



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Thursday 18<sup>th</sup> March 2021

The House met at 2.30 p.m.

*(Hon. Speaker (Mr. Benson Mutura) in the Chair)*

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

OBSERVING A MINUTE OF SILENCE IN RESPECT TO THE LATE, HIS EXCELLENCY DR. JOHN POMBE MAGUFULI, THE FIFTH PRESIDENT OF THE REPUBLIC OF TANZANIA

**Hon. Speaker:** Hon. Members, I have the following communication to convey:

As you all may be aware, the East African Community has today learnt the demise of one of our greatest leader, His Excellency Dr. John Joseph Pombe Magufuli, the Fifth President of the Republic of Tanzania. On behalf of the Nairobi City County, allow me to register our deepest condolences to the family, the entire Tanzanian citizens, and the East African Community at large.

Hon. Members, I wish to request that we all rise and observe a minute of silence in respect to the late, His Excellency Dr. John Pombe Magufuli, the Fifth President of the Republic of Tanzania.

*(Hon. Members stood to observe a minute of silence)*

Thank you. We may be seated.

#### DELAY BY COMMITTEES IN RESPONDING TO STATEMENTS

Hon. Members, today, the Nairobi City County Assembly is scheduled to commence its short recess until Tuesday 6<sup>th</sup> April 2021 pursuant to provisions of Standing Orders 28 and 29 (3) and in accordance to the Nairobi City County Assembly calendar.

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Accordingly, Hon. Members, I have noted with dismay failure and delay by the committees in responding to statements sought by Members in the floor of the Assembly.

In that regard, Hon. Members, I direct that all committees with pending businesses to expedite the same during the short recess for tabling once the assembly resumes. I will expect all chairpersons of the committees to respond progress during the statement hours on business undertaken, and if not, why.

Hon. Members, you are so guided. Thank you.

## STATEMENTS

**Hon. Speaker:** Chairman of Sectoral Committee on Trade and Tourism, a response to a statement as requested by Hon. Mwangi Njihia. Is the Chair around? Any Member? Hon. Ngengi.

### RESPONSE TO A STATEMENT REGARDING REHABILITATION AND UPGRADING OF WOODLEY JAMHURI MARKET

**Hon. Daniel Muturi:** Thank you, Mr. Speaker. On Tuesday 29<sup>th</sup> September 2020, Hon. Mwangi Njihia, MCA Woodley/Kenyatta/Golf Course Ward, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives for a Statement regarding rehabilitation and upgrading of Woodley Jamhuri Market.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

1. Efforts being made by the County Government to upgrade the market;
2. Measures being instituted by the County Government and the NMS to ensure rehabilitation and upgrading of County markets, particularly the Jamhuri Market; and
3. Timelines for upgrading and rehabilitation of the said market.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Trade, Tourism and Industrialization on Wednesday 30<sup>th</sup> September 2020, requesting to furnish the Committee with a response on the issues raised by the Hon. Mwangi Njihia, MCA.

Hon. Speaker, the Committee deliberated on the response and the Member found it satisfactory.

Hon. Speaker, in this regard, I wish to report to the Assembly as follows:

The Sector visited the Woodley Market to ascertain the short-term and long-term measures required to renovate the said market. The Sector will allocate funds to rehabilitate the market in the coming financial year 2021/2022.

Hon. Speaker, the Sector and the National Government has embarked on constructing and rehabilitating County markets in various parts of the City to enable traders operate their businesses in a conducive environment.

A copy of the detailed response was given to Hon. Mwangi Njihia, MCA, and a further copy is hereby attached to this report. Hon. Speaker, I beg to lay this response. Thank you.

**Hon. Speaker:** Thank you. Hon. Mwangi Njihia, are you content with the response?

**Hon. Abraham Njihia:** Thank you, Mr. Speaker. It is true that the Committee visited Woodley Jamhuri Market, but to my surprise, this morning when I checked the budget they are planning to execute,

Woodley Jamhuri Market was missing yet in the response they have said that they will allocate some cash. The budget that they are now preparing is 2021/2022 but it is missing.

**Hon. Speaker:** Hon. Mwangi Njihia, were you called for the meeting by the Committee?

**Hon. Abraham Njihia:** Yes, Mr. Speaker. I attended and they promised that it will be factored in the next year's budget, but to my amazement today, it wasn't there. I tried to converse with the Chairman but he did not give me a response. It is my wish and hope that before the close of the day, it will be factored.

**Hon. Speaker:** Hon. Chair, you said the Hon. Member was content with the response. It is like he is getting a contrary opinion to what you have just read.

**Hon. Daniel Muturi:** Hon. Speaker, as Hon. Member has mentioned, by the end of business today, I believe we should have sorted this matter out. This should be in the budget of Trade, Tourism and Cooperatives Committee for the financial year 2021/2022. As you are aware, we just did the supplementary budget which assuming we are allocating money in this financial year, there is no way we can absorb that money within the next two months or so. If I may point out, I also represent the Nairobi Central Ward and I have various markets but we could not factor in some of the budgets because of the same. We have very little time to consume in this financial year. But I wish to assure the Hon. Member that in the 2021/2022 budget, it shall be catered for. Thank you, Hon. Speaker.

**Hon. Speaker:** Have I heard you right, Chair that at the close of the day you will be able to give a response?

**Hon. Daniel Muturi:** Hon. Speaker, as I mentioned, I think I had given enough response, but I will converse with Hon. Mwangi Njihia by the end of business today. I hope this is satisfactory to the Member who is also my good friend and neighbor. Thank you.

**Hon. Speaker:** Hon. Njihia and Hon. Chair, I want to make a ruling on that. This matter is for the Assembly, so there is no way you can discuss outside the House and it is also a committee issue. You better take the issue to the Committee and you agree. Next time, cease from making a statement that you will be meeting at the corridors or wherever to give an answer. I think you stand guided.

Next response is from the Chairperson of the Select Committee on Ward Development Fund. A response to a Statement requested by Hon. David Ayoï.

#### RESPONSE TO A STATEMENT REGARDING IMPLEMENTATION OF WARD PROJECTS IN THE COUNTY

**Hon. Kennedy Oyugi:** Thank you, Mr. Speaker. On 24th September 2020, Hon. David Ayoï, MCA, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested the Chairperson of the Select Committee on Ward Development Fund (WDF) for a statement regarding the implementation of ward projects in the County.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

1. Status report on the status of implementation of projects for the financial year 2020/2021; and
2. Reasons for the delayed implementation and measures that the Management Committee is putting in place to ensure that projects are completed in time.

Hon. Speaker, the Committee invited the Acting Chief Executive Officer responsible for WDF for a meeting of the Committee that was held on Wednesday 19<sup>th</sup> November 2020 virtually. The purpose of the meeting was to enable the Acting Chief Executive Officer to clarify to the Committee on a number of issues relating to the response provided.

Hon. Speaker, the Committee also invited Hon. Ayoi to attend the said meeting of the Committee.

Hon. Speaker, in this regard, I wish to report to the Assembly as follows:

The Acting Chief Executive Officer for WDF acknowledged that following the transfer of engineers' docket to the NMS, she requested the County Secretary and the NMS vide a letter here indicated, to allocate resident engineers for the ward development projects. However, Hon. Speaker, there was no response received. That is the main reason why the implementation of the projects has been delayed.

However, the Committee scheduled a joined virtual meeting which took place with the Director and the Deputy Director responsible for Roads and Public Works, County Attorney, and County Secretary on Wednesday 25<sup>th</sup> November 2020 to follow up on the matter in order to ensure all earmarked projects that were ongoing are implemented expeditiously.

Hon. Speaker, the above mentioned meeting was partially attended by junior officers from both the NMS and the County Executive, who failed to give sufficient response on the status of the ongoing projects. In light of this, it was unanimously agreed that the subject matter be escalated to the Select Committee on Liaison for further intervention and resolution on the way forward, which was done.

A copy of the detailed response has been provided to Hon. David Ayoi, MCA, and a further copy is hereby attached to this report. Hon. Speaker, I beg to lay this response. Thank you.

**Hon. Speaker:** Thank you. Is the Hon Member around? Members who are willing to contribute? I can see Hon. Kamau.

**Hon. John Muthiga:** Thank you, Mr. Speaker. It seems we are being taken in circles. I escalated this matter on Tuesday because we wanted to at least know what WDF is doing. They are reading projects of 2020/2021 yet 2019/2020 projects are not yet actualized. We have been going to these offices with the Chairperson of WDF but it seems we don't have any way to unlock this stalemate. I would wish you make a ruling so that projects in wards are implemented.

What the Hon. Member is saying on behalf of the Chairperson is that there is something that is being done. From Tuesday, we went to Engineer Ochieng but nothing was coming out. We also went to see the Acting Chief Executive Officer for WDF but nothing was coming out. Up to today, we don't have an account for WDF. How are the contractors going to be paid? The people from the Executive are refusing to open the accounts. So I am asking for an account to be opened so that money for WDF can be put. This is our baby. All the elected Members have nothing to show in their wards yet they are here bringing Statements. When we go back to our wards people are laughing at us. We have talked about this thing from last year and now we are approaching April. We are about to start another financial year but we have not implemented projects for last financial year. What is the problem? I would urge every elected Member here to pronounce yourself so that we finish this thing of WDF.

**Hon. James Wamboi:** Ahsante sana, Bwana Spika kwa kuniruhusu kuongea. Sisi tunaotoka vitongoji duni tuna changamoto nyingi sana kwa sababu hatujui tutawaambia wapiga kura nini ilhali

tumebakisha muda mchache sana ile turudi kutafuta kura. Utengenezaji wa barabara haujafanywa tangu miaka mitatu iliyopita. Tulikuwa na manifesto lakini hakuna ambacho kinafanyika. Imekuwa kama mchezo wa mpira. Tukienda NMS wanasema ni Executive, tukirudi kwa Executive, wanatambia tuende NMS. Imekuwa changamoto kubwa na inafaa, Bwana Spika, uingilie kati ili utusaidie hasa wale ambao tumechaguliwa. Usipoingilia kati, itakuwa mchezo wa pata potea. Wenye wataangamia kwenye huu mchezo inaoenkana itakuwa sisi. Pesa za mwaka uliopita zilirudi na naona mwaka huu pia zitarudi. Zikirudi, hazitatufaidi na pia hazitafaidi watu wa Nairobi. Ni hayo tu, Bwana Spika. Ahsante.

**Hon. Peter Wanyoike:** Thank you, Mr. Speaker. On Tuesday, we had this issue and we debated here. Thereafter we went to the office of the Acting Chief Executive Officer for WDF, then to CEC Finance, the Governor, and we called Engineer Ochieng. This thing of WDF has come to a point where it seems either the NMS or the Executive is buying time so that we can lose these projects or the funds. As the Chair of Transport said, you have to assist the elected Members. Stamp your authority. When we were making the supplementary budget, it would have been the best to revert back the WDF to this side so that we can manage it. We don't want to know who is going to pay after the projects have been done. As elected Members, we have to join hands and go to each and every office which is responsible, so that we can jumpstart the process Mr. Speaker. Thank you.

**Hon. Kennedy Obuya:** Thank you Hon. Speaker. I am standing up to make my input as a representative elected for the people of Imara Daima. Hon. Speaker, this is a weighty matter that I feel, you having been elected in this city, I think you feel and can imagine and understand the passion that Hon. Member of Komarock displayed. I only beg that the officers should clearly state what happened to Ward Development Fund (WDF) finances for 2019/2020. I personally have a project in Imara Daima that was awarded and I believe it was allocated funds. It never kicked off Hon. Speaker, and in that respect, I want it to go on record that as the representative for Imara Daima, I have stood in this House to request that the officers charged with handling the finances at the WDF department, clearly give us clarity of what happened to the finances. There is a project that was initiated and a contractor assigned, for Embakasi Girls, Riara Road for FY 2019/2020, which has never kicked off today. I can see the engagement we now have with the department is for FY 2020/2021, there is no clarity about Embakasi Girls, Riara Road within Imara Daima. I wanted to put my effort as an elected representative who is directly affected Hon. Speaker. Thank you.

**Hon. Mary Mwami:** Thank you Mr. Speaker Sir for this great opportunity. I am a Special Elect Member but I have had the privilege of belonging to the Transport and Infrastructure Committee since I joined this County Assembly in 2017.

I really stand with Honorable Members who are elected as people who are at a cross road not knowing which side to go. What has happened continually is that we keep being tossed like a ball, when we bring up issues that are of importance before the County government they say these are already with the Nairobi Metropolitan Services (NMS) and when we go to NMS it is brought back to the County. Recently we had the privilege of being in Charter Hall and we saw the handover of files officially, and the media was there, it showed that the Nairobi County Government had handed over those issues that were pending to the NMS. That meant that legally they had taken over the responsibilities, however, I note also in the mini budget that

we did the other day, it was noted that there are some things that were reverted back to the county government to pay, because maybe those projects were almost over or not.

But this issue of WDF, it looks like somebody doesn't want it, yet I think it is the core business of the people that are elected. And so I concur with the Elected Members in this Assembly as a Member of the Transport and Infrastructure Committee that we probably need your intervention. This is because even today in the morning, I was here for a meeting which we did physically and then the WDF came in and the CEO Josephine was also there. But it looks like we are just going round in circles and nothing is happening. Another time we were in a meeting in Mombasa and we were told that there are few engineers and what not, but we have very many professionals, we can hire engineers, we have enough budget for us to get engineers on the ground to do the work and equipment that had been bought. I think we probably need a high level meeting with the General, the Governor and yourself and do something about this. This far it is like we are just playing around and it is like they do not want the WDF to go on. So I stand to support the Members that are elected.

While NMS is doing very well, and we really appreciate, Nairobi is looking different, what happens is that the people who are elected have been neglected so we are having only one side of the city probably being taken care of while Members from various other areas are not being taken care of. Yesterday we were here and met with Kenya Urban Roads Authority (KURA), they are the ones who are charged with making sure that transport happens in the cities and major towns in the country. Again, they are doing their job in collaboration with KURA but you find that sometimes what they are doing is concentrated in some areas. When you bring out questions like what would be happening in a place like Kileleshwa, or Kawangware, Kangemi and Kibera, you are really not given a satisfactory answer. While we do appreciate that some areas like Mukuru Kwa Njenga had problems until the intervention of the President, which is a good thing, it is important that they take it seriously that the whole of Nairobi has got citizens and development must be equitably distributed. So I stand to support the elected leaders in this Assembly as a Member of the Transport and Infrastructure Committee, we need your intervention Mr. Speaker. Thank you.

**Hon. Speaker:** Thank you. Can I have Minority Whip. Hon. Moses Nyangaresi.

**Hon. Moses Ogeto:** Hon. Speaker, I am wondering that we are talking about WDF and even the Chair is not in this House despite all the challenges. This is a job of the government, and Section 14 of the WDF Act is clear in guiding us as Members of the County Assembly. Let the government led by Hon. Wanyoike here act, then us as opposition we will bring an impeachment Motion against the CEC for Finance, because Hon. Speaker, we cannot be struggling, and you know we like impeaching those who don't want to work instead of the government complaining. This Act is very clear, and I remember we are the architects of this Act, that the CEC Member for Finance should ensure that there is a committee which is managing this Fund so that the Chief Finance Officer, who is Wako, should ensure that from every revenue which has been collected in this city, he deducts 5% and deposits in the Ward Development Fund Account. Instead of us going round in circles, it's important that the government, which is led by Hon. Wanyoike, should not also start complaining, it's them to tell us if they are unable.

**Hon. Speaker:** Hon. Member, let me guide you, in this Assembly there is no government side. There are only Members who may on the Majority or Minority side, but they are not in the Executive. So proceed.

**Hon. Moses Ogeto:** Then the Leader of Majority who represents the interests of the government in the Assembly must take lead so that we know if it's the CEC Finance who is being a problem, this Assembly has powers to impeach him or sack him. That is the only way we can move forward in this WDF issue. The problem is about funding the account, and that has been the problem since 2014. In 2015, with the former Governor then, H.E. Governor Kidero, he started the operationalization of the account and it was opened at Chase Bank. So let the Leader of Majority tell this House if the CEC Member for Finance is unable to operationalize the account of WDF, then we are able to move.

**Hon. June Ndegwa:** Thank you Hon. Speaker, I was beginning to think you are a bit biased. But thank you.

I have heard the deliberations of the House on the matter of WDF. The architects of the WDF were very clear, and were visionary people because they had seen that devolution needs to cascade down to the wards and therefore as a Member of this House I cannot have words to demolish or even speak ill of the WDF. But we are a House of rules and procedures, and when we come to this House we better do things procedurally and using the law. It is true that the law allows that we can be able to open a WDF account, but the PFM Act is also very clear on who needs to be the custodians of this particular fund. It is also very clear, and I want to add my voice on what Hon. Ogeto said, that it is also very clear on the responsibility of the County Treasury, the committee and who needs to sit in this particular committee.

As I stand here, I would like the Members of this House to tell us whether (a) we have consulted the County Treasury and if everything has been done according to the law, whether (b) the Members of this so called committee that needs to handle the WDF have been picked (c) have they been brought to the floor of this House, either for ratification or even for the public to know because I know that in this committee we need two members of the public to sit in such a committee that deals with Ward Development Fund.

So even before we rush into conclusions, or before we chest-thump and say we want to do this by force, I would like to urge Members of this House to follow the law. This is what made Governor Sonko go home, because he did not follow the law, he used chest-thumping measures to do a lot of his things, but on the floor of this House, let us not allow ourselves to get soaked up into issues of not following the law but to have the interest of the public at heart and to do things expeditiously but while following the law. So all these things need to be stipulated, then I think you need to also give a direction on that because as far as I am concerned, and I stand here to be corrected, I do not think that the committee that needs to be the custodian of this WDF Account has been well constituted Mr. Speaker according to the PFM Act. Thank you.

**Hon. Speaker:** Can I have the last contributor, Hon. Jeremiah Themendu, on Zoom, before I make a response.

**Hon. Jeremiah Themendu:** Thank you Hon. Speaker for giving me this opportunity to add a voice on the same issue which is very tricky and also very sensitive. I think we are now in Financial year 2020/2021 and nothing has been done and according to the WDF Act, I think even the CEO of the same cannot start a new project without finishing the first one, noting also that payments have not been done. So now according to my understanding, is that we are going to lose FY2019/2020 projects and for some Members the projects have been completed, and some like my Ward Kayole Central, nothing has been done and the process was

done and I was told we were waiting for the engineer, up to now we have not seen them and I do not know what the problem is.

Earlier we had so many engineers and they were seconded to the NMS, so my suggestion is that can we find a way of solving the problem, even if it is to make sure the same has been brought back to the County to be taken care of by the County by the Governor's office. Instead of being driven this side and that side by NMS, because although they are doing a good job, some who were in Mombasa heard the remarks concerning the same. The remarks on WDF were very serious, even some Members were being told that they were going to be crushed by the bulldozer.

So Hon. Speaker, we need to sit down and stop everything we are doing in the Assembly and concentrate on the issue of WDF and make sure it is finished. There's another issue here also concerning the CEC Finance on the County side and also the Chief Officer, concerning the four members that are supposed to be nominated to sit in the WDF Committee. They were supposed to be nominated by the CEC Finance or the Chief Officer Finance in conjunction with the CEO Madam Josephine. So can we just not talk but find a way of doing business in that Assembly. We cannot continue doing the same things we were doing earlier and expect better results. We need to wake up, everybody should wake up and take charge, with the leadership of this Assembly, and make sure the issue is resolved. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Members, I have heard all of you, that you need my intervention, beginning with the Chair, who made a response, and the leadership. All of you are lamenting, and I am really surprised that everyone is lamenting. I also want to urge you Members, and this is something that you have done before, and you should even be more aggressive in handling the issue at hand.

As a House, you have all the powers and you have demonstrated that as the Minority Whip was saying, you can impeach, you can summon, basically you can even fire, and to sum it all up, these things lies with the budget. It is this House that has all those mandates and powers to do what is supposed to be done and I urge you Members, and more so the leadership, take charge if you need to bring order, this is a small matter that you can dispense with and even take action.

You can be able to basically freeze everything that is not going right. So I urge Members to read your Standing Orders, the power is within you, mine here is just to adjudicate and see that things are right. But this is a matter that has been going on so I urge the leadership to kindly not to let the people continue lamenting day in day out, and the worst of it all, you did swear that you were going to bring development and even help the people. So if you are lamenting and your people are out there crying, kindly please, take charge. Thank you.

### MOTION

#### RENAMING OF ACCRA ROAD TO KENNETH MATIBA ROAD

**Hon. Daniel Muturi:** Thank you Hon. Speaker. That aware Article 186(1) of the Constitution of Kenya 2010 and paragraph 5 of the Fourth Schedule of the Constitution provides for the functions and powers of the county government on county transport including county roads, street lighting, public road transport traffic and parking; further aware that the country since independence named and renamed roads and other public facilities in honour of heroes and heroines who have contributed immensely to the development of the republic, noting that the naming of roads and other public places after heroes and heroines bestows honour



and shows gratitude to such people; Concerned that there are heroes and heroines who have not had similar honours bestowed upon them despite their immense contribution to this country; Noting that the late Hon. Kenneth Matiba was a prolific industrialist in the hospitality and education sectors and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963, Permanent Secretary for Commerce, Chairperson of the Kenya Football Federation from 1974-1978, a Member of Parliament for Kiharu Constituency, Cabinet Minister for Health, Culture and Social Services, Transport and Communication; further noting that, the late Kenneth Matiba was part of the opposition alliance that led to the liberation of the struggle for the restoration of the multi-party democracy through the Forum for Restoration for Democracy (FORD) later founding Ford Asili, under which he ran for presidency in 1992 general elections; recognizing that road names have been changed before to reflect the names and places with significance to Kenya, for example Lord Delamere Avenue – renamed Kenyatta Avenue, Government Avenue – Moi Avenue, Forest Road to Professor Wangari Mathai Road, amongst others. This assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to rename Accra Road in Nairobi Central Ward to Kenneth Matiba Road in honour of the pro-democracy icon who was regarded as one of the pioneers of democracy evident by his heroic efforts in pressing for the return of multi-party democracy in 1990.

Hon. Speaker, the late Hon. Matiba was a great man. He gave up his life, his wealth for our freedom. I remember when I was a young man having met the late Hon. Matiba a couple of times and usually he would leave the elders and join me and my friends inquiring about what the youth needed to go on with their lives. He was very open, a very cordial man and always very jovial.

Hon. Speaker Hon, Matiba is a modern day freedom fighter as evidenced in the heroes of the past; the Mau mau, the General Kagos. We as an assembly owe our positions and the voice that we are having today to Kenneth Matiba. We are able to stand here, to go to the streets and talk to the electorates, discuss matters that would not have been discussed before during the dark days. As a civil servant, he handled women issues during the all women conference which led to the Beijing Conference where women are now enjoying more privileges in terms of women in politics, leadership. It is from those meetings that we can now recognize women leadership as evidenced in the Constitution of Kenya where we have the two thirds gender rule and we are trying to help as much as we can on this issue.

Hon. Speaker, Kenneth Matiba worked hand in hand with heroes such as Oginga Odinga and the Peoples President Hon. Raila Amollo Odinga, Charles Rubia during the restoration of democracy. It is because of these three people today we can authoritatively push the government, ask questions which we could not do before. I still remember several times when with Hon. Former Prime Minister Raila Odinga we were tear gassed and how people died seeking for freedom.

Hon. Speaker, Hon. Matiba has been jailed just like the former Prime Minister, the likes of Mandela and it is very unfortunate that during his tenure he did not get to see what he was fighting for. In his death, I urge this Hon. House to accord him the recognition he deserves. Accra Road was a place of refuge for Hon. Matiba because I still remember as a young man during the Sabasaba days after being tear gassed, we would go to one of the hotels at Accra Road which was owned by one of our former mayors John King'ori to regroup and go ahead to mobilize our programmes.

Hon. Speaker, the choice of Accra Road is unique to Hon. Matiba in regard to we did name Charles Rubia Road which starts at Nyamakima all the way to River Road. Accra Road runs from Moi Avenue and crosses Charles Rubia Road. Hon. Speaker, these are two gentlemen who should not be separated by death and we can honor both of them in the same breath.

Hon. Speaker we have named a lot of roads; we have Jakaya Kikwete Road which was named after the former President of Tanzania when he was retiring and had come to Kenya and Governor Kidero then so it fit to name a road after him somewhere in Kilimani. We have the Griffins Road which was named after the founder of Starehe boys; we have proposed the naming of Hon. Yusuf Haji Road who was the chairman of BBI, and we have the Joe Kadenge Road which has been proposed. I appeal to this House to honour this gentleman because his family who lost a father and lost a lot of wealth.

What makes Hon. Matiba so unique and a hope to this House is that he found a cause to die for, and that was our freedom. With those few remarks, I beg Hon. Ogeto MCA Kilimani, to second. Thank you Hon. Speaker.

**Hon. Moses Ogeto:** Hon. Speaker, first I want to thank the mover of the Motion for bringing such a Motion before the floor of this House. Most roads have been named after senior veterans of this city and it was unfortunate that we did not have Stanley Njindo Matiba Road in this city. We have named almost all freedom fighters excluding Hon. Kenneth Matiba.

Hon. Speaker, the mover of the Motion thought it was wise because Kenneth Matiba died on 15<sup>th</sup> April 2018 and nothing has been done to recognize him for the freedom that he fought for in this country. By then, may his soul rest in peace, Daniel Toroitich Arap Moi named a road in his name, Moi Avenue, forgetting that he had made Kenneth Matiba to be imprisoned in Kamiti Maximum Prison in 1990 when he was serving as minister in his government. Kenneth Matiba tried to advice the former President Moi but he jailed him for two years. He was jailed for trying to tell the then government that it was time to have multi-party democracy.

Hon. Speaker, I want to thank Hon. Ngengi for ensuring that within the CBD jurisdiction, we have recognized Kenneth Matiba. Many of the roads in this city have been named after people like Argwings Kodhek who fought for this nation. There is another road named after Jakaya Kikwete who is the former President of Tanzania, the other day a road was named after Yusuf Haji. The naming of roads should be a priority of the heroes in this House so that the heroes who fought for this country can be recognized. Before all the roads have been named.

I believe that a Motion will be brought to this House to name Mombasa Road to Raila Odinga Express Way. This is because of how Hon. Raila Odinga has fought for this nation with Matiba; they were jailed together and they were in the opposition together. There is only one person who have ever resigned from his seat; that is Hon. Amolo Raila Odinga and he said 'I don't want to be in government, let me go to the opposition to save this nation from the jaws of the then President Moi'.

Hon. Speaker, I have got an intention to name the expressway after Hon. Raila Odinga and let no member bring any other intention. Hon. Speaker with those few remarks, I second this Motion.

**Hon. Speaker:** Thank you Hon. Member. But I stand guided, there is a law that states this and it is a bit weird that we normally name a road after the demise of a person. Hopefully we are not wishing our good friend---

*(Question proposed)*

**Hon. Kennedy Obuya:** Thank you Hon. Speaker---

**Hon. Speaker:** Order Member! I have not given you a chance. Hon. Peter Wanyoike, have you requested? There is a problem with the gadget here.

**Hon. Kennedy Obuya:** Thank you Hon. Speaker. I got misled by the light but thank you. I rise to support this good Motion and also to congratulate my comrade and our host member for the CBD. It is a great injustice to our sovereignty as a people, a nation and our democracy. I don't want to sound biased but it is so sad that we have Accra Road in Nairobi. In the 21<sup>st</sup> century what meaning does it give to our children? Accra in my understanding is a city in West Africa, in Ghana.

Hon. Speaker, as I was growing up my other name is Matiba although it is not on record. I used to be called Matiba but I am Kennedy and not Kenneth. I grew up in the 80's and 90's during the repealing of Section 2 (A) of the Constitution. There are great events that are in our minds; one was what Hon. Matiba stood for. There was one great event that people from the lake like me and Hon. Ogeto never went well with; the quote that Hon. Matiba made "let the people decide". Hon. Speaker, I can see that Hon. Oyugi remembers that.

Hon. Speaker, I would want my positive contribution one day to Kenyans to be remembered positively. It is equally important that we remember and honour not only post-humously like you have guided us, I do not question your wisdom Hon. Speaker. But I would like to tell you that we have had Moi Avenue when Moi was still alive. Hon. Ogeto had made an intention that Nairobi Express Way once it is completed we come with a policy to remember Hon. Raila while he is still alive. I urge all Hon. Members that it should not be a matter of contention, that we honour the Chair and envoy of infrastructure for AU after that great expressway and also to honour the achievements that they have made with our President for that great infrastructure.

Hon. Speaker, it is also sad that most patriots that participated in the repealing of Section 2 (A) and introduction of multi-partyism in Kenya in 1989 and 1992, one Jaramogi Oginga Odinga, in Nairobi the capital city of Kenya, there is no infrastructure that reminds Kenyans of his participation. The same injustice, I don't know whether it was because of our pioneer principals that said "siasa mbaya, maisha mbaya". It is our time to correct the mistakes if at all they were made. I applaud my colleague Hon. Ngengi for bringing this Motion to remind and leave a mark in the second Assembly of Nairobi of the contributions that were made by one Kenneth Njindo Matiba because he did so much for this nation.

Hon. Speaker, I encourage Members that this is the right step that we need to follow as a House. I do not want my children only to remember Nairobi by identifying with cities. Cities which are not even sister cities to Nairobi as a city county. I would like my children and countrymen to remember heroes of this nation that contributed positively to this nation. I beg to support Hon. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Jeremiah Themendu:** Thank you Hon. Speaker for giving me this opportunity to support this Motion. First, I thank Hon. Ngengi for bringing the Motion it is a good gesture to recognize our heroes. They did a lot to ensure that we get the freedom that we enjoy today.

I remember in 1990 when the late Hon. Matiba and Hon--- I can't remember - called a press conference demanding that Clause 2 (A) should be removed. We got the freedom of expression and we could question those in leadership. I even participated when I was a young man in mobilizing some young men and we went to Kamukunji and even 'Taifa Leo' of that day captured me flashing two fingers. Following this event, Hon. Matiba was hurt while he was in jail.

To remember heroes like Matiba by naming a road in his name, that is an honour even to the young people who until today are demanding for better life. I remember those dark days that even school children were killed in some parts of central Province. It was very sad and I remember very well even the head of state then President Moi agreed that time has come to remove Section 2 (A), which he did. That is why Hon. Mwai Kibaki was elected and also the current President H.E Uhuru Muigai Kenyatta is elected also.

Let us appreciate those heroes that risked their lives for the betterment of Kenya and its people. With those few remarks, I support the Motion. Let us rename Accra road to Kenneth Matiba Road. Thank you Hon. Speaker.

**Hon. Clarence Munga:** Thank you Mr. Speaker. I rise to support today's Motion bearing in mind the contribution that the late Kenneth Matiba did to this nation. He fought for the second liberation of this country and deserves a road to be named after him.

Accra Road just like my colleagues have said is actually a name of a capital city of Ghana. I highly doubt if Nairobi features anywhere in Ghana. It is high time that we renamed some of these streets and roads to resonate well with Kenyans so that when our children are reading the history of this country, they can resonate well why the street or road was named after so and so.

Mr. Matiba played a very big role in terms of education when he was the Minister of Education. He played a very crucial role and went ahead to establish his own schools which were international schools. Few Kenyans can match the standard set in those schools. I highly support this Motion and congratulate Mheshimiwa who is also my chairman for coming up with such a Motion. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you.

Can I have Hon. Kabiro on Zoom?

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker. It is such a great honour to understand and support this Motion by Hon. Ngengi that we rename Accra Road to the famous Kenneth Njindo Matiba. He is called by several other names including Kenneth Stanley Njindo Matiba.

I would like to draw a similarity that you don't think it is important; on 1<sup>st</sup> June 1963, Kenya celebrated Madaraka Day which has been celebrated for the last 58 years this coming year. It is not a coincidence that on 1<sup>st</sup> June 1932 Kenneth Stanley Njindo Matiba, was born. He has been a great icon when it comes to multi-party democracy that we are now celebrating. It is worth noting that he has been in places where many of us desire to be. He has been a runner up of a presidential election in 1992. This is a man who never minced his words and stood by his principles even when the tide was going to the left, and he would go to where he thought he needed to be at different times of his life.

Mr. Speaker, Kenneth is an icon and Accra Road should be renamed after him. I would like to thank Hon. Ngengi for bringing this Motion and I would like with his permission that when we come back from recess, I will seek that the House renames Moktar Daddah Street to Kabiro Mbugua in honour of me. Mr.

Speaker, people can be celebrated when they are alive. That I will do and I beg the House to support me in naming Moktar Daddah Street to Kabiro Mbugua Street.

Thank you very much, I support.

**Hon. Speaker:** Thank you. Hon. John Mukiri on Zoom? ICT, are you able to get him? Sorry, I think we have a problem with our gadgets. I call upon the mover to reply. Minority Whip, you want to contribute?

**Hon. Peter Wanyoike:** Thank you Mr. Speaker, let me also add my voice. First, let me thank the mover of this Motion for honouring the late Kenneth Matiba. Today Nairobi is going to join Murang'a County in honouring the late Hon. Matiba by naming the eye hospital which is situated in Kenol.

Mr. Speaker, Kenneth Matiba is remembered for fighting for democracy and multi-partyism in this country. That is the reason why today we are enjoying democracy in Kenya. We remember the late Kenneth Matiba for in 1992 he vied for the presidency and was denied the chance to be the third president of this country. I thank this House and Nairobi County as a whole for making sure that the name of the late Hon. Matiba will be remembered by the generations to come. Thank you Mr. Speaker, I beg to support.

**Hon. Speaker:** Thank you. Mover to reply.

**Hon. Daniel Muturi;** Thank you Hon. Speaker. First, I would like to thank Hon. Ogeto for seconding this Motion and capturing the spirit of the heroes of this country including the Rt Hon. Raila Amolo Odinga the former Prime Minister. I would also like to thank Hon. Obuya for capturing the greatness of the man whose motto we subscribe to up to today of; "let the people decide" and also having played a role in repealing of section 2 (A).

I would also like to thank Hon. Themendu for recognizing the energy and focus of the late Kenneth Matiba which gained this country the freedom we are enjoying so much today. I would also like to thank Hon. Clarence Munga for recognizing there is a need to relook at some of the street names so that we can start honoring our heroes, some of them are remembered only by their family members. The young ones need a light house in terms of the country's heroes. Recognizing that the late Matiba inspired politicians like myself. It has been a long journey for some of us to get to this House and it was the resilience of Hon. Matiba that has helped us to reach here. He also inspired a lot of business people because as you have heard he started schools and universities where our brothers and sisters are learning.

I would also like to thank Hon. Kabiro, a very young man, Hon. Speaker I don't think whether Hon. Kabiro knows Hon. Matiba by the virtue of his age. He is a very well read young man who we respect a lot and he has brought a lot of Bills in this House which are now Acts. I have a lot of respect for him and he has appealed that Moktar Daddah Street be named after him. I think Hon. Speaker, Hon. Kabiro should see me at a later date.

I would also like to thank the leadership of this House led by the Hon. Wanyoike the Deputy Majority Leader, Hon. Ogeto for supporting the Motion and recognizing that other counties are naming institutions and government facilities our heroes or the heroes of the areas. I would like to echo Hon. Matiba's motto and say; 'let the Hon. Members decide', on whether we should name this road after the great hero, a great father, husband, businessman and a man who died for our political freedom. Thank you Hon. Speaker, I beg to reply.

**Hon. Speaker:** Thank you.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order

### **MOTION**

#### ADOPTION OF REPORT OF COMMITTEE ON MEMBERS' SERVICES AND FACILITIES ON INDUCTION OF COMMITTEE MANDATE

**Hon. Speaker:** Chair select committee services.

**Hon. Nancy Muthami:** Thank you Hon. Speaker. I beg to move the following Motion: That the Assembly adopts the report of the select committee on Member Services and Facilities on the induction of committee mandated held from 19<sup>th</sup> to 22<sup>nd</sup> October 2020 at Sai Rock hotel in Mombasa and laid in the table of the Assembly on Thursday 19<sup>th</sup> November, 2020. Mr. Speaker sir, the select committee on Member Service and Facilities was established pursuant to Standing Order 204 (3). It is mandated to receive and consider views of Members and services and facilities provided for their benefits and well-being including catering, sports and health clubs, advice the House on all matters connected to the services and facilities provided for Members in exercising its mandate. The committee is expected to liaise and consult with the County Assembly Service Board from time to time. Mr. Speaker, there has been delays in the catering department in procuring and running of the canteen and with your indulgence, we would like Members to be facilitated with tea. The committee also recommended that we establish a gym for Members and secure a safe place for lactating mothers. We have young staff and Members of the County Assembly who are of childbearing age and we request the Service Board to consider these views. With that, I would like to request Hon. Ogeto to second the Motion.

**Hon. Moses Ogeto:** Thank you Hon. Speaker. I would like to congratulate the select committee for bringing forth various recommendations so that you get to ensure that the Board implements all these matters. Hon. Nancy being the Chair has recommended that they have a place where mothers will be able to feed their children and that is commendable. They have also recommended a gym for Members and you realize, Hon. Speaker, due to the ongoing Covid-19 situation, we are required to do lots of exercises so that we can fight against this pandemic that started this year March.

Lastly, through our legislative work, we need great ambience so as to enable us do our work without any interference and with those few remarks, I would like to recommend her for the good job although she is walking around yet I want her to hear what I have to say. I would like to recommend her for the good job for taking into consideration Members and staff of this House. You are the first Speaker to be elected in this House and create peace. There is a lot of ambience and tranquility and I hope that it will help you leave a legacy at the end of the term. With those few remarks, I beg to second this Motion.

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Kennedy

**Hon. Kennedy Obuya:** Thank you Hon. Speaker. I rise to support the Motion by the Chair of welfare. This is a House of rules and procedures guided by cultures and traditions. Since the inception of the second Assembly of Nairobi, I have been privileged to be elected by the people of Imara Daima and witnessed the

war in this Assembly and so I wanted to congratulate you by saying that you are the first Assembly to be in office for three, four months without facing war and I thank God.

**Hon. Speaker:** Hon. Members, stand guided that you are contributing on the Motion

**Hon. Kennedy Obuya:** Hon. Speaker, allow me to contribute on your gestures of leadership that have united this House. I also want to congratulate the committee and the Chairperson of this committee. Every parliament is guided by traditions and it is wrong that the hospitality department in this parliament has suffered a lot in that when you come here you only find tables without chairs.

We all know that this pandemic has hit us as a nation economically and therefore it is important to continue with the culture of having our restaurant back that respects the follows the guidelines given by the World Health Organization and the Ministry of Health in regards to management of Covid. I beg to support and ask that you ensure that when we come back from recess, *tuendelee na hio chai. Shukran*. I beg to support.

**Hon. Speaker:** Thank you. Hon. Juliet June Ndegwa

**Hon. June Ndegwa:** Thank you Hon. Speaker. I rise to support this Motion. It is such a beautiful thing when an Assembly like this comes together and recognizes that we need a welfare committee. You will realize that this committee started just the other day and we are happy that we have seen its fruits.

Mr. Speaker I will also say this without fear of contradiction that all the committees being led by women like Agriculture, Women Caucus and Welfare are doing very well and I want to commend the women of this House and champion them to continue what they are doing. I also want to congratulate hon. Nancy, who is the Chair of this committee and ask her not to tire. Issues welfare can be a bit tiring as you are dealing with Members issues and some of them can be a bit tiring and she does this without favoritism of either side of the divide.

I therefore want to support her and ask you Mr. Speaker as the chair of the Board to continue supporting them and give them a listening ear whenever they need to be listened to. You will see that this is going to be one of the most fruitful committees of this Assembly. I stand to support. Thank you.

**Hon. Speaker:** Thank you. I cannot see any other person who wants to contribute. Mover.

**Hon. Nancy Muthami:** I beg to reply Mr. Speaker. I want to thank Hon. Ogeto for seconding this Motion and standing for the he or she. I also want to thank Hon. Obuya and Hon. June Ndegwa and the House for the great support they have given this committee. I beg to move

**Hon. Speaker:** Thank you. Before I put the question, let me first start by congratulating the committee for doing a great report. This is the first report that I have received, maybe it's because it is being led by a lady and may the leadership take note.

*(Question put and agreed to)*

**Hon. Speaker:** Next order

### PROCEDURAL MOTION

ADJOURNMENT OF THE HOUSE IN ACCORDANCE TO THE CALENDAR OF THE COUNTY ASSEMBLY

**Hon. Speaker:** Leader of Majority

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. I wish to move that pursuant to the provisions of Standing Order 28 and 29(30), this Assembly adjourns until Tuesday 6<sup>th</sup> April 2021 with accordance to the calendar of the County Assembly. Thank you Mr. Speaker. I call upon Hon. Ogeto to support

**Hon. Speaker:** Hon. Ngengi

**Hon. Daniel Ngengi:** Hon. Speaker, I cannot see you!

**Hon. Speaker:** You are not on mic.

**Hon. Daniel Ngengi:** Thank you very much Hon. Speaker. Pursuant to Standing Order 45 (2), I wish to request for a statement from the Chairperson of Planning regarding the alleged grabbed---

**Hon. Speaker:** Hon. Ngengi, you are out of order!

**Hon. Daniel Ngengi:** I stand to be guided Hon. Speaker.

**Hon. Speaker:** You are out of order! Minority Whip

**Hon. Moses Ogeto:** It is good that he learns from his seniors because I thought that he was seconding the Motion. A Motion has to be seconded first before coming up with a personal statement. I second my colleague Hon. Wanyoike by ensuring that under Standing Order 28 and 29 we take a break. We have experienced lot. Covid-19 third wave, death of President of Tanzania and a former MCAs death. We need a break so that we can reduce a lot of social interactions within the precincts.

It is also a good time for Hon. Members to go back to their constituents and talk to their constituents on various issues. It is also important that we go back and educate our constituents on the BBI document noting that the Ward Development Fund is going to be a serious Act under the provision of the Constitution of the Republic of Kenya. I believe that the Act will protect the Members of the County Assembly and its residents in matters development. We also need to inform them how we will be getting Kshs 35 billion budget from the National exchequer and not from the revenue collected. Let us enlighten them on how Nairobi's budget will go up to a tune of Kshs 50 billion and with those few remarks, I beg to second.

**Hon. Speaker:** Thank you.

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business, the House stands adjourned.

**The House rose at 4.40 p.m.**