED JUBILEE PARTY MEMBERS

Honorable Members, I further have the following Communication to convey regarding membership of the Board and de-whipped Jubilee Party Members.

Honorable Members, My Office is in receipt of a letter dated 12th October 2022 from Wiper Democratic Party Azimio Coalition nominating Hon. Jane Muasya, MCA to serve as a Member of the Nairobi City County Assembly Service Board. This is to give effect to an earlier letter dated 12th October 2022 from Azimio la Umoja Coalition on the coalition pact regarding the position. Therefore, the letter will effect the replacement of Hon. Catherine Okoth who is currently serving in the Board. In this regard **Hon. Members,** may I bring to your attention the provisions of Section 12 (3) (c) of County Governments Act, 2012 as amended by Section 46 of the County Assemblies Services Act, 2017 and I quote:

“The Board shall consist of:

3(c): two members of the county assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly”

Honorable Members,

In accordance with this provision, may I convey to you the nomination of Hon. Jane Muasya, MCA to Nairobi City County Assembly Service Board for your noting. Accordingly, Hon. Muasya shall assume the office of Member of the Assembly Service Board upon being sworn in in accordance with the Constitution and County Assemblies Services Act, 2017. May I also take this opportunity to thank Hon. Catherine Okoth who has served as a Member of the Board with diligence. Indeed, you have been the epitome of selfless service and

set a high bar with your impartial commitment to the welfare and wellbeing of Members of County Assembly and inordinately, the staff of the Assembly.

De-whipping of Jubilee Party Members

Honorable Members, As you may recall, on 20th April 2023, the Secretary General of Jubilee Party wrote to the Assembly Majority Whip, Hon. Moses Ogeto, MCA directing him to de-whip the following Jubilee Party allied Members of County Assembly from Assembly Committees in accordance with the Standing Orders for violating Party Constitution:

- i) Hon. Robert Mbatia, MCA;
- ii) Hon. Fiunifiu Thuo, MCA; and
- iii) Hon. Mary Wanjiru Kariuki, MCA.

Subsequently and in line with Standing Order 172, the Whip notified my Office and the above mentioned Members in writing. Consequently, the Members stood de-whipped from the Committees they were serving. However, having been dissatisfied with the actions of the Party, the said Members sought reprieve from the Political Parties Dispute Tribunal. Thus, the Tribunal, in its directions issued on 4th December 2023, restrained the respondent's from discharging or purporting to discharge the complainants from Committees of the County Assembly of Nairobi. In addition, the Assembly was ordered to ensure reinstatement of the complainants to the appointed committees with full benefits and to the leadership positions held therein. Accordingly, **Hon. Members,** in conformity with the said directions of the Tribunal, I hereby direct the Majority Whip to reinstate the said Members to Assembly Committees.

Honorable Members, As I conclude, may I acknowledge our two External Members of Nairobi City County Assembly Service Board, **Hon. Maurice Ochieng'** and **Hon. Mary Ndege** who have graced today's Sitting and are seated in the Speaker's Gallery. May I request the two Members to rise in their positions and wave to the Plenary.

In addition, **Honorable Members,** this Sitting is graced by the end femicide movement, a consortium of more than one thousand organizations which are represented by the following members seated in the Speaker's Gallery:

- i) Ms. Diana Zaha (Team Leader)
- ii) Ms. Saida Mumbua
- iii) Ms. Faith Goko
- iv) Ms. Zawede Nzisa
- v) Mr. Paul Babu

May I request you to rise in your positions and wave at the Plenary.

Honorable Members, May I wish you a fruitful and fulfilling Session ahead. May God bless you and may God bless the City County of Nairobi.

I thank you.

PARKING

‘Honorable Members, I have the following further communication to convey regarding parking:

Honorable Members, My office is in receipt of a complaint letter a public interest lobby group called RLO Associates dated 30th January 2023 drawing my attention to inappropriate parking by Members of County Assembly within the Central Business District (CBD). In their letter, they observe that the County Assembly is the principal legislative entity in the County of laws that govern and regulate conduct of business and activities including parking, public transport and City Planning. In sharp contrast, we are accused of not leading by example in obeying these laws and regulations that we create. Notably, Members park their vehicles on pedestrian walk ways and/or lanes on carriage ways. This obstruction denies pedestrians their right to free and safe movement in the CBD, In addition, parking on carriage ways and obstructing a full lanes causing traffic jam along Wabera Street, Mama Ngina Street and City Hall Way and expose motorists to avoidable accidents.

Honorable Members, As you may recall, the Assembly’s parking was misappropriated and the discharge of Plenary and Committee mandate by Members was adversely affected for lack of parking for the better part of the First and Second Sessions. However, through the relentless effort of the Assembly leadership, the County Assembly was allocated parking slots along City Hall Way and Mama Ngina Street that were clearly marked and labeled by

the County Executive. It is true that the then lack of proper parking occasioned Members and staff to park inappropriately on street lanes one lane streets and pedestrian walk ways.

Honorable Members, It is inappropriate and unfortunate for Members to continue parking on walkways and on active streets despite being allocated parking slots on the said streets. It defeats our title of Honorable Members. That notwithstanding, it has come to my attention that since the parking issue was resolved, the parking boys/men who used to assist Members and staff in securing parking spaces have changed strategy. They have now resorted to ushering members of the public into parking along streets and pedestrian walk ways and in Members' designated parking slots. In this regard, I direct the Director for Security Services as follows through the office of the Clerk:

- i) to ensure that the parking slots that were designated by the County Executive are only used by the Members of County Assembly;
- ii) to liaise with the County Executive Security and Compliance Department and ensure that streets and walkways around the Assembly are ridded of deliberate acts of obstruction by both Members of County Assembly and members of the public; and
- iii) to liaise with County Executive Security and Compliance Department to ban and enforce the ban of assisted parking propagated by parking boys/men.

Honorable Members, In this regard, you are encouraged to only park your vehicles in designated parking slots to avoid inconveniences to be occasioned by the foregoing directions. It shall be considered a breach of privileges should a Member park at undesignated places and relevant action shall be taken. As such, the Director of Security Services is hereby mandated to report to my office through the Office of the Clerk, any Member who violates the foregoing directions for further action.

Honorable Members, you are so guided. **I thank you"**

4. BILL:- THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITIONS BILL, 2023 (ASSEMBLY BILL NO.11 OF 2023).

Order for the first reading and was committed to Sectoral Committee on Planning and Housing.

5. BILL:-THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023 (ASSEMBLY BILL NO.12 OF 2023)

Order for the first reading and was committed to Sectoral Committee on Trade Tourism and Cooperatives.

6. MOTION :- APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE.

Motion Made and Question Proposed;

THAT, pursuant to the provisions of Standing Orders 167 (1) (g), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business in addition to those specified under paragraphs(a), (b), (c), (d), (e) and (f): -

1. The Hon. Elijah Stazo Omung'ala, MCA – Deputy Majority Whip
2. The Hon. Wilfred Odalo Oluoch, MCA
3. The Hon. Abass Khalif, MCA
4. The Hon. Rose Masitsa, MCA
5. The Hon. Emily Oduor, MCA
6. The Hon. Moses Kitema, MCA
7. The Hon. Malyun Abdi, MCA
8. The Hon. Anthony Kimemia, MCA
9. The Hon. Nicholas Juma, MCA
10. The Hon. Chege Mwaura, MCA
11. The Hon. Dr. Clement Nganga Mwangi, MCA
12. The Hon. Hashim Athman Kamau, MCA
13. The Hon. Sospeter Mumbi, MCA
14. The Hon. Martin Mbugua, MCA
15. The Hon. Kame Adano Umuro, MCA
16. The Hon. Doreen Mugambi, MCA
17. The Hon. Diana Katile Mwangangi, MCA

(Hon. Peter Imwatok, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

And the time being thirty minutes Past three O'clock the Hon. Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - at thirty minutes past three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, February 14th, 2023 at 2.30 p.m