



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 2, 2015

1. The House assembled at Three O'clock
2. The Proceedings were opened with Prayer

3. COMMUNICATION:-

The Speaker conveyed the following Communications:-

GROSSLY DISORDERLY CONDUCT

Hon. Members, you will recall that on Monday 29th June, 2015, there was a scuffle involving two Members during plenary proceedings of the County Assembly.

The Hon. Maurice Akuk, MCA, then addressed the Assembly and alleged that he had been slapped by the Hon. Alfred Ambani, MCA.

The Chair then committed to issue a report on the matter after investigations.

I wish to report as follows.

Hon. Members, the regulation of conduct and breach of order in the Assembly is provided for by Standing Order 104, 105, 106, 107.

From investigations, the Chair has established that the Hon. Alfred Ambani conducted himself disorderly, contrary to Standing Order 104(1)(c). The Member in question conducted himself unnecessarily aggressively, to the detriment of order and the peaceful conduct of business.

Hon. Members, I wish to remind you that Standing Order 104 (2) provides as follows -

The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly-

(a) on the first occasion, for the remainder of that day's sitting;

(b) on the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension,

(3) If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 105(Member may be suspended after being named) shall be followed.

Hon. Members, the subsequent procedure for naming a Member is clearly detailed under the said Standing Order 104(3) and 105.

Hon. Members, I wish to note that this incident was very unfortunate. The Chair takes threats of violence against any Member seriously and will not hesitate to take extreme measures to ensure it does not happen.

Indeed as is the case elsewhere in ordered societies, grossly disorderly conduct has no place in the County Assembly. The foregoing is the case for knowingly raises a false point of order; persistently making serious allegations without, in the Speaker's opinion, adequate substantiation and any form of misconduct.

Hon. Members, Standing Order 104 (3), (3) provides that *if on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 105 (Member may be suspended after being named) shall be followed.*

Hon. Members, you have been warned. The honor is on all of us to ensure we conduct ourselves in a manner that fosters tranquility and the orderly conduct of business.

Hon. Members, the Hon. Ambani is a diligent and valiant Member of this County Assembly. The Chair therefore will let this serve as a warning.

Hon. Ambani, apologize and desist in future from occasioning such serious breaches of order.

GUESTS ENTRANCE TO ASSEMBLY PRECINCTS

Hon. Members, the Speaker appreciates that Members often have visitors who call on them at the Assembly for various matters. Indeed the Chair has directed before that proper measures be taken to ensure thorough screening of visitors in light of the very existent threat of terrorism the Assembly faces.

Further to my earlier directions, I wish to communicate as follows.

Henceforth, I direct that all guests to the Assembly access the precincts via the main entry opposite KICC. Upon inquiry at the entry, the Sergeant at Arms shall coordinate with the Member whose guests he will be serving before permitting entry. Members are at will to visit with their guests at the lobby, next to the Restaurant. Entry into the precincts shall be strictly limited due to security reasons.

Sergeants at arms are directed to ensure no unauthorized guests access the Assembly via the back entry, strictly.

It is so ordered.

CONCLUSION OF PENDING STATEMENTS

Honorable Members, the Chair has on several occasions reminded Members and Chairpersons of pending statements and the need to expedite their conclusion. Yesterday, I committed to follow up on the matter and report back today.

I wish to communicate as follows.

Hon. Members, for the Second Session, the Chair has learnt that we still have ten pending Statements.

For the third Session, there are ten inadequate responses, ten pending and 89 responses has been received and given, while seven are awaiting Tabling.

Details of the same are attached to this Communication. I hereby direct that all the pending Statements from the Second Session be dispensed with by Tuesday, 21st July, 2015 failure to which the Select Committee on Implementation will take up this matter and report back to the Assembly on the sanctions to be imposed on the defaulting Committees and County Executive Committee Members.

The chairs are therefore advised to expedite conclusion of all pending Statements and report on Tuesday, 21st July, 2015.

The Chair commits to follow up on the forgoing and will report again on 21st July, 2015.

Thank you.”

4. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(C)

Pursuant to the provisions of Standing Order 41(2) (c), the following Members sought statements:-

- i) Hon. Jaffer Kassam requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the settlement of the Deepsea slum residents in Parkland Ward.

- ii) Hon. Paul Kados requested for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the reconstruction of the Kangundo-bypass link road in Mihang'o Ward.
- iii) Hon. Ronald Milare requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the structures on the sides of the road linking the Eastern by-pass with Kangundo road in Mihang'o Ward.
- iv) Hon. Ronald Milare requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the proposed construction plan of the road linking the Eastern by-pass with Kangundo road in Mihang'o Ward.
- v) Hon. Manohar Mboku requested for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the vacant position of Director of Public Health, Nairobi City County.
- vi) Hon. Moses Ogeto requested for a statement from the Chairperson of the Sectoral Committee on Planning regarding deteriorating state of roads along plot LR No. 209/374/1 in Kilimani Ward.

Pursuant to the provisions of Standing Order 41(2) (c), the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources responded to the following statement requests :-

- i) Statement requested by Hon. Shadrack Juma regarding the state of Dandora dumpsite.
- ii) Statement requested by Hon. Rachel Kamweru regarding the proposed power plant to be built in Dandora Ward.
- iii) Status of a statement requested by Hon. Ngaruiya Chege regarding the cost of working tools procured by the Water, Energy, Forestry, Environment and Natural Resources Sector.
- iv) Status of a statement requested by Hon. Hashim Kamau regarding beautification of Nairobi City

5. MOTION - ADJOURNEMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDER OF THE COUNTY ASSEMBLY

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 25, this Assembly adjourns until **Tuesday, July 21, 2015**, in accordance with the Calendar of the County Assembly (Regular Sessions).

(Leader of the Majority Party)

Debate arising;

Mover replied.

6. COMMITTEE OF THE WHOLE ASSEMBLY

Order for Committee read;

IN THE COMMITTEE

Member of speaker's Panel (Hon. Maurice Akuk) in the Chair

The Nairobi City County Petition to the County Assembly (Procedure) Bill, 2015 (Assembly Bill No.4 of 2015)

Clause 3 amendments proposed –

THAT, sub clause 3 (a) of the bill be amended by-
Adding the word 'braille';

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

THAT, sub clause 3(e) of the Bill be amended by-
Deletion of the whole definition and substituting therefore the following marginal note "be properly bound if it contains more than one (1) sheet";

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

THAT, sub clause 3(k) of the Bill be amended by-
Deletion of the word “not” at the beginning of the clause so as to start “
Have letters, affidavits...”;

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

THAT, sub clause 3(n) of the Bill be amended by-
Deleting the words “only cover” and substituting therefore the following
marginal note— “shall seek prayers only in respect of...”

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

Clause 3

Question that Clause 3 as amended be part of the Bill proposed, put and
agreed to

Clause 4 amendment proposed –

THAT, sub clause 4 (3) of the Bill be amended by-
Deleting the word “seven” and replacing it with the word “fourteen”;

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

Clause 4

Question that Clause 4 as amended be part of the Bill proposed, put and
agreed to

Clause 5 amendment proposed –

THAT, sub clause 5(1) of the bill should be amended by -
Adding the following marginal note after the words “County Assembly”; “and
the Clerk of the County Assembly in writing, notify the petitioner that the
petition is in order and has been forwarded to the Speaker.”;

(Hon. Jaffer Kassam)

Question of the amendment proposed

Debate arising;

Question put and agreed to;

Clause 5

Question that Clause 5 as amended be part of the Bill proposed, put and agreed to

Schedule amendment proposed –

THAT, the Bill be amended by-
Adding the letter “T” to the word “HEREFORE” to read “THEREFORE your humble....”;

Question of the amendment proposed
Debate arising;
Question put and agreed to;

Schedule

Question that the First Schedule as amended be part of the Bill proposed, put and agreed to

Title amendment proposed –

THAT, the Bill be amended in the Long Title by-
Adding the words “and section 88 of the County Governments Act” appearing immediately after the words “Petition a County Assembly”;
(Hon. Jaffer Kassam)

Question of the amendment proposed
Debate arising;
Question put and agreed to;

Title

Question that the Title as amended be part of the Bill proposed, put and agreed to

Clause 1

Question that Clause 1 be part of the Bill proposed, put and agreed to

Bill to be reported with amendments

7. ASSEMBLY RESUMED

The Nairobi City County Petition to the County Assembly (Procedure) Bill, 2015 (Assembly Bill No.4 of 2015)

Bill reported with amendments

Motion made and Question proposed:-

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

(Hon. Jaffer Kassam)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Petition to the County Assembly (Procedure) Bill, 2015 (Assembly Bill No.4 of 2015) be now read a Third Time.

(Hon. Pius Otieno)

Debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**

And the time being forty five minutes past Four O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Assembly without Question put pursuant to the Standing Orders

8. HOUSE ROSE - forty five minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, 21st July, 2015 at 2.30 p.m.

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