



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 11, 2025 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 Quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE SPEAKER

RESUMPTION FROM LONG RECESS

“Hon. Members, I have a communication I want to relay; this is in regards to resumption from long recess. Hon Members, good afternoon once again. I take this opportunity to welcome you to this afternoon Sitting that marks the first Sitting as the Assembly resumes from the Long Recess. It is my belief that you had a fulfilling break and time with your families and constituents. There is no doubt that the recess provided an opportunity to all of us to reflect on your Constitutional calling as well as the individual and collective impact we made during the Third Session. It also provided the much needed opportunity to take stock of the shortcomings and challenges that have impacted negatively on our endeavour to deliver on our mandate.

ASSEMBLY BUSINESS

Hon Members, as we commence this Session, we may refresh ourselves on our broader core duties as a legislature which include of legislation, representation, oversight, budget making and policy approval. There is no doubt that in the last three Sessions, this Assembly has made some strides in fulfilling these duties. However, comparatively with the previous Assemblies, I would like to report that

we have fallen short in keeping the graph going up as we have only considered and passed four Bills, apart from finance related Bills. For your information, during audit, Bills and Acts take prominence in evaluation of performance of a legislature and has an implication on justification for allocation of funds.

Nonetheless, Hon. Members, all is not gloom as we have been steadily picking up. Going by the report of the Office of the Clerk at the recent workshop of the Select Committee on Liaison, I can report that a good number of Bills and Legislative Proposals are at various stages of processing, thus in the coming two months, the Assembly will be called upon to consider them. I want to thank all Members who are actively engaged in originating pieces of legislation and I want to give assurance that my Office and that of the Clerk are committed to ensure that your ideas materialize into Bills. In addition, the Office of the Clerk is always open and ready to provide any support and advice needed to originate legislations.

PROCESSING OF COMMITTEE BUSINESS

Hon Members, Committee system is the engine that drives business in a legislature. The Plenary, being an exhibition and a platform for decision making, largely processes what Committees have originated. A preliminary report from the Liaison Committee shows that Assembly Committees, especially Sectoral Committees need to step up effort in exercising oversight and origination of pieces of legislations. Should Committees operate optimally, there should be high traffic of reports and Bills to be considered by the Plenary.

The foregoing report also indicate that there is a big number of pending business rolling over from the last Session including reports on Bills, Policies, Petitions and Statements. Notably, critical business that are still pending include policies such as Development Control, Land Use, Childhood Protection and Safeguarding, and Bills such as Water and Sewerage Services Bill, Health Services Bill, Regularization Bill, Public Market Bill, Solid Waste Management Bill amongst others that are being processed. I call upon the Chairpersons of Committees to ensure that all pending business are processed presented to the Assembly for consideration. Similarly, the Clerk is hereby requested to expedite drafting services in order to have Bills published for consideration.

Hon Members, it has come to my attention that Committees are facing challenges in processing of some of the said business, especially Statements, which pile up from previous Sessions. I am alive to some of the challenges that include demanding responses on questions outside the specified Statements, delayed Reponses from the respective Sectors, the Members requesting not appearing at meetings whenever CEC Members are invited and pursuit of personal interests through legislative business. I am alive to these challenges and through the Select Committee on Procedure and Rules, we will be proposing amendments to the Standing Orders to cure some of them in the long term. However, in the short term, the office of the Clerk and my office will be applying strict measures to ensure that Statements and Petitions comply to the threshold and procedures set out in Standing Orders and any other law when drafting, processing and approving.

FINANCIAL CHALLENGES FACING THE ASSEMBLY

Hon Members, as you are aware, you exercise a serious Constitutional responsibility that requires that you be provided with necessary resource and administrative support. To achieve this, the Constitution has put in place internal and external mechanisms including creation of bodies with varied mandates. In the case of this Assembly, the Service Board is required to ensure that you exercise your mandate effectively, efficiently and in the interest of your constituents. However, due to the established fiscal infrastructure of processing and access to funds, the Assembly has been facing serious hurdles. These impediments range from the County Executive failure to honour the Assembly's cash flow projections, delays in forwarding of Assembly's work plans to the Controller of Budget by the Executive, to disproportional access to funds at the County Revenue Fund. This has adversely affected the Board's ability to pay travel allowances, suppliers and contractors. As we speak, the pending bills due these items are mounting and has made it difficult to procure air tickets and conference facilities for Committee workshops. In addition, the Assembly is unable to purchase even basic items required to run offices. Further, was it not for the arrangement we have with the Cooperative Bank, we could be going for months without salaries.

However, Hon. Members, as Leadership, we are not sitting pretty. Through my office, we are seeking audience with all relevant stakeholders to surmount these challenges. In the long term, we are looking onto the Senate of Kenya to expedite a key piece of legislation that will give County Assemblies financial autonomy. This autonomy will give the Assembly ability to run and manage its own budget. In this regard, you are requested to understand the circumstances we are currently operating and to be patient as we pursue measures to address the challenges and subsequently get a way forward.

Hon Members, Article 196 of the Constitution of Kenya, 2010 requires that the County Assembly conducts its business in an open manner and hold its Sittings and those of Committee in public. However, the Assembly has been facing challenges of lack of crucial equipment to optimally put in place mechanisms for enhanced publicity of its proceedings. Consequently, the Service Board has continuously been putting in place measures that have recently crystalized to have plenary proceedings go live on various platforms. In this regard, I am glad to report that all these plans have materialized and from today going into the future, the proceedings of the Plenary are live on various Assembly social media platforms. I have no doubt that this a remarkable step that will give you the much needed publicity as you articulate issues that concern your constituents. This will also serve to elevate the Assembly and debunk the prevalent notion that the proceedings of the Assembly are delinked from the real issues that affect the people of Nairobi. Accordingly, I encourage all Members to actively participate in debates on various business that pass through this Assembly as we look forward to making it robust enough to cover Committee proceedings.

As I conclude and commit this Session before the Almighty, I invite you to make personal commitment to deliver on individual and collective mandate for

this is the basis on which we shall all be appraised by those who put us here. I pray that God gives you wisdom, knowledge, fortitude and determination during this Session as we consolidate our efforts towards achieving the Assembly's strategic goals. I have no doubt that in the remaining short period of two 2 years of our five-year term, we will not fail the people of Nairobi. You so stand guided, Hon. Members. I thank you **Hon. Members.** “

4. PAPER LAID: -

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

- i. THE SESSIONAL PAPER NO. 1 OF 2025 ON NAIROBI CITY COUNTY GENDER MAINSTREAMING POLICY;**
- ii. THE REPORT OF AUDITOR GENERAL ON MBAGATHI COUNTY REFERRAL HOSPITAL FOR YEAR ENDED 30TH JUNE 2022;**
- iii. THE REPORT OF AUDITOR GENERAL ON MBAGATHI COUNTY REFERRAL HOSPITAL FOR YEAR ENDED 30TH JUNE 2023;**
- iv. THE REPORT OF AUDITOR GENERAL ON MUTUINI, DAGORETTI LEVEL IV HOSPITAL FOR YEAR ENDED 30TH JUNE 2022;**
- v. THE REPORT OF AUDITOR GENERAL ON MBAGATHI COUNTY REFERRAL HOSPITAL FOR YEAR ENDED 30TH JUNE 2024;**
- vi. THE REPORT OF AUDITOR GENERAL ON MUTUINI, DAGORETTI LEVEL IV HOSPITAL FOR YEAR ENDED 30TH JUNE 2023;**
- vii. THE REPORT OF AUDITOR GENERAL ON MUTUINI, DAGORETTI LEVEL IV HOSPITAL FOR YEAR ENDED 30TH JUNE 2024;**
- viii. THE REPORT OF AUDITOR GENERAL ON MAMA LUCY KIBAKI LEVEL V HOSPITAL FOR YEAR ENDED 30TH JUNE 2023;**
- ix. THE REPORT OF AUDITOR GENERAL ON MAMA LUCY KIBAKI LEVEL V HOSPITAL FOR YEAR ENDED 30TH JUNE 2022;**
- x. THE REPORT OF AUDITOR GENERAL ON NAIROBI COUNTY ALCOHOL DRINKS AND LICENCING BOARD FOR YEAR ENDED 30TH JUNE 2024;**
- xi. THE REPORT OF AUDITOR GENERAL ON NAIROBI COUNTY ASSEMBLY CAR LOAN AND MORTGAGE SCHEME FUND FOR YEAR ENDED 30TH JUNE 2024;**
- xii. THE REPORT OF AUDITOR GENERAL ON NAIROBI COUNTY EXECUTIVE FOR YEAR ENDED 30TH JUNE 2024;**
- xiii. THE REPORT OF AUDITOR GENERAL ON NAIROBI WATER AND SEWERAGE COMPANY LTD FOR YEAR ENDED 30TH JUNE 2024;**

- xiv. **THE NAIROBI CITY COUNTY FINANCIAL STATEMENTS FOR SECOND QUARTER OF FY 2024/2025;**
- xv. **THE REPORT OF AUDITOR GENERAL ON RECEIVER OF REVENUE- REVENUE STATEMENTS FOR COUNTY GOVERNMENT OF NAIROBI CITY FOR YEAR ENDED 30TH JUNE 2024;**
- xvi. **THE NAIROBI COUNTY REVENUE EXPENDITURES REPORT FOR PERIOD ENDED 31ST DECEMBER 2024;**
- xvii. **THE NAIROBI CITY COUNTY REVENUE FUND REPORT AND FINANCIAL STATEMENTS FOR 2ND QUARTER OF FY 2024/2025;**
- xviii. **THE REPORT OF AUDITOR GENERAL ON PUMWANI MATERNITY HOSPITAL FOR YEAR ENDED 30TH JUNE 2023;**
- xix. **THE REPORT OF AUDITOR GENERAL ON PUMWANI MATERNITY HOSPITAL FOR YEAR ENDED 30TH JUNE 2022;**
- xx. **THE REPORT OF AUDITOR GENERAL ON MAKADARA LEVEL IV HOSPITAL FOR YEAR ENDED 30TH JUNE 2024;**
- xxi. **THE REPORT OF AUDITOR GENERAL ON MAKADARA LEVEL IV HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2023;**
- xxii. **THE REPORT OF AUDITOR GENERAL ON MAKADARA LEVEL IV HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2022; and**
- xxiii. **THE REPORT OF AUDITOR GENERAL ON PUMWANI MATERNITY HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2024.**

(Hon. Peter Imwatok, MCA – Leader of Majority Party)

5. NOTICE OF MOTION - RENAMING CITY MORTUARY AS NAIROBI CITY COUNTY FUNERAL HOME

THAT, whereas Article 186 and the Fourth Schedule of the Constitution of Kenya, 2010 assigns the responsibility for health services including funeral homes and mortuaries to the county governments, thereby empowering the counties to regulate and oversee the management and operations of such facilities within the county;

AND WHEREAS Article 43 of the Constitution of Kenya guarantees every person the right to the highest attainable standard of health which encompasses a dignified and respectful handling of the deceased and adequate facilities for the bereavement process;

RECOGNIZING THAT the facility currently known as City Mortuary has served the residents of Nairobi for decades as the primary public mortuary but has been historically associated with unfortunate instances of

mismanagement including loss of bodies, poor record keeping, inadequate facilities and other service delivery issues that have negatively affected its

reputation among the residents of Nairobi City County;

NOTING THAT the Nairobi City Government has made considerable steps to improve the standards of the facility addressing past challenges in its operations including enhancing record keeping practices, upgrading infrastructure and setting up better management practices to ensure efficient, dignified and reliable services for the bereaved and their families;

AWARE THAT a name change to Nairobi City County Funeral Home would reflect the reformed identity and improved standards of the facility and align it with the current national standards in the management of public mortuaries thus helping to restore public trust and demonstrate a commitment to dignified service delivery'

NOW THEREFORE, this Assembly resolves;

1. To rename City Mortuary as the Nairobi City County Funeral Home to signify a new era of improved standards, management and public trust in the facilities operations; and
2. That the Nairobi City County Executive to take all necessary steps for name change including updating all legal, administrative and public records and ensuring wide spread communication to the public about the renaming and rebranding

(Hon. DNG)

6. STATEMENTS

1. Hon. Kennedy Oyugi, MCA requested for a statement from the Chairperson of the Select Committee on County Finance, Budget and Appropriations regarding the accrued debt owed to Lapfund by the County Government of Nairobi and the pending remissions deducted from salaries. **(Response 3 weeks)**

3. MOTION – APPOINTMENT OF MEMBERS TO 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. Hon. Elijah Stazo Omung'ala, MCA – Deputy Majority Whip
2. Hon. Malyun Abdi Ali, MCA – First Panel Member
3. Hon. Antony Kimemia Gathumbi, MCA – Second Panel Member
4. Hon. Doreen Mugambi, MCA – Third Panel Member
5. Hon. Diana Katile Mwangangi, MCA – Fourth Panel Member
6. Hon. Wilfred Oluoch Odalo, MCA
7. Hon. Nicholas Juma Okwacho, MCA
8. Hon. Abass Ibrahim Khalif, MCA
9. Hon. Rose Masitsa Shitote, MCA
10. Hon. Emily Oduor, MCA
11. Hon. Moses Mutinda Kitema, MCA
12. Hon. Chege Mwaura, MCA
13. Hon. Dr. Clement Ng'ang'a Kamaru, MCA
14. Hon. Hashim Athman Kamau, MCA
15. Hon. Sospeter Mumbi, MCA

16. Hon. Kame Adano Omuro, MCA
17. Hon. Martin Mbugua, MCA

(Hon. Peter Imwatok, MCA – Majority Leader)

Debate ensued;
Mover replied;
Question put and ***Agreed to;***

And the time being Forty-Five Minutes Past Three O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

4. **ASSEMBLY ROSE** - at Forty-Five minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, February 12th, 2025 at 2.30 p.m.