



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 10, 2025 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 Hon. Speaker (Hon. Kennedy Ng'ondi, MCA) having confirmed that there was a Quorum at the commencement of the Sitting called the County Assembly to order.

**3. PAPERS LAID: -**

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

- **THE NAIROBI CITY COUNTY FY 2024/2025 3<sup>RD</sup> QUARTER REPORT AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> MARCH, 2025;** - *(Committed to the Select Committee on County Finance, Budget & Appropriations);*

*(Hon. Moses Ogeto, MCA –Majority Whip)*

**4. NOTICE OF MOTION – HON. ANTHONY MARAGU, MCA**

**AWARE THAT** Article 159(2)(c) of the Constitution of Kenya 2010 provides that in exercising judicial authority, courts and tribunals shall be guided by the principle that alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted; **FURTHER AWARE THAT** the County Governments Act, 2012 and the County Attorney Act, 2020 obligate County governments to pursue lawful, efficient and cost-effective mechanisms in the discharge of their legal and governance functions; **COGNIZANT THAT** a Section 9 of the County Attorney Act, 2020 empowers the County Attorney to represent the County Government in civil litigation and to provide legal advice aimed at protecting the interest of the County Government; **CONCERNED THAT** a significant portion of the County's annual budget continues to be spent on settling court awards and legal costs resulting from litigation initiated by the County Legal

Department, with many of these matters capable of resolution through alternative means; **NOTING THAT** prolonged legal battles not only deplete County resources but also result in judgements that could have been mitigated to avoided. **THIS ASSEMBLY THEREFORE URGES** the County Executive through the Office of the County Attorney to: -

- i. Ensure that litigation is used strictly as a last resort in resolving disputes involving the County Executive;
- ii. Establish structured negotiation frameworks, and institutionalize the use of tribunals, mediation, conciliation and arbitration in line with Article 159(2)(c) of the Constitution within 60days; and
- iii. Develop a County Alternative Dispute Resolution (ADR) policy to guide the resolution of disputes involving the County and its agencies within 60 days.

#### **5. STATEMENTS PURSUANT TO STANDING ORDER 46: -**

—Pursuant to the provisions of Standing Order 46, Hon. Deonysias Mwangi, MCA issued a General Statement regarding that the state of affairs in Githurai Ward.

#### **6. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(c)**

Pursuant to the provisions of Standing Order 47(2)(c), the following Statements were requested: -

- a) Hon. Sospeter Mumbi, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding ownership of parcels of land Title Nos. NAIROBI/BLOCK 219/32 and NAIROBI/BLOCK 219/33 along Northern Bypass in Roysambu Ward. – *response due in three weeks;* and
- b) Hon. Sospeter Mumbi, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding ownership of parcel of land LR No. 18068 along Northern Bypass in Roysambu Ward. – *response due in three weeks.*

#### **7. GUIDANCE ON THE CONSIDERATION OF THE GOVERNOR'S RESERVATIONS.**

The Hon. Speaker, issued the following guidance on the consideration of the Governor's Reservations: -

##### **“Hon. Members,**

As indicated in today's Order Paper, the House is scheduled to consider the Governor's Reservations on the Nairobi City County Early Childhood Development Education Bill, 2024 and make a final decision thereon. Before we proceed to Order No.8, I wish to offer the following guidance:

**Hon. Members,**

Section 24(3) of the County Governments Act, 2012 empowers H.E the Governor to reserve assent on Bills passed by the County Assembly for reconsideration. This constitutional safeguard ensures that Bills undergo thorough scrutiny and promotes a balance of powers between the Executive and the Legislature.

**Hon. Members,**

The House may choose to agree or disagree with the Governor's reservations, either wholly or partially. However, in the event that the House opts to disagree with the Governor's reservations, a special majority of two-thirds of the total membership is required. Accordingly, we shall require a minimum of 81 Hon. Members present to constitute quorum before we proceed.

Furthermore, Standing Order 150(3)(a) provides that on the day set aside for consideration of the Governor's Memorandum on a Bill, the reservations or recommendations, including any proposed amendments by the Committee or Members must be published in the Notice Paper attached to the Order Paper of the Sitting day. I confirm that this requirement has been duly observed.

Additionally, **Hon. Members**, Standing Order 150(3)(b) mandates that in considering the Memorandum, the Committee of the Whole shall confine its deliberations to the Clauses, Paragraphs, Schedule, Title, or any other parts of the Bill to which the Governor has raised reservations. The sequence of consideration will follow Standing Order 138 regarding the order of business in Committee, as well as the provisions of Standing Order 149(3)."

**The Requisite Quorum**

The Hon. Speaker, ordered the Clerk to confirm the requisite quorum. The Hon. Speaker having confirmed that there was the requisite quorum (83 Members present physically and virtually) ordered the business to proceed.

**8. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY – TO CONSIDER THE GOVERNOR'S RESERVATION ON THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024**

Order for Committee of the Whole County Assembly read;

**IN THE COMMITTEE**

(Hon. Malyun Abdi – in the Chair)

**The Governor's Reservations on the Nairobi City County Early Childhood Development and Education Bill, 2024.**

**Clauses 5 &7:**

**THAT**, Clause 5 and 7 of the Bill be amended as follows; -

- (i) By interchanging the clauses so that the composition of the Committee is contained under Clause 5 and functions of the Committee be under Clause 7;
- (ii) By insert the words “County Educational Assessment and Resource Centers (EARC) Coordinators” under the Composition of the Committee.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and agreed to;

**Clauses 22,23,24 &25**

**THAT**, clauses 22,23,24, & 25 be deleted in their entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and negatived;

**Clauses 27,28,29,30,31,32,33,34 & 35**

**THAT**, clauses **27,28,29,30,31,32,33,34 & 35** be deleted in their entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and negatived;

**Clauses 36,37 & 38**

**THAT**, clauses 36,37 & 38 be deleted in their entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and agreed to;

**Clause 39(e)**

**THAT**, clause 39(e) be deleted in its entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and negatived;

**Clause 39(f)**

**THAT**, clause 39(f) be deleted in its entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

**Clause 42**

**THAT**, Clause 42 of the Bill be amended as follows; -

- (i) By deleting the marginal note in its entirety and substituting thereof with “funding of public Pre-Primary Education Centres”

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

**Clause 45**

**THAT**, clause 45) be deleted in its entirety.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and negated;

**Further amendments**

**THAT**, **Clause 45** of the Bill be amended as follows; -

- (i) In sub-clause (1) by deleting and inserting the clause to read  
**“The County Executive Committee Member for Finance may, in consultation with the County Executive Committee Member for Education, invest....”**

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

**Long Title**

**THAT**, the Title of the Bill be amended as follows; -

- (i) By deleting the word “Development” in Part I of the Bill

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

**Clause 2**

**THAT**, Clause 2 of the Bill be amended as follows; -

- (i) By amending the definition of the following words in their alphabetical sequence of definitions to read
  - a) “County Education Board” means a Board established as an agency of the National Government to serve the relevant County under section 17 of the Basic Education Act 2013;

- b) “County” means the Nairobi City County established under Article 176 of the Constitution of Kenya;
- c) “Committee” means the County Early Childhood Education Committee established under Clause 4 of the Bill.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

### **Clause 1**

**THAT** Short Title of the Bill be amended as follows; -

- (i) By deleting the word “Development” in Part II of the Bill and replace it with the word “Education”

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question of the amendments proposed;

Question put and Agreed to;

The consideration of the H.E. the Governor’s reservations on the Nairobi City County Early Childhood Development and Education Bill, 2024 to be reported **with amendments.**

## **9. ASSEMBLY RESUMED: -**

### **The Governor’s reservations on the Nairobi City County Early Childhood Development and Education Bill, 2024.**

Bill reported with amendments

Motion made and Question proposed: -

**THAT**, the Assembly does agree with the Committee of the Whole Assembly in the said report.

*(Hon. Perpetua Mponjiwa, MCA – Chairperson, Sectoral Committee on Education)*

Question put and agreed to.

There being no other business and the time being twenty-five minutes past to Four O’clock, the Hon. Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

## **10. ASSEMBLY ROSE** - at Twenty-five minutes to Four O’clock.

### **M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, 11<sup>th</sup> June, 2025 at 2.30 p.m.

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