



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 13, 2024

1. The Assembly assembled at 2.30pm O'clock.
2. The Proceedings were opened with Prayer.

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following communication regarding Ramadhan greetings:-

“As the blessed month of Ramadhan approaches, I extend my warmest greetings to each and every one of you. Ramadan is a time of spiritual reflection, self-discipline, and heightened devotion for millions of Muslims around the world. It is a month of immense significance, marked by fasting, prayer, and acts of charity.

During this sacred time, let us come together as a community, embracing the values of compassion, empathy, and solidarity. Let us strive to deepen our connections with one another, fostering understanding and harmony within our diverse assembly.

As representatives entrusted with the responsibility of serving the people of Nairobi, let us use this opportunity to rededicate ourselves to the principles of justice, integrity, and service to humanity. Let our actions be guided by the teachings of Ramadan, promoting inclusivity, fairness, and respect for all members of our society.

I urge each of you to approach this month with an open heart and a willingness to make a positive difference in the lives of those around us. Let us remember the less fortunate among us, extending a helping hand to those in need and spreading kindness wherever we go.

May this Ramadan be a source of blessings, peace, and spiritual fulfillment for you and your loved ones. May it inspire us to be better leaders, better neighbors, and better human beings.”

4. The Speaker conveyed the following communication regarding tax charged on motor vehicle re-imburement benefit:-

“**Hon. Members**, Good afternoon, yesterday I undertook to issue a communication regarding the tax that was charged on the motor vehicle reimbursement:-

Hon. Members, You will recall that at the Assembly Sitting held on **1st November, 2023**, I issued an elaborate communication regarding the invalidated tax that was charged on motor vehicle reimbursement benefit for Hon. Members of the County Assembly. However, following recent developments in the public sphere, I wish to reiterate that in the High Court Petition No. 4 of 2023 ***County Assembly Forum v The Commissioner Kenya Revenue Authority & Others [2023] eKLR***, the Court held that the Motor vehicle reimbursement amounts does not fall within the scope of Sections 3 and 5 of the Income Tax Act, Cap 470, hence the amounts were not taxable. The import of the said judgement was that Members of the County Assembly who were taxed ought to be refunded the amount that was deducted.

Hon. Members, in my communication of 1st November, 2023, I informed the House that by the time the said judgement was being delivered, the County Assembly had deducted and remitted to KRA a total amount of **Kshs 73,924,200**. You will recall that at the time of disbursement of the benefit, we had engaged KRA and agreed on a plan where Hon. Members had option of either being deducted at once the full amount of **Kshs 663, 600** or pay monthly installments through payroll deductions. Indeed, the amount already paid to KRA for each Member reflects in individual Member’s KRA P9 Form.

Hon. Members, today I have instructed the Clerk to circulate to all Members sufficient copies of a comprehensive report showing how the money was deducted and transferred to KRA via direct bank transfer made on 1st and 2nd March, 2023, and 30th May, 2023 and via payroll deduction amounting to **Kshs 17,916,360**.

Hon. Members, this information should therefore clear any doubt as to whether the monies were transferred to KRA. In this regard, I have instructed the Clerk to follow-up with KRA on how the monies will be refunded. Equally, the House Leadership will be engaging with other higher authorities to ensure that the funds are refunded. I shall be updating the House on the progress made on this matter.”

5. PAPERS LAID

The following papers were laid on the Table of the Assembly:-

- i) The Nairobi City County Medium Term Debt Management Strategy Paper 2024
(Hon. Peter Imwatok, MCA -- Leader of Majority)
- ii) The report of the Auditor – General on the Examination of the Financial Statements of the County Executive of Nairobi City for the Year Ended 30th June, 2023
(Hon. Peter Imwatok, MCA – Leader of Majority)
- iii) Report of Budget Finance and Appropriations Committee on County Fiscal Strategy Paper (CFSP) for FY 2024/2025
(Hon. Wilfred Odalo, MCA – Chairperson, Budget Finance and Appropriations Committee)

6. NOTICE OF MOTION-ADOPTION OF REPORT

THAT, this assembly adopts the 15th report of the Select Committee on County Finance, Budget and Appropriations on the consideration of the Nairobi City County Fiscal Strategy Paper and the Debt Management Strategy Paper for FY 2024-25 and over the Medium Term.

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

7. NOTICE OF MOTION- DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE AND INTEGRATED TRANSPORT MANAGEMENT SYSTEM IN THE COUNTY.

THAT, aware that paragraph 5 (c) of Part 2 of the Fourth Schedule to the Constitution of Kenya, 2010 provided for County Transport, including but not limited to; traffic and parking as a mandate of the County Government; FURTHER AWARE that Section 5 (2) of the Nairobi City County Transport Act, 2020 dictates that the County Executive shall be responsible for amongst others; regulation on an integrated public transport system in the County, CONCERNED that according to a Report by the Kenya Urban Roads Authority (2022), Nairobi was ranked the second (2nd) most congested City in Africa and the Fourth (4th) in the world, costing an estimated amount of Kshs.100 Billion annually loss both on fuel and productivity; ACKNOWLEDGING the need for the County Government to integrate conventional bus services such as Bus Rapid Transit (BRT) and exploring future possibilities of installation of Underground Metro and Light Rail Transit (LRT) as a solution towards provision of capillary connectivity to key urban centers, residential areas, and business districts for a sustainable urban development; COGNIZANT that with an integrated transport system, commerce and in particular, movement of goods and services shall spur Nairobi to a smart City and an economic hub to its neighboring Counties and Cities, this ASSEMBLY THEREFORE URGES the County Executive to develop and implement a comprehensive and integrated Transport Management System that shall encompass Bus Rapid Transit (BRT), Underground Metro & Light Rail Transit (LRT) Public Service Buses and Motorbikes to facilitate seamless mobility across the City and its environs.

(Hon. Robert Alai, MCA)

i) STATEMENTS PURSUANT TO STANDING ORDER 47(2)(c)

Pursuant to the provisions of Standing Order 47(2) (c), the following Member sought statement –

- i) Hon. Maurice Ochieng, MCA from the Chairperson of the Sectoral Committees on Trade, Tourism and Cooperatives regarding the status of Kangundo Road Market;
- ii) Hon. Sam Kago, MCA from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding surrender of land to the County Government for open spaces, amenities, recreational and facilities in the subdivision of land in Mwiki Ward (infinity-Giathieko

area) holding parcel numbers LR. No. 9363/65, LR. No. 9363/85, LR. No. 30393, LR. No. 90393/1585 and LR. No.30393/1988

8. MOTION – COUNTY FISCAL STRATEGY PAPER

Motion made and Question proposed;

THAT, this Assembly adopts the 15TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY FISCAL STRATEGY PAPER AND THE DEBT MANAGEMENT STRATEGY PAPER FOR FY 2024-25 AND OVER THE MEDIUM TERM, laid on the Table of the Assembly on Wednesday, 13th March, 2024

Debate ensued;

Mover replied;

Question put and agreed to

(Hon. Wilfred Odalo, MCA)

9. MOTION – BAN OF LOCAL STREET PARTIES AND RAGGAE MUSIC SESSIONS IN RESIDENTIAL AREAS

Motion made and Question proposed;

THAT, aware that Paragraph 4 of the Second Part of the Fourth Schedule to the Constitution of Kenya (2010) grants County Governments the mandate of controlling public entertainment; FURTHER AWARE that, Nairobi City County Government working with other State agencies has licensed various entertainment places where residents can meet and get entertained in various forms; NOTING that, in the recent past there is a growing trend in the City where individuals have organized street parties in form of reggae music sessions in residential areas which attract both the youth and school going children, CONCERNED that, these street parties and reggae sessions are characterized by all manner of criminal acts and immoral activities such as drug abuse, mugging of residents, loud music within residential areas and general lawlessness; FURTHER CONCERNED that, these reggae sessions have largely contributed to underperformance in schools and moral decay among the youth; NOW THEREFORE, this Assembly RESOLVES that the County Executive bans all street parties and reggae sessions in residential areas and develops and submits to this Assembly regulations to govern such parties.

(Hon. Peter Imwatok, MCA)

Debate ensued;

Mover replied;

Question put and agreed to

10. ASSEMBLY ROSE - at twenty one minutes past four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday 14th March 2024 at 2.30 p.m