



THIRD ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 23, 2025 AT 2.30PM

1. The Assembly assembled at fifty-two minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Hon. Speaker (Hon. Kennedy Ng'ondi) having confirmed that there was Quorum at the commencement of the Sitting called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

RESUMPTION FROM LONG RECESS

Welcoming from Long Recess

Honorable Members, I have the following Communication to convey:

Honorable Members,

I take this opportunity to welcome you all back to this Assembly after a long and well-deserved recess. It is my hope and belief that this long period of break has afforded you the opportunity to rest, reflect, and reconnect with your constituents whose interests we are all here to serve and your families.

Honorable Members,

We resume at a moment when many tremendous activities have faced the County including some which are related to the how different entities within the structure of the County Government relate to one another. However, I must

commend you the Members of the County Assembly for ultimately rising above discontent that was driven by genuine concerns and putting Nairobi City County first. Your decision to give office holders in the County a second chance to re-commit to the social contract of quality service delivery to the citizens of Nairobi has not only ensured tranquility and business continuity but also elevated the dignity of the County Assembly. We have made it clear that the Assembly's relationship with the County Executive and its officers should always prioritize quality service delivery. As your Speaker, I assure you of my commitment to the provision of an enabling environment for the Members to exercise their mandate and in collaboration with the Assembly leadership, we will neither relent nor walk back on our commitment to Member's welfare and a functioning government which is committed to service delivery.

Honorable Members,

The foregoing notwithstanding, our Constitutional calling remains supreme. Our roles as defined in the Constitution and statutes must always be upheld as the ones to defined our being representatives of the people of Nairobi. We will be judged only by how effective we discharge of these roles. Therefore, there should be no fear, relaxation, excuse or special consideration when carrying out representation, legislation and oversight. Therefore, I call upon all Members and Assembly Committees not to relent in the conduct of their mandate.

Priority business in the coming period of the Calendar

Honorable Members,

On the day the Assembly adjourned for the Long Recess, I observed that the Assembly's legislative performance was not satisfactory having only passed one substantive sectoral bill which has successfully transitioned into an Act, that is, the Regularization of Unauthorized Development Act which has since been Gazetted. However, I also appreciated the Members for the efforts to initiate legislative proposals. I am aware that there are numerous legislative proposals

at various stages including in Committees for scrutiny. May I call upon the Clerk and Committee Chairpersons to expedite processing of these proposals and Bills and bring them up for consideration by the Assembly.

Honorable Members,

Committees are critical in the discharge of the overall mandate as an Assembly. The Committees conduct crucial deliberative business that can only be manifested through reports to the Plenary. It has come to my attention that crucial businesses are pending before Committees including Statements, reports on Petitions, reports to site inspection visits amongst others. In addition, we are at the inception stage of the budget cycle and with the tabling of the Annual Development Plan, we are expected to process the same in the interest of the people of Nairobi. I therefore call upon all Chairpersons to expedite the consideration of pending business and present reports to the Plenary for consideration.

Status of Nairobi City County Early Childhood Education Bill

Honorable Members,

You will recall that this Assembly considered H.E. the Governor's first memorandum on referral of the said Bill on 10th June, 2025. At that sitting, the Assembly partly took into account the Governor's reservations, while overturning the others, and the Bill was thereafter resubmitted to His Excellency the Governor on 18th June, 2025 for assent.

Honorable Members,

I have since received a further communication from the Governor by way of a second memorandum, vide a letter reference NCC/GOV/ADM/097/2025 dated 20th June, 2025, which was delivered to my office on 21st August, 2025. This second memorandum repeats some of the earlier concerns while also raising new ones.

Honorable Members,

before I guide the Assembly on the way forward, allow me to remind you of the law that governs this process.

First, Article 185 of the Constitution vests legislative authority of a county in its County Assembly. Further, Section 14 of the County Governments Act empowers this Assembly to regulate its procedure through Standing Orders.

Second, Sections 21 to 25 of the County Governments Act, 2012, read together with Part XIX of our Standing Orders, set out the procedure for enactment of County laws.

Third, Section 24(5) of the Act is very clear and it states that if the Assembly passes a Bill a second time, whether or not it accommodates the Governor's reservations, and the Bill is supported by at least two-thirds of the Members, the Speaker must resubmit it to the Governor within seven days, and the Governor must then either assent to it or refer it back within seven days.

Honorable Members,

Section 24(6) further provides that if the Governor does not act within that statutory period, then the Bill is deemed to have been assented to automatically. In computing that time, Section 58 of the Interpretation and General Provisions Act, Cap. 2 excludes the day of the act. This means that, since the Bill was resubmitted to the Governor on 18th June, 2025, the seven-day deadline lapsed on 25th June, 2025.

In the present case, Honorable Members, the Governor's second memorandum was received in this Assembly on 21st August, 2025 being fifty-seven (57) days outside the statutory period. I need to emphasize that the timelines under Section 24 are strict and leave no room for discretion or extension.

It follows therefore, Honorable Members, that by operation of Section 24(6) of the County Governments Act, the Nairobi City County Early Childhood Education Bill, 2025 stood assented to once the statutory period expired. This law is self-executing; once the deadline lapses, the Bill becomes law without further action. Therefore, the second memorandum is invalid in law and cannot be entertained by this Assembly. The Bill now stands as the Nairobi City County Early Childhood Education Act, 2025.

However, Honorable Members, should His Excellency the Governor or the County Executive wish to pursue any further policy concerns on this matter, the lawful route is to introduce an Amendment Bill, to be processed in the ordinary legislative way.

You are so guide. I thank you Honorable Members.

4. PAPERS

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

I. THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN FY 2026/2027.

(Laid by Majority Leader, Hon. Peter Imwato)

II. THE REPORT OF THE OFFICE OF CONTROLLER OF BUDGET ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR THE FIRST NINE OF FY 2024/2025.

(Laid by Majority Leader, Hon. Peter Imwato)

III. THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE STATUS OF WASTE DISPOSAL MECHANISMS OF FARMERS CHOICE, BURMA MARKET AND KIAMAIIKO ABATTOIRS.

(Chairperson, Sectoral Committee on Environment and Natural Resources)

5. NOTICES OF MOTION

The following notice of Motion was issued: -

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE STATUS OF WASTE DISPOSAL MECHANISMS OF FARMERS CHOICE, BURMA MARKET AND KIAMAIKO ABATTOIRS.

(Chairperson, Sectoral Committee on Environment and Natural Resources)

6. STATEMENTS

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

- i. The Hon. Robert Alai, MCA requested a Personal Statement regarding the inquiry on the legality of Committee operations *(Speaker gave direction)*
- ii. The Hon. Jeremiah Themendu, MCA requested a Statement from the Chairperson of the Ad hoc Committee on investigation of the County Local Revenue collection systems and administration regarding the status of the report. *(Direction to be issued by Speaker in due course)*
- iii. The Hon. Patrick Karani, MCA requested a Statement from the Chairperson of the Select Committee Budget regarding misconduct and diversion of County Revenue Fund in the County *(Response due in 21 days)*
- iv. The Hon. Cyrus Mugo, MCA requested a Statement from the Chairperson of the Sectoral Committee on Health Services regarding sector and pest control in the County. *(Response due 3 weeks)*

7. MOTION - HON. JOSEPH NDUNGU, MCA

Subject: Renaming of Juja Road to Leonard Mambo Mbotela Road

(Resumption of Debate)

(Motion Withdrawn)

8. MOTION - HON. ANTHONY MARAGU, MCA

Subject: To urge the County Attorney and County Executive to utilize litigation as a last resort in County legal matters.

Motion Made and Question Proposed;

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 costeffective 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.

Debate ensued;

Mover replied;

Question put and **agreed to**;

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

9. ASSEMBLY ROSE - at thirty minutes Past Four O' clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, September 24, 2025 at 2.30 p.m