



**REPUBLIC OF KENYA**

## **NAIROBI CITY COUNTY ASSEMBLY**

### **OFFICIAL REPORT**

#### **First County Assembly – First Session – First day**

Thursday 18<sup>th</sup> April, 2013

#### **COUNTY ASSEMBLY OPENING OF FIRST SESSION**

The County Assembly met at thirty minutes past two o'clock at Charter Hall at the Nairobi County Offices on Thursday 18<sup>th</sup> April 2013, it being the first day of the first session

#### **ARRIVAL OF HIS EXCELLENCY**

#### **THE NAIROBI COUNTY GOVERNOR**

*[His Excellency the Governor (Hon. Dr. Evans Kidero), escorted by the Speaker and accompanied by the Mace of the County Assembly entered the Chamber at Thirty minutes past Two o'clock]*

*[His Excellency the Governor (Hon. Dr. Evans Kidero) took his seat in the Chair of the County Governor. The Mace of the County Assembly was placed on the Table]*

#### **PRAYERS**

#### **COMMUNICATION FROM THE CHAIR**

**Hon. Speaker (Mr. Alex Sanaika Ole Magelo):** Your Excellency the Governor of the Nairobi City County Hon. (Dr.) Evans Kidero, Hon. Senators, Hon. Members of Parliament representing various Constituencies within the Nairobi City County, Hon Members of the 1st Assembly of the Nairobi City County Assembly, ladies and gentlemen;

It is with great pleasure and gratitude that I stand before you as the 1st Speaker of the Nairobi City County Assembly and I welcome you all to this monumental day that marks the opening of the Nairobi City County Assembly and the address by His Excellency the Governor.

Before I embark on my remarks, I wish to first and foremost congratulate your Excellency the Governor for your election and colorful inauguration as the first Governor of the Nairobi City County.

I also wish to take this opportunity to congratulate Members of Parliament present here for their election and nomination and most importantly, I wish to congratulate Hon. Members of the first County Assembly of the Nairobi City County for their election to this august House.

As I have indicated, today is a monumental day for this city of Nairobi since devolution has finally come to Nairobi.

The County Assembly is one of the arms of the County Government as established under Article 176 of the Constitution. For this reason, this august house will not only be called upon to legislate for the Nairobi City County but also to provide legislative oversight on the executive Arm of the County Government.

On my behalf and on behalf of members of this august house and the staff of the Nairobi City County Assembly, I wish to assure you of our unwavering support.

As you are well aware, the people of this city have been longing for quality delivery of services and facilities and this onerous task has now been placed on our shoulders. We cannot afford to fail the people of Nairobi and it is indeed time for action.

The creation of county assemblies highlights the importance of accountability.

This is a step forward in allowing the people of Kenya their right to information and public participation, which in turn continues to enhance the quality of democracy in this country.

As we take on the challenge of developing, enhancing, and strengthening our County, I urge Member of this august House to always put the interest of the people of Nairobi close to their heart.

Let this Assembly be a place where the voice of all the inhabitants of Nairobi will be heard, for that is our principal duty as elected members of this County Assembly.

We are here to serve the people and in order to do so, it is important to do so as a unified body by putting our personal differences aside and working together.

I wish to inform you that this is a united House and I urge honorable members to maintain the same spirit.

As elected representatives of the people of Nairobi, it important that we set a good example as legislators. I urge that we assume our responsibility as a Member of the Nairobi City County Assembly with decorum, honour, dignity and honesty.

Your Excellency, Hon. Members, Ladies and Gentlemen,

I sincerely wish you all a prosperous journey in the years to come.

God bless you

'Asante Sana', thank you very much.

I would now like to invite His Excellency the Governor of Nairobi, Hon. Dr. Evans Kidero to address us. Thank you, Ladies and Gentlemen.

*(Applause)*

### **THE GOVERNOR'S ADDRESS**

**His Excellency the Governor (Hon. Dr. Evans Kidero):** Mr. Speaker, I consider it a great privilege and honour to have the opportunity to welcome the Honorable Members of the Nairobi City County Assembly to this historic occasion. The wheel of Kenyan history has placed all of us here at a time when we have the singular privilege of being in a position to push that wheel forward in a significant manner.

Allow me to congratulate the Honorable County representative members and you, Mr. Speaker, for your election. My congratulations also go to the Leader of Majority, Leader of Minority and the Chief Whips. However, allow me to point out in the first instance, that this privilege is only an opportunity: something we may make good use of and earn ourselves a place of honor in the history of our county, or something we can waste and put ourselves in a footnote of shame in the history of the county and, indeed, of our Republic as a whole. My hope is that we shall transact business as one assembly devoid of party affiliation.

*(Applause)*

Our Constitution, the supreme law of Kenya, spells out our collective mission as the executive and legislative arms of the government of this county. This mission is best summarized by Article 174(f) on the objects of devolution as: "to promote social and economic development and the provision of proximate, easily accessible services" in our county.

The details of the development agenda and services entailed by this Article are outlined in Part 2 of the Fourth Schedule as functions of county governments. In summary, the first five include agriculture, health services, control of various forms of pollution, cultural activities and county transport.

The next five include animal control and welfare; trade development and regulation; county planning and development; pre-primary education, village polytechnics and child care facilities; and implementation of specific national government policies on natural resources and environmental conservation.

Finally, the list includes the following four functions: county public works and services, fire fighting services and disaster management, control of social ills, and ensuring and coordinating the participation in governance at the local level.

This summary will suffice for our present purposes, but from time to time the requirements of our work will make it necessary for us to read these constitutional provisions in a more detailed manner. Further guidelines on the nature of our mission are found in other legal provisions, including:

The County Governments Act, 2012 – which, among other things, spells out procedural guidelines for the business of this house, the establishment of decentralized units, the county public service, citizen participation, county planning, and the delivery of county public services;

The Transition to Devolved Government Act, 2012 - which defines the transition process, the role of the Transition Authority, and how its work relates to our work;

The Intergovernmental Relations Act, 2012 – which spells out our relationship with the national government and the statutory structures which support that relationship, including the Coordinating Summit and the Technical Committee; and, finally –

The Public Finance Management Act, 2012 – which provides guidelines on our accounting and reporting requirements regarding financial and economic matters, and our relationship with the national treasury as concerns the relevant structures and regulations.

The constitutional and legal provisions that I have summarized in the foregoing remarks will guide our thinking and action in various aspects of our responsibilities. But what we will actually accomplish on a day-to-day basis will be shaped by our attitudes to the assignments, to one another, and to the people that we serve.

Both I, belonging to the executive arm of this county government, and you the honorable members, who belong to its legislative arm, came here with some political party affiliations. It is, therefore, to be expected that our party interests may influence some of our decisions and actions. To a reasonable extent, I regard this as something human and natural. However, I want to appeal to all of us to put the welfare of Nairobi City and its residents above all our party loyalties. Our responsibility to Nairobianians must at all times be placed above all our personal and party interests.

The challenges that we face in fulfilling our mission are enormous. As we discuss these matters, media reports indicate that our city has become a special place in the eyes of the world. The United Nations Environmental Programme and UN Habitat which were hitherto only UN Nairobi stations have since been elevated to fully-fledged headquarters, joining Geneva, Vienna and New York, effectively

making Nairobi the world's environmental capital and Africa's leading hub in the field of diplomacy. This good news definitely comes with new challenges for our county government, which all of us will have to address from time to time.

As I have pointed out in various public pronouncements, including my inauguration speech, the politics of Nairobi today revolves around our desire to address the many challenges facing our city and its residents.

As we start our journey towards making Nairobi a better city for all of us, we must face the challenge of having the right people to do the job. In this regard, we have to deal with the high wage bill and high debt portfolio we are inheriting from the defunct City Council of Nairobi. The wage bill of 800 million shillings per month arising from the recently signed Collective Bargaining Agreement, and a large workforce characterized by a bottom-heavy organizational structure with low skills levels, leads to low productivity.

This situation has many related challenges such as corruption, low staff morale and negative employee attitudes, not to mention inefficient financial management and a high degree of indebtedness affecting the provision of essential services.

Our long list of challenges includes our current lack of capacity to manage solid waste; insufficient infrastructure development; and poor public transport and management systems. To that, we may also add our dilapidated health, social and educational facilities; our largely un-serviced informal settlements accounting for 60% of city residents; and the lack of support systems for small scale businesses. As we are all aware, this list is not exhaustive. We could have made it longer by mentioning, among others, the perennial problem of youth unemployment and, in general, the overwhelming demand for service without commensurate capacity for the County to provide the same.

We, as the elected leaders of the Nairobi City County, must demonstrate acute awareness of our responsibility in pushing forward Kenya's development agenda. Our own development thinking must be harmonized with the country's major development strategies as outlined in Vision 2030 and the international guidelines contained in the millennium development goals.

In this regard, my county government is determined to ensure that the Nairobi City County will make significant contributions to the attainment of Kenya's social, economic, and political pillars as defined in Vision 2030.

There is no doubt, for example, that what we do in Nairobi can achieve much in promoting tourism, establishing markets for wholesale and retail trade, and positioning ourselves as a major destination for Business Process Outsourcing (BPO), especially considering our advantages in the availability of skilled labour and relatively superior infrastructure. Certainly, with greater determination and strategic thinking, we can increase our leadership in both areas. We can make our young people more competent in market-oriented skills and place our infrastructure way above average in the region.

We have an even larger responsibility to be sensitive to the international guidelines which inform our development agenda. In particular, a keen observance of our national development goals of necessity

compels us to address the Millennium Development Goals, whose concerns include: eradication of extreme poverty and hunger, achieving universal primary education, and promoting gender equality as well as empowering women. Further concerns in this regard include reducing child mortality, improving maternal health and combating HIV and AIDS, malaria and other diseases. Last but not least, they include ensuring environmental sustainability and developing a global partnership for development.

Currently, the top-most concerns of Nairobi residents are about un-employment, insecurity, water, sanitation, housing, health and transport. They are also concerned about inter-ethnic relations, the needs and rights of women, children and persons with disability, not to mention the management of the city's resources.

Mr. Speaker, Nairobi needs to be well designed with a definitive characteristic skyline like most modern cities of the world. The planning of Nairobi has had many false starts without conclusive implementation models starting with the 1927, 1948, 1963 and 1973. We have today JICA working with the city's planning department to produce a development and infrastructural plan that we can all be proud of.

I will be bringing bills to this house that will seek to control and achieve this vision with a physical development plan relevant to the modern day realities. This plan will take into account all the appropriate urban and physical planning interventions that will be encapsulated in physical planning bills that I will bring to this house.

*(Applause)*

Moreover, it is our cardinal responsibility to manage and safeguard our environment in a sustainable manner through the legislative process. In this regard, we will be bringing bills to the house to reinforce and supplement laws by National Environmental Management Authority and the Environment Management Coordination Act no. 8 of 1999. In addition to that, we shall also generate bills aimed at management of solid waste through the waste collection and handling, transportation and disposal. Lastly, we will generate bills to ensure we control noise pollution of all types.

As I have pointed out on various occasions, these are the issues that have shaped the pillars of my grand vision for our county. My energies will be focused on seven critical delivery areas, which constitute the pillars of my vision for our great county.

In the first place, I want the residents of Nairobi to enjoy better health, better water and better sanitation. Among other things, this will entail redesigning standpipe networks in the city to make it possible for poorer households to obtain adequate amounts of safe water in their homes; reducing leakages, bursts and malpractices in water connections; providing suitable facilities, such as discharge channels with easy access points to improve connectivity to the sewer mains; and thoroughly reviewing the availability, distribution, staffing and equipment of all health facilities and services in the city so as to ensure their adequacy for the needs of the residents of Nairobi.

The health of Nairobians is paramount and I will seek to improve the primary and curative health infrastructure in the County. We shall seek to rehabilitate the over 60 dilapidated health facilities. For

instance, the Pumwani Maternity Hospital which has been in existence since 1944, and the first home for many Nairobians who were born there, is strained and needs to be overhauled.

*(Applause)*

Similarly, I seek to bring a bill to the house to establish the Nairobi Health Management Board to deliver on this mandate. The bill will further seek to develop an Integrated Health Policy and plan for public and private health services ensuring that synergy is achieved by operations of the referral health and teaching facilities, the national government health services and the county health services.

Secondly, I want Nairobi residents to enjoy better services in transport, light rail system, housing and infrastructure. We can achieve this by thinking creatively about our options, which include improving housing and living conditions in Nairobi by putting in place enabling housing strategies through appropriate public-private partnerships; encouraging and enabling low-income households to save and invest for the incremental development of their housing; enacting county laws and establishing administrative procedures for the provision of less costly housing to the poor; carefully planning land use and transportation arrangements in order to increase access to schools, businesses, and other places of work and social activities.

I must hasten to add that a mass rapid transport system that has enhanced mobility and accessibility is a catalyst for higher productivity, greater access to economic opportunity and social inclusion. Therefore, I intend to reorganize the public transport for Nairobi by introducing mass transit rapid transport systems that will tackle the congestion that is currently a common *(Applause)* day inconvenience, improving and expanding existing road infrastructure and promoting non-motorized transport; ensuring availability of parking lots at new developments; encouraging multi-level civic parking in the city centre; and enhancing the ongoing efforts to create a comfortable pedestrian culture in Nairobi.

I know that traffic management is a menace in the city and I intend to initiate a coordinated electronic traffic management system that will conclusively bring *(Applause)* the jam in the city and loss of man hours to an end, through enhanced traffic flow.

My third concern is about inter-ethnic relations in Nairobi. We can help our different ethnic groups in the city have better relations by putting in place new measures, including enhancing security services; creating employment programmes involving modern technologies to occupy the youth and keep them away from criminal activities; ensuring adequate street and neighborhood lighting to reduce insecurity; making it a legal requirement for developers to include security lighting in their premises; *(Applause)* putting in place peace-building structures and processes for the promotion of dialogue among different communities; working with the youth, community leaders and law enforcement agencies to eliminate outlawed militia groups from the city; *(Applause)* and putting in place appropriate rehabilitation programmes to support behaviour change efforts among the youth.

We know that provision of security is key to achievement of our wider mandate in the County. Thus, I intend to bring up appropriate bills that will increase police numbers and visibility in the entire County



through two ways. Firstly, I will initiate dialogue with the national government to facilitate the transformation of the City Inspectorate into the Metropolitan Police. *(Applause)* This force will be retrained and equipped to execute its new mandate. Secondly, we shall create support mechanisms by instituting modern security surveillance systems and community policing to make this city safer.

*(Applause)*

Fourthly, I want Nairobi residents to enjoy better facilities and opportunities for early education and youth development. Among other things, we can achieve this by: ensuring access and utilization of the available early education and youth development services within the learners' residential areas; establishing standards for pre-school education and youth development services in Nairobi City County; negotiating areas of cooperation with the national government to ensure the delivery of quality education and youth development services in the city; establishing a policy framework for working with development partners for the benefit of the youth; and putting in place a way of ensuring that all policy measures to facilitate the improvement of early childhood education and youth development services are implemented within a clearly defined time frame. In this regard, we shall set up and expand home craft and polytechnics to serve as absorption points of youths who are not able to make it to universities.

*(Applause)*

My fifth concern has to do with giving Nairobi residents better opportunities with respect to enterprise development and employment creation. My efforts in this direction will include: reducing the time needed to obtain a license to start a business; privatizing some aspects of our public-service delivery; ensuring that tax revenues are efficiently collected and transparently spent for the stated purposes; using technology to minimize human contact between taxpayers and the relevant county government officials; emphasizing the provision of market-driven technical training for the youth to acquire marketable skills; promoting customer-friendly credit access and information systems within the county; and generally eliminating or reducing the constraints and bottlenecks that slow-down both investment and innovation.

We shall foster an environment for all to participate in gainful living by setting up modern markets at all sub-counties within Nairobi. I fully appreciate that only increased investments in the city will generate the immense opportunities that Nairobians need. Consequently, I will stimulate investment in industrial and technological fields through the establishment of land banks in Nairobi through initiation of appropriate bills.

My number six concern is about paying better attention to the needs and rights of women, children and persons with disability. Among other measures, I intend to address this concern by: establishing a Bill of Rights oversight committee to investigate and recommend ways of ensuring our adherence to the constitutional provisions touching on the rights of women, children and persons with disability; ensuring that gender parity is reflected in all administrative structures of the Nairobi City County; putting in place the necessary legal and administrative mechanisms to ensure that persons with disability get the treatment and facilities accorded them by the constitution; ensuring that children get the kind of care and other types of treatment due to them as prescribed by the constitution; and always striving to create an environment



conducive to the well-being of women, children and persons with disability, especially in our transport, building, work, and health system arrangements.

Finally, I want to mention a concern which is very dear to my heart, namely, ensuring better management of our city's resources. My efforts to improve the management of Nairobi's resources will include: thoroughly re-examining for implementation of aspects of the Government of Kenya's 2008 Nairobi Metropolitan Development Plan which fall within Nairobi City County; developing an integrated road and rail infrastructure for the county to provide an efficient mass transport system; progressively replacing informal settlements with affordable low cost housing; developing and enforcing appropriate planning and zoning regulations; preparing a physical plan for the Nairobi county with due regard to the executive/legislative authority of the county; protecting and developing Nairobi's forests, water bodies and river-bank areas into safe and environment-friendly tourism, recreational and commercial attractions; developing efficient water supply and waste management infrastructure; identifying and implementing strategic projects and programmes requiring support by the county government; promoting the city of Nairobi county as a regional and global services centre; and establishing a sustainable funding framework for the development of identified urban and metropolitan areas within the county.

For all this to work well, I am committed to eradicate corruption in the management of County resources.

*(Applause)*

Only, when all the resources are safe will it be easy to successfully implement the mandate of my Government. Mr. Speaker, With the support of this Assembly, I intend to passionately pursue this vision with the aim of making it a reality for every Nairobi resident. It is my humble plea to the Honourable Members to give serious thought to the bills that I intend to bring to this Assembly as proposals to address some of the concerns that I have outlined in this speech. All of us must dedicate ourselves to the search for solutions to our most urgent challenges, including:

- Introducing, maintaining and sustaining order in the City;
- Cleaning up Nairobi;
- Keeping Nairobians healthy
- Improving transportation and restoring order in the traffic flow in the city;
- Decongesting the city in general, and CBD in particular;
- Controlling crime, and generally enhancing security; and
- Increasing enterprise and employment opportunities.
- Manage resources that we hold in trust of the people of Nairobi in an open, transparent and accountable number.

I intend to bring up various bills in the coming weeks with emphasis on revision of Nairobi by laws so that they are consistent with the County Government requirements and the new constitution, the development of Nairobi City County Health Management Board, protection of water distribution from

vandals and encroachment. Further still, we shall introduce bills that promote agricultural activity and livestock production in Nairobi City County as opposed to what is in the current by laws where we are only allowed to rear lizards.

These are measures that we can and will take urgently to reduce the suffering of Nairobi residents.

Mr. Speaker, The challenges ahead of us are many, and in some ways tricky, but they are not insurmountable. I believe that together we are equal to the challenge. This Assembly has men and women whom I can trust to help me deliver to the residents of Nairobi a better city for the better life of each and every individual and family in our county.

Having made those remarks, Mr. Speaker, it is now my pleasure to declare the first session of the first Nairobi City County Assembly officially open.

*(Applause)*

Thank you and God bless you all and may God bless Nairobi City County.

### **DEPARTURE OF HIS EXCELLENCY THE GOVERNOR**

*(The House rose at 3.15 pm)*