<u>THIRD ASSEMBLY – (FIFTH SESSION)</u>

<u>NAIROBI CITY COUNTY ASSEMBLY</u>

<u>VOTES AND PROCEEDINGS</u>

<u>TUESDAY, JULY 21, 2026 AT 2:30 PM</u>

1. The House assembled at Thirty minutes past Two O'clock.

2. The Proceedings were opened with Prayer.

<u>QUORUM OF THE ASSEMBLY</u>

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. <u>COMMUNICATION FROM THE CHAIR</u>

The Hon. Speaker issued the following communication: -

<u>WELCOME FROM THE RECESS</u>

"Honorable Members,

I take this opportunity to welcome you back from the recess. It is my hope that you have had time to interact with your constituents over the break and that the Committees have had opportunity to consider and conclude crucial business for reporting to the Assembly. In accordance with the Calendar of the Assembly adopted on 12th February, 2026, this part will see the Senate transact business until 13th August, 2026.

Hon. Members,

I have a further communication to make.

DIRECTIONS ON THE OBJECTIONS TO THE APPROVAL OF THE NAIROBI CITY COUNTY DEVELOPMENT CONTROL POLICY, 2026

Honourable Members,
I have the following Communication to convey:

Honourable Members,

I wish to report to the House that I have received two letters dated **15th July, 2026** and **20th July, 2026** from **Hon. Anthony K. Kiragu, MCA**, and **Hon. Fuad Hussein, MCA**, respectively, objecting to the approval of the Nairobi City County Development Control Policy, 2026. The Members allege, among other things, that the Policy was passed in haste, that stakeholder memoranda were not adequately considered, that Members were denied sufficient opportunity to deliberate on the final document, and that the Policy is inconsistent with the decision of the Court of Appeal in *Clair Kubochi Anami & Others v County Executive Committee Member for Built Environment and Urban Planning & Others (Civil Appeal No. E160 of 2025).* They consequently seek the withdrawal and reconsideration of the Policy, while Hon. Fuad Hussein further requests the dissolution and reconstitution of the Sectoral Committee on Planning and Housing which considered the policy. Notably, both Hon. Members are Members of the Sectoral Committee on Planning and Housing.

Hon. Members,

Having considered the objections, I wish to remind the House that although the Standing Orders do not prescribe a standalone procedure for the consideration of County Policy Papers, such papers are processed through the Assembly's established legislative procedures, read together with the Constitution of Kenya, 2010 and the County Governments Act, 2012. For avoidance of doubt, the procedure entails: -

1. Submission of the draft Policy Paper by the County Executive and allocation of a Sessional Paper Number by the Clerk;
2. Laying of the Sessional Paper before the Assembly pursuant to Standing Order 43;

3. Referral of the Paper by the Speaker to the relevant Sectoral Committee for consideration;
4. Committee scrutiny, stakeholder engagement and public participation in accordance with Article 196 of the Constitution, followed by preparation and adoption of a Committee Report;
5. Tabling of the Committee Report before the Assembly, debate and determination by the House through a Motion moved by the Committee Chairperson; and
6. Communication of the Assembly's resolution to the County Executive for implementation.

Hon. Members,

The records of the Assembly confirm that the Nairobi City County Development Control Policy, 2026 underwent each of the foregoing stages. The Policy was submitted by the County Executive, allocated Sessional Paper No. 1 of 2023, committed to the Sectoral Committee on Planning and Housing, subjected to two rounds of stakeholder engagement and public participation, revised following consideration of stakeholder views, adopted by the Committee, debated by the Assembly and approved by resolution on 17th June, 2026 before being communicated to the County Executive for implementation. I am therefore satisfied that the Committee and the Assembly substantially complied with Articles 10, 185 and 196 of the Constitution, the County Governments Act, 2012 and the applicable Standing Orders in considering and approving the Policy.

Hon. Members,

With regard to the objections raised, I find that they do not disclose any procedural impropriety capable of invalidating the Assembly's resolution. To the extent that concerns have been raised regarding the substantive contents of the Policy or its consistency with the decision of the Court of Appeal, those are matters that are properly determinable by a court of competent jurisdiction and do not, by themselves, invalidate the legislative process undertaken by this Assembly.

Honourable Members,

It should be noted that once the Assembly resolved to approve the Policy on **17th June, 2026**, that resolution became the decision of the House and cannot be withdrawn administratively by the Speaker. The Standing Orders provide the proper mechanism for revisiting such a decision. In particular, Standing Order 56 permits a Member, with the leave of the Speaker, to move a Motion to rescind an earlier resolution of the Assembly. That procedure exists to balance the need for accountability with the equally important principle of finality in the decisions of the House, and permission to invoke it will only be granted where sufficient and exceptional grounds are demonstrated. And for that reason I advise the disgruntled Members to consider the requirements of the Standing Order.

Hon. Members,

On the request for **dissolution or reconstitution** of the Sectoral Committee on Planning and Housing, I note that Standing Order 209(3) requires Sectoral Committees constituted at the commencement of the Assembly to serve for three Sessions before being reconstituted for the remainder of the Assembly's term. This has not happened. The relevant organs of the House are therefore hereby directed to undertake the overdue reconstitution of **all Assembly Committees** in compliance with the Standing Orders within seven (7) days from the date of this Communication. However, in order to safeguard the discharge of the Assembly's constitutional and statutory Budget mandate, the reconstitution of the current Finance, Budget and Appropriations Committee shall be deferred until it concludes the pending consideration of the Budget Estimates for the Financial Year 2026/2027, whereupon it shall be reconstituted without further delay in accordance with the Standing Orders.

Accordingly, **Hon. Members**, all the **Committees stand dissolved**. Accordingly, **Hon. Members** having found that the Nairobi City County Development Control Policy, 2026 was considered and approved in substantial compliance with the Constitution, the Physical and Land Use Planning Act, 2019, the County Governments Act, 2012 and the Standing Orders, and that the objections raised disclose no procedural impropriety capable of invalidating the Assembly's resolution, the requests for the withdrawal of the Policy, in the manner proposed by the two Hon. Members, are **hereby approved**. Nevertheless, any Member who wishes to revisit the Assembly's decision may only do so in accordance with Standing Order 56 by seeking the leave of the Speaker by moving a Motion to rescind an earlier resolution of the Assembly, the grant of such leave being subject to the requirements and safeguards prescribed under the Standing Orders.

Hon. Members you be directed.

Thank you. Hon. Members you may proceed and take your positions."

4. MESSAGES

MESSAGE FROM THE GOVERNOR

"Hon. Members,

Standing Order 45 (1) provides that the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly. In this regard Hon. Members, I wish to report that the Office of the Speaker is in receipt of a Message on 30th June, 2026, from H.E the Governor of the Nairobi City County vide a letter signed on 29th day of June, 2026.

Hon. Members,

The message regards the memorandum on the Nairobi City County Civic Education Bill, 2026.

I now wish to convey the following Message-

THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2026

Hon. Members, you may recall that on Tuesday, 9th June, 2026 the County Assembly passed the Nairobi City County Civic Education Bill, 2026. Thereafter, I presented the Bill for assent to His Excellency the Governor on Thursday, 18th June, 2026 in accordance with the provisions of Section 24 of the County Governments Act, 2012 and Standing Order 149. However, on Tuesday, 30th June, 2026, His Excellency the Governor, by a way of memorandum referred the Bill back to the Assembly for reconsideration pursuant to the provisions of Section 24 (2) (b) of the County Governments Act, 2012 and Standing Order 149 (2) (b). It is worth noting that the Memorandum was received while the Assembly had adjourned for the short recess.

Hon. Members, Standing Order 149(3) provides that if the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures amend the Bill taking into account the issues raised by the Governor or pass the Bill without amendment. Further, Standing Order 149(4) provides that if the County Assembly amends the Bill taking into consideration the issues raised by the Governor, the speaker shall within fourteen days submit the Bill to the Governor for assent.

Hon. Members, Standing Order 150(1) provides that *"Whenever the Governor refers a Bill back to the County Assembly under Section 24(3) of the County Governments Act, 2012 and Standing Order 149(3), the Speaker shall convey to the Assembly a Message on the Memorandum pursuant to Standing Order 45 on Messages from the Governor and where applicable, give any special guidelines."* Further Standing Order 150(2)(a) states that *The Message, together with the Memoranda shall stand committed to the relevant Assembly Committee for consideration and the Clerk shall circulate copies of the said memorandum to the Committee and all Members.*

Hon. Members, Standing Order 150(5) provides that "if the County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the county assembly, the speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill. If the Governor does not assent to the Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period"

Hon. Members, I now direct that the memorandum be committed to the Sectoral Committee on Culture and Community Services for consideration. The Committee is expected to table its report on the Memorandum on or before **Tuesday 11th August, 2026 at 2:30 p.m.**

I thank you."

5. PAPERS LAID

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

THE REPORT OF THE OFFICE OF THE CONTROLLER OF BUDGET ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FIRST HALF OF FY 2025/2026

(Hon. Peter Imwatok, MCA- Majority Leader)

6. NOTICES OF MOTION

The following Notice of Motion was issued: -

AWARE THAT Article 201 (a) of the Constitution of Kenya, 2010 dictates on the principles that guides on all aspects of Public Finance in the republic, which includes inter-alias, openness, accountability, prudent and responsible use of public funds; **FURTHER AWARE THAT** Section

104 of the Public Finance Management Act, 2012 and regulation 55(2)(b) of the County Public Finance Management Regulations made thereunder requires County Governments to prioritize the settlement of all eligible trade payables being the pending bills as **first charge** on the budget of a county government in its subsequent fiscal year which the liability is recognized; **DEEPLY CONCERNED THAT**, according to the Report of the Office of the Controller of Budget for the for the First Nine Months of the FY 2025/2026; Nairobi City County led in trade payables ageing, also referred as pending bills, at **Kshs.81.79 billion**, accounting for 53% of **ALL** County Governments' payables, and notably, **61.61 billion** out of the payables are debt that are over 3 years old, constituting 75% of the total trade payables ageing; **GREATLY DISTURBED THAT** the unresolved pending bills owed to contractors, suppliers and service providers by the County Government of Nairobi City has continued to accumulate over successive fiscal years, consequently exposing the county to litigation, penalties, interest charges, auctions and undermining the confidence of private sector in doing business with the County; **FURTHER DISTURBED THAT** the delayed payables have adversely affected contractors, suppliers and service providers, many of whom are Small and Medium Enterprises (SMEs) leading to cash-flow constrains, business closure, loss of employment and irreversible financial distress in some cases; **COGNIZANT THAT** the County Government ought to embrace and work towards the "zero pending bills" policy direction enforced by the National Treasury towards eliminating outstanding government arrears; **NOW THEREFORE**, this Assembly **RESOLVES** that the County Government of Nairobi;-

i. Undertakes immediate and comprehensive verification and validation of all pending bills owed to contractors, suppliers and other service providers, and where necessary, with independent auditors to ascertain authenticity, accuracy and amounts claimed;

ii. Prioritizes and treats the verified pending bills as a first charge against the County budget for the current and subsequent fiscal years and in strict adherence to the Public Finance Management Act, 2012 and its regulations;

iii. Develops and publishes a clear payment plan and timelines within 90 days of adoption of this substantive motion and copy of the plan shared with County Assembly;

iv. Submits quarterly reports on to the Assembly through the County Executive Committee Member for Finance and Economic Planning Sector on the status of the pending bills, amount settled, outstanding and reasons thereof; and

v. Administrative controls to be instituted including disciplinary measures against any officers found to have to have contributed to irregular accumulation of pending bills and non- adherence to the laid-down procurement process and procedures.

(Hon. Davidson DNG Ngibuini, MCA)

7. STATEMENTS

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

i. The 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 Referencee No. 20528/LR 66365 in Garden Estate- *response due after the committees have been reconstituted*;

ii. The Hon. Nicholas Juma, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the persistent delays in the disbursement of retirement benefits to former County employees managed by Local Authorities Pensions Fund (LAPFUND)- *response due after the committees have been reconstituted*;

iii. The Hon. Geoffrey Majiwa, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works on the ongoing cabro paving works being undertaken within the Nairobi Central Business District (CBD)- *response due after the committees have been reconstituted*;

iv. The Hon. Geoffrey Majiwa, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the gazettement of bus stops and the allocation of loading zones within Nairobi City County, especially in Baba Dogo Ward- *response due after the committees have been reconstituted*;

v. The Hon. Redson Onyango, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the planning, zoning and development status of Plot No. ELA/PSL/37366 located in Donholm within Upper Savanna Ward- *response due in ten days after the reconstitution of the Planning Committee*;

vi. The Hon. Redson Onyango, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the building construction located on Plot LR No. 82/7370 and 7371 in Donholm, Nairobi County- *response due in ten days after the reconstitution of the Planning Committee*;

vii. The Hon. Redson Onyango, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the unlawful fencing and commercialization of public parking land in Nairobi County and specifically opposite Marble Hotel around the Odeon area- *response due in ten days after the reconstitution of the Planning Committee*; and

viii. The Hon. Davidson DNG Ngibuini, MCA requested for a Statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations Committee regarding the implementation of the Governor's official directives on revenue utilization, budget absorption metrics and the status of pending bills to contractors and utility providers across Nairobi City County- *response due in four weeks*.

8. BILL:THE NAIROBI CITY COUNTY WARD DEVELOPMENT PROGRAMME BILL, 2026 (ASSEMBLY BILL NO. 2 OF 2026)

Order for Second Reading read;
Motion made and question proposed

THAT, the Nairobi City County Ward Development Programme Bill, 2026 (Assembly Bill No. 2 of 2026) be now read a Second Time

(Hon. Sospeter Mumbi, MCA)

Debate ensued;
Mover replied;
Question put and **Agreed to**;
The Bill read a Second Time and committed to the Committee of the Whole County Assembly.

9. BILL: - THE NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING (REPEAL) BILL, 2026 (ASSEMBLY BILL No. 3 OF 2026)

Order for Second Reading read;

Deferred

10. MOTION: - DEVELOPMENT OF CLIMATE CHANGE MITIGATION PROGRAM IN PARTNERSHIP WITH NEMA TO ENABLE PARTICIPATION IN CARBON CREDIT MARKET FOR SUSTAINABLE DEVELOPMENT

Motion Made and Question Proposed

AWARE THAT, climate change continues to pose a significant threat to sustainable development, urban resilience, environmental protection, and public health, particularly within rapidly growing cities such as

Nairobi City County; **FURTHER AWARE THAT**, Kenya is a signatory to the Paris Agreement and has committed to reducing greenhouse gas emissions under its Nationally Determined Contributions (NDCs), thereby requiring coordinated action across both National and County Governments; NOTING THAT, the Climate Change Act, 2016, the Nairobi City County Climate Change Act, 2024 and the Environmental Management and Coordination Act (EMCA) mandate collaboration between the two levels of government in implementing climate change mitigation and adaptation strategies;

APPRECIATING THAT the County Government of Nairobi developed the Nairobi City County Climate Change Action Plan 2020-2050 which targets carbon neutrality by 2050 by aiming a 66% emissions reduction below business-as-usual scenarios; **ACKNOWLEDGING THAT**, carbon credit mechanisms and climate finance frameworks provide an opportunity for governments to generate revenue through verified emission reduction initiatives, including programs in waste management, renewable energy, afforestation, sustainable transport, and energy efficiency; **COGNIZANT THAT**, effective participation in carbon credit markets requires structured collaboration with National Government agencies, including the Ministry responsible for Environment and Climate Change, the National Environment Management Authority (NEMA), and other regulatory and technical institutions; **FURTHER NOTING THAT**, Nairobi City County continues to experience increasing greenhouse gas emissions driven by urbanization, traffic congestion, waste management challenges, and energy consumption patterns; **RECOGNIZING THAT**, the establishment of a coordinated climate change mitigation program will not only contribute to emission reduction but also enable the County Government to access carbon credit markets, generate sustainable revenue, and reinvest such proceeds into development programs for the benefit of residents; **NOW THEREFORE**, this Assembly resolves that:

i) The County Government, in collaboration with National Government institutions, establishes a clear framework for the identification, development, validation, verification, certification, and registration of carbon credit projects across key sectors including waste management, renewable energy, urban forestry, sustainable transport, and energy efficiency;

ii) The County Executive formally partners with National Government agencies such as the Ministry responsible for Environment and Climate Change, the National Environment Management Authority (NEMA), and other relevant bodies to ensure compliance with national laws, international standards, and carbon market protocols;

iii) The County Government mobilizes partnerships with private sector actors, development partners, and climate finance institutions to access technical expertise, funding, and market linkages necessary for carbon credit generation and trading; and,

iv) Revenue generated from carbon credit initiatives be ring-fenced and utilized to finance climate action programs and other priority County development projects that promote sustainable development.

(Hon. Kennedy Oyugi, MCA)

Debate Ensued;
Mover Replied;
Question Put and **Agreed to.**

A Member rose on a Point of Order under Standing Order 38 (1) on lack of Quorum. The Speaker having confirmed lack of Quorum ordered the bell to be rung for ten minutes.

There being no Quorum at the expiry of the ten minutes and the time being Half Past Four O'clock, the Speaker adjourned the Assembly without Question put pursuant to the provisions of the Standing Orders.

11. **ASSEMBLY ROSE**- at Half Past Four O'clock in the afternoon,

M E M O R A N D U M

The Speaker will take the Chair on

Wednesday, July 22, 2026 at 2:30 p.m.

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