



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 27, 2023 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 Speaker having confirmed that there was a Quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following communication: -

i. Visit By Students from Kabiro Secondary School

“Hon. Members, good afternoon. I would like to recognize the presence of the future Honorable Members at the Galley. These are our young upcoming students from Kabiro Ward, led by their able teachers. Let me give you the privilege to be upstanding as you wave to the Hon. Members of the Nairobi County Assembly.

As the Speaker of the Nairobi County Assembly on behalf of the Assembly, we are so much delighted for your visit. Feel most welcome and you may come on several occasions.

Thank you and feel at peace.”

ii. Implementation of the Assembly Resolutions by the County Executive

“Hon. Members, you recall at the Assembly Sitting held yesterday, 26th September 2023, I gave an undertaking to give directions on the Statement made by the Chairperson of the Select Committee on Implementation on challenges the Committee is facing in the course of conducting its business.

Hon. Members, in the said Statement, the Chairperson informed the Assembly as follows:

1. That, since the Second Assembly hitherto, numerous Motions, Reports and Acts have been passed and it is within the scope of the Committee’s mandate to monitor and report on their implementation;
2. That, the County Executive Officers have constantly failed to give reports on the implementation status of the foregoing business despite several reminders; and
3. That, the Committee invited officers from the Executive to its 1st Quarter workshop in order to undertake a comprehensive review of the said business and agree on a way forward. However, the said officers dispatched junior officers whose engagement with the Committee was unsatisfactory as they could not conclusively address the issues raised.

Hon. Members, in view of the foregoing, I wish to guide the Assembly as follows:

1. Section 14 of the County Governments Act, 2012 gives County Assemblies latitude to regulate their own procedures and establish Committees which are at the center of the oversight role over the conduct of the Executive;
2. Despite the specificity of mandate of Sectoral Committees to oversight respective Sectors at the Executive, in its wisdom, the Assembly established the Implementation Committee to monitor and report on implementation of Plenary resolutions; and
3. That it is incumbent upon the County Executive Committee Members to provide regular reports to the County Assembly in line with Article 183 (3) of the Constitution of Kenya. They do so by sending such reports on request of Committees or by physically appearing before the respective Committees on request.

Hon. Members, this Assembly is not limited in sanctions it can invoke on hurdles in the course of its work. Indeed, courtesy of the Constitution, County Assemblies Powers and Privileges Act, 2017 and the Standing Orders, the Assembly and its Committees has an array of unique powers, privileges, instruments and recourses during the conduct of our business. These instruments can be applied to overcome and address any impediments that stand in the way of conduct of our business.

Hon. Members, to strike home, for instance, Standing Order 207 (3) gives the Select Committee on Implementation powers to recommend to this Assembly, any action on County Executive Committee Member who, without justifiable reasons, fail to cooperate with the Committee. This is not limited to summons, censure motions, removal from office and engagement of external support institutions.

Therefore, **Hon. Members**, I want to call upon the Select Committee to make use of the foregoing provision as they bring the matter to the attention of the Assembly. Nonetheless, **Hon. Members**, as the Speaker of this Assembly, I am sending a stern warning to the Executive Officers who refuse to cooperate or work with Committees within the laid down structures, that my office and indeed the Assembly Leadership will not be available to protect them when this Assembly resolves to take action courtesy of their insolence. Indeed, **Hon. Members**, it would not be the first time for this Assembly to *bite*, for those who were here during the First Assembly, you reminisce what happened and can attest that this Assembly can *bite*, and *bite* hard.

Hon. Members, we are not engaging in conduct of legislative business for self-aggrandizement or to serve the interest of the few, but for the common good because tax payers' money is involved and that it is our Constitutional duty, the same Constitution that binds the County Executive. Therefore, we shall not relent to carry out oversight because few officers are demonstrating laxity in their Sectors and are not willing to be accountable.

Hon. Members, since this matter threatens the effective execution of the core mandate of the Assembly and the efficient conduct of business

of Assembly Committees, I direct the Deputy Speaker, who is the Chairperson of the Select Committee on Liaison to take up this matter with the Committee and make recommendations to my office within three weeks for further action.

You are so guided.

I thank you **Hon. Members.** “

4. NOTICE OF MOTION –HARASSMENT OF COUNTY EXECUTIVE STAFF.

The following Notice of Motion was issued:-

AWARE that Article 235 of the Constitution of Kenya (2010) provides for the County Government to establish a County Public Service and appoint persons to serve in the said Service; **FURTHER AWARE** that, Article 236 of the Constitution protects public servants from victimization, harassment, intimidation or dismissal by any person for performing the functions of their offices in accordance with the Constitution or any other law; **NOTING** that, in the recent past, several staff of the County Government have expressed increased intimidation and harassment from one **Osman Khalif Abdi**, the immediate former Member of the County Assembly for South ‘C’ Ward; **FURTHER NOTING** that, the said Osman Khalif Abdi and his accomplices, while pushing their personal agenda that borders on corrupt and unethical practices, have been invoking the name of His Excellency the Governor in order to drive fear among County Staff; **CONCERNED** that, the County Assembly is not aware of any position or portfolio the said Osman Khalif holds within the County Government hierarchy; **RECOGNIZING** that when confronted with a similar situation the Second Assembly on 13th February, 2018 resolved to bar one Simon Mbugua, the former East African Legislative Assembly (EALA) Member from issuing orders, directives and executing any functions in the name of the County Government and operating within City Hall; this Assembly **RESOLVES** that:-

- i) **Mr. Osman Khalif Abdi**, the immediate former Member of the County Assembly for South ‘C’ Ward be barred from issuing orders and directives in the name of the County Government of Nairobi City until his roles in the County Public Service and the County Government hierarchy is clarified by the appointing authority.

- ii) Officers of the County Government and persons seeking services from the County Government should henceforth ignore any orders or directives issued by **Mr. Osman Khalif Abdi** or any other orders/directives that offend the law and immediately report any cases as and when they arise.
- iii) To ensure accountability, **Mr. Osman Khalif Abdi**, to immediately cease from operating within City Hall precincts until his position in the County Public Service and the County Government hierarchy is clarified.
- iv) Upon adoption of this Motion, the County Secretary and the County Public Service Board to prepare and submit to the County Assembly a policy paper on the protection of County Staff from harassment and intimidation.

(Hon. Peter Imwato, MCA)

5. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(a)

Pursuant to Standing Order 47 (2) (b) the following statements were requested:-

- i. The Hon. Sospeter Mumbi, MCA gave a statement on behalf of the Assembly Business Committee regarding the business appearing before the Assembly for the week beginning Wednesday, 27th September, 2023.

6. RESPONSE TO STATEMENTS PURSUANT TO STANDING ORDER 47(2)(f)

Pursuant to Standing Order 47 (2) (c) the following statements were requested:-

- i. The Chairperson of the Sectoral Committee on Lands, Planning and Housing gave a response to a statement requested by Hon. Samson Jera, MCA regarding stalled projects on public land in Kibra Sub – County

7. MOTION – TO EXTEND THE PERIOD FOR CONSIDERATION OF THE COUNTY FINANCE BILL, 2023.

Motion Made and Question Proposed;

THAT, Notwithstanding the provisions of Section 133 of the Public Finance Management Act, 2012 and Standing Orders 235 and 236 and pursuant to the provision of Section 90 of the Public Finance Management Act, 2012, this Assembly resolves to extend the consideration of the Nairobi City County Finance Bill, 2023 by a period of thirty (30) days from 28th September, 2023

(Hon. Wilfred Odalo., MCA –Chairperson County, Budget and Appropriations)

Debate ensued;

Mover replied;

Question put and **agreed to;**

8. MOTION –POLICY AND PROGRAMMES ON CHILD HEADED HOUSEHOLDS WITHIN THE COUNTY

THAT, aware that the United Nations Convention on the Rights of the Child (UNCRC), is the most complete statement of children’s rights ever produced and is the most widely-ratified international human rights treaty in history, ratification which Kenya is party to; **NOTING THAT** the Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to and also explains how adults and governments must work together to make sure all children enjoy all their rights; **CONCERNED THAT** ensuring child rights in Kenya is still a challenge, thirty-one years after ratification of the treaty, and efforts by the State to enforce these rights have not been sufficient as evidenced by rampant cases of abuse and neglect; further concerned that there are many children heading households (CHH) in urban informal settlements facing specific vulnerabilities shaped by limitations on their opportunities and capabilities within the context of urban inequities, which affect their wellbeing; noting that Section 62 of the Children Act, 2022 provides for the County Government to establish welfare schemes to provide or facilitate the provision of childcare facilities and programmes for children including children with disabilities; **RECOGNIZING THAT** if County Governments do not supplement efforts to address Child Rights by National Government the implementation of the UNCRC charter will remain a mirage; considering the huge mandate that the Nairobi City County has in respect to the Children and acknowledging that the County is in the process of enacting a policy and legislation on children welfare, this Assembly urges that the County Executive to: -

- i. Develop a comprehensive policy that will promote sustainable solutions to child headed households; and
- ii. Develop programs which will create awareness and address needs of child headed households, skills training on issues of reproductive health, children's rights, drug abuse, home management and conflict resolution for children in child headed households within the County.

(Hon. Perpetua Mponjiwa, MCA)

(Motion differed)

And the time being Twenty Four Minutes Past Four O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE - at Twenty Four minutes past Four O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, September 28th, 2023 at 2.30 p.m