



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 24, 2025 AT 2.30 P.M

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

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

3. COMMUNICATION FROM THE CHAIR

SPECIAL MOTION ON THE CONDUCT OF MS. LYDIA MATHAI, CHIEF OFFICER FOR HOUSING AND URBAN RENEWAL

“**Hon. Members**, you may recall that pursuant to Standing Order 52, on Thursday 19th June 2025, the Hon. Chege Mwaura, MCA gave a Notice of a Special Motion inviting the Assembly to discuss the conduct of the Chief Officer responsible for Housing and Urban Renewal, Ms. Lydia Mathia.

Hon. Members,

Standing Order 52 (2) provides that a Notice for a Special Motion shall be disposed of by the Speaker within Seven days of receipt of the notice from a Member and given by the Member within three Sitting days following the approval by the Speaker. May I bring to the attention of the Assembly that the foregoing provision has fully been complied with having received and approved

the notice on Thursday 19th June 2025. The notice was similarly given on the same day.

Further, **Standing Order 52 (2) (b)** requires that a Motion of this nature be disposed of within 3 sitting days. Therefore Hon. Members, this means that the Assembly should make its decision on the Motion within 3 Sitting days.

Time for moving a special Motion

Hon. Members

Standing Order 57 (2) provides that; -‘Save for a Special Motion, a Member who has a Motion standing in his or her name may authorize, in writing, another Member to move that Motion in the Member’s stead’. The import of this provision Hon. Members, is that the Member who sponsors and gives notice of a Special Motion shall be the one to move the Motion. This role cannot be delegated to another Member. Accordingly, this afternoon, I will be inviting Hon. Chege Mwaura, MCA, the sponsor of the Motion to move it.

Withdrawal of a notice of a Special Motion

Hon. Members,

Standing Order 58 (2) provides that a notice of a Special Motion may only be withdrawn with the leave of the Assembly. Hon. Members, this Motion is properly before the County Assembly, thus, it is a property of the Assembly. At this point of its execution therefore, a decision to invite the Assembly not to proceed with it by way of withdrawal rests with a vote from the Assembly itself.

Instances where the Law Provides for a Fixed Majority

Hon. Members,

Standing Order 53 (1) provides that in every instance where the law provides that a fixed number of Members is necessary to support the moving of, or to decide any question on a Motion, any amendment Motion to such Motion shall not be passed unless supported by the fixed number of Members required to pass the original Motion. Hon. Members, I have perused and read the Assembly Standing Orders and a Special Motion of this nature does not fall within the category of Special Motions that seek removal from Office through impeachment. Therefore, the Motion shall be decided upon by a simple majority.

Hon. Members,

You are so guided.

I thank you.”

4. PAPERS

The following papers were laid on the Table of Assembly:

- a) **THE NAIROBI CITY COUNTY SUPPLEMENTARY II
EXEPENDITURE AND REVENUE ESTIMATES FOR FY
2024/2025**

(The Leader of Majority)

- b) **THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND
SANITATION ON THE FOURTH QUARTER WORKSHOP HELD
FROM 27TH TO 30TH JUNE, 2025**

(Chairperson Sectoral Committee on Water and Sanitation)

- c) **THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND
SANITATION ON THE THIRD QUARTER WORKSHOP HELD
FROM 16TH TO 19TH JUNE, 2025**

(Chairperson Sectoral Committee on Water and Sanitation)

5. STATEMENT PURSUANT TO STANDING ORDER 47(2)(C)

**Pursuant to Standing Order 47 (2) (c) the following Members requested
for Statements: -**

- i) Hon. Redson Otieno, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding a deeply alarming incident involving a County staff member who reportedly fell from an upper floor of City Hall Annex under unclear but troubling circumstances; and,
- ii) Hon. Ochieng Jera, MCA from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the County Executive officers holding more than one position.

**6.SPECIAL MOTION – HON. CHEGE MWAURA, MCA ON THE CONDUCT
AND CENSURE OF MS. LYDIA MATHIA, CHIEF OFFICER, HOUSING AND
URBAN RENEWAL, NAIROBI CITY COUNTY.**

Motion Made and Question Proposed: -

WHEREAS, Chapter Six (6) of the Constitution of Kenya (2010), the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003 provide for, primarily, the conduct of State and Public Officers, and the accountable exercise of power and responsibility assigned to State and public officers;

WHEREAS, Article 10 of the Constitution as read together with Section 3 of the Leadership and Integrity Act, 2012 provides for respect for the rule of law, good governance, accountability and transparency of State and Public officers for decisions and actions as key guiding principles of leadership;

FURTHER WHEREAS Section 45 of the County Governments Act, 2012 provides that a County Chief Officer is appointed by the Governor with the approval of the County Assembly, and such an officer serves as the authorized officer in respect of delegated powers in a County Department; the said Ms. Lydia Mathia was initially appointed by the Governor as the County Chief Officer responsible for Public Participation, Citizen Engagement and Customer Service Sub-Sector upon being vetted and subsequently approved by the County Assembly;

AND WHEREAS the office of a County Chief Officer is an office in the County Public Service and is subject to the provisions of the Constitution of Kenya, the County Governments Act, 2012, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003 including adherence to the principles of public service, rule of law, and respect for human rights and dignity;

ACKNOWLEDGING that Section 59 of the County Governments Act vests the County Public Service Board with the authority to discipline and remove individuals holding or acting in public offices within the County Public Service;

COGNIZANT that **Ms. Lydia Mathia** is currently serving as the Chief Officer in charge of Housing and Urban Renewal in Nairobi City County;

DEEPLY CONCERNED that Ms. Lydia Mathia, in her capacity as Chief Officer, Housing and Urban Renewal, orchestrated and oversaw the eviction of residents from County-owned houses located in Old Ngara, New Ngara, Kariokor, Buru Buru, Kariobangi, Woodley and other County Estates on the basis of alleged rent arrears;

FURTHER CONCERNED that the said eviction process was conducted in a cruel, dehumanizing, and degrading manner, in violation of the residents' constitutional rights to human dignity, security, housing, and property, and put the lives and safety of the affected individuals and the wider estate community at risk;

NOTING that on **6th May 2025**, the County Government served Demand Notices to various residents within the said estates, demanding substantial sums of money in alleged rent arrears, without providing a breakdown of the specific months or years in which the arrears were accrued;

RECOGNIZING that the said Demand Notices were in complete violation of **Gazette Notice No. 2728** dated **19th March 2021**, in which the Nairobi City County

Government had issued a permanent waiver of house rent arrears accrued up to 30th April 2019 and directed that tenants pay rent only from 1st May 2019 going forward;

ALARMED that despite the residents complying and initiating payment of post-waiver rent arrears, and notwithstanding the existence of a Conservatory Order issued by the Environment and Land Court in **Petition No. ELCLPET/E038/2025** on **30th May 2025**, staying any eviction pending hearing and determination of the petition, Ms. Mathia nonetheless proceeded to deploy unknown and unauthorized individuals ("goons") to enforce the evictions;

NOTING WITH GRAVE CONCERN that the said individuals, acting under Ms. Mathia's instructions, used force, looted, vandalized private and public property, and caused physical harm and psychological trauma to innocent residents;

FURTHER NOTING that these evictions violated Section 152G of the Land Act, which mandates that eviction processes must be carried out in a manner that respects the dignity, right to life, and security of those affected;

DEEPLY DISTURBED that, despite the existence of the Honourable Court's Conservatory Orders and the tenants' demonstrated good faith, evidenced by many having paid the **disputed rent amounts** as demanded in the unlawful notices out of sheer desperation, **all attempts by the tenants to regain access to their county houses have been deliberately obstructed at the direction of Ms. Lydia Mathia**, who continues to frustrate and block the resumption of their tenancy, thereby aggravating their suffering and compounding the violations of their rights;

AWARE that Ms. Mathia's acts and omissions constitute:

- i) **Gross misconduct**;
- ii) **Dereliction of duty**;
- iii) **Willful disobedience of a court order**, contrary to Article 10 (2)(a) and Article 73(1)(a) of the *Constitution of Kenya*;
- iv) **Abuse of office**, in breach of Section 11 of the *Leadership and Integrity Act, 2012* and Section 8 of the *Public Officer Ethics Act, 2003*;
- v) **Conduct unbecoming of a public officer**, and in clear violation of the principles of public service as outlined in Article 232 of the Constitution;

FURTHER AWARE that her conduct demonstrates a lack of respect for the rule of law, acts of impunity, and deliberate marginalization of vulnerable citizens under her public care and mandate;

NOW THEREFORE, THIS ASSEMBLY RESOLVES TO:

1. **CENSURE** Ms. Lydia Mathia for gross misconduct, abuse of office, violation of human rights, and violation of court orders;
2. **DECLARE** that Ms. Lydia Mathia is **unfit to hold public office** within the Nairobi City County Government or any other public service;
3. **DIRECT** that the Nairobi City County Assembly and its Committees shall not transact any business with Ms. Lydia Mathia in her current capacity or any other public capacity;
4. **RECOMMEND** that the Nairobi City County Public Service Board immediately commences disciplinary proceedings against Ms. Lydia Mathia with a view to her removal from office;
5. **URGE** the Governor of Nairobi City County, being the appointing authority and pursuant to Section 45(5) of the County Governments Act, 2012, to **immediately reassign** Ms. Lydia Mathia from the position of Chief Officer, Housing and Urban Renewal, pending the conclusion of the disciplinary process
6. **CONDEMN** in the strongest terms the unlawful eviction of residents from Old Ngara, New Ngara, Kariokor Buru Buru, Kariobangi, Woodley and other County Estates and calls for immediate investigations into the destruction and loss of property resulting from Ms. Mathia's directives; and
7. **RECOGNIZE** the rights of the affected residents to seek justice and support the enforcement of the court's conservatory orders to prevent further violation of their rights pending hearing and determination of the residents petition No. ELCLPET/E038/2025 by the court.

Debate ensued;

Mover replied;

Question put and **agreed to;**

7.PROCEDURAL MOTION – EXTENSION OF SITTING TIME**Motion Made and Question Proposed: -**

Hon. Members, pursuant to **Standing Order 33(3)(A)** that this Assembly resolves to extend its sitting until a time the business appearing on the order paper is concluded.

Mover replied;

Question put and **agreed to;**

There being no other business and the time being twenty-five minutes Past Six O'clock, the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8.ASSEMBLY ROSE - at twenty-five minutes past six O'clock.

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M E M O R A N D U M

The Speaker will take the Chair on

Wednesday, 25 June, 2025

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