



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – First Session

*(Special Sitting of the Assembly convened via Kenya Gazette Notice
No. 9230 dated 18th September, 2017*

Thursday 28th September, 2017

The House met at 3:00 p.m.

ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

*[His Excellency the Governor (Hon. Mike Mbuvi) escorted by the Speaker
of the Assembly (Hon. Beatrice Elachi) entered the Chamber
at three o'clock accompanied by the Mace]*

[His Excellency the Governor took the Chair]

(The Mace was placed on the Table)

Hon. Speaker (Ms. Beatrice Elachi): Hon. Members, it is now time for us to be led in prayer by the spiritual leaders.

*(Prayers were then said by the following spiritual leaders:
Provost Sammy Wainaina, Father Mathew Njuguna and Sheikh Ismael Komora)*

CONVOCATION

CONVENING OF THE COUNTY ASSEMBLY FOR THE GOVERNOR'S ADDRESS PURSUANT TO STANDING
ORDERS 14(1) AND 22(1) OF THE ASSEMBLY STANDING ORDERS

Hon. Speaker: Your Excellency, Hon. Kioko Mike Sonko Mbuvi Gidion, Governor of the County of Nairobi City, Hon. Members of the Nairobi City County Assembly, Standing Orders 14(1) and 22(1) requires the Governor to address the opening of each newly elected County Assembly.

Separately, Standing Order 14(1) provides that the Speaker shall notify Members of the place, date and time of the opening of County Assembly. By a letter dated 18th September, 2017, I notified the Governor that the newly elected County Assembly will have a Sitting on Thursday, 28th September, 2017 at the Assembly Chamber, City Hall Buildings, at 2:30 p.m.

Similarly, pursuant to Standing Order 14(1) of the County Assembly Standing Orders, by Gazette Notice No. 9230 dated 18th September, 2017, I notified Members that the official opening of the Second Assembly and Address to the newly elected County Assembly by the Governor of the Nairobi City County, Hon. Kioko Mike Sonko Mbuvi Gidion, shall be held at the Assembly Chamber, City Hall Buildings, Nairobi, on Thursday, 28th September, 2017, at 2:30 p.m. This Sitting is therefore properly convened.

I thank you.

Consequently, it is now my singular honour and privilege to invite His Excellency the Governor of the County of Nairobi City to address this opening of the newly elected Second Assembly of the County of Nairobi City.

(Applause)

GUBERNATORIAL ADDRESS

EXPOSITION OF PUBLIC POLICY

His Excellency the Governor (Hon. Mike Mbuvi): Madam Speaker, Honorable Members, it is a great privilege and honour to welcome the Members of Nairobi City County Assembly and to address the First session of the Second Assembly. Let me take this opportunity to congratulate you Madam Speaker for being elected to the office that you now occupy. In similar terms I would like to congratulate each and every Member of this Assembly who has been given this great honor to serve the people of Nairobi, and to remind us all that this honor comes with high responsibility and expectations.

These responsibilities are particularly acute for this Assembly because we find ourselves at a time of great difficulty in the County Government of Nairobi. During the election campaign, we undertook a detailed analysis of the state of the social, economic and political health of our City. The findings of the analysis provided a grave outlook.

Upon assuming office, I received the status reports from all the departments of the County Government which revealed shocking levels of waste, mismanagement, corruption and impunity. I have since forwarded these reports to relevant audit and investigative bodies for appropriate action. In due course when the findings of these bodies are forwarded to me, I shall forward to this Assembly in accordance with the law. This will help draw a line between the past and the future. While the past may guide us, it will not hold back our progress.

(Applause)

Madam Speaker, it is a great privilege that the Nairobi electorate has given us the opportunity to contribute towards their development and wellbeing. To achieve this, we need to effectively do all that it takes in terms of serving our people so as to meet their high expectations.

Honorable Members, under my leadership, I undertake to serve all County Assembly Members diligently and equally as my leadership shall have no boundaries, whether in Jubilee or NASA, Christian or Muslim, male or female, I will serve all equally.

(Applause)

Madam Speaker, in the last County Assembly, Jubilee was the minority side, however, in this Second Assembly, Jubilee is the majority side. I wish to urge my NASA Brothers and Sisters to play their oversight roles effectively and progressively. I envision working with the opposition in this Assembly, not to stagnate development, but to ensure the people of Nairobi get value for their money, and receive the highest quality of services in a timely and affordable manner.

(Applause)

Madam Speaker, I stand before you today, full of confidence about transforming Nairobi. But I wish to sincerely remind you that your role as the County Assembly is fundamental to improving the living standards of the electorate because you are the watchdog for the people of Nairobi. Madam Speaker, I undertake to ensure that devolution succeeds in our County and we can only achieve it if the County Executive and the County Assembly pull in the same direction. Our commitment to the success of devolution must be practical and strengthened through the Ward Development Fund. By implementing development projects with the MCAs and other elected leaders, we will ensure efficiency and success.

Madam Speaker, Nairobi as a City has been in existence for over a century now. One of the greatest and immediate challenges the Executive and the Assembly faces today is a huge collection of draconian, obsolete and archaic City By-laws that have no place under the current constitutional dispensation nor a modern city. These laws have also provided a fertile ground for corruption to thrive among the employees of the County. As a matter of priority, my Administration shall be submitting to this Assembly, proposals to amend or repeal most of these laws. This will go a long way to ensure that we serve the people of Nairobi with transparency and the dignity that they deserve as taxpayers.

It is therefore my sincere hope that all the Honorable Members in this Assembly shall rise to the call of duty, and join the rest of Nairobi in this transformative journey to reposition Nairobi as the gateway to Africa.

Madam Speaker, I wish to recognize and commend some of the hard working staff I inherited from my predecessor. However, corruption is still rampant at City Hall. I wish to take this opportunity to warn the City Hall based cartels that sooner rather than later, the long arm of the law shall catch up with you. Officers who worked under my predecessor should know that unlike other governors who have fired staff

they inherited, I have taken a completely different path but this should not be misinterpreted to mean any form of administrative weakness or reluctance.

(Applause)

Madam Speaker, land grabbing is still rampant in Nairobi City County. During my tenure as Nairobi Senator, I fought the cartels and a number of public utility lands were repossessed. I now wish to undertake to dismantle all the land grabbing cartels within the shortest time possible.

I wish to assure Nairobians that all public utilities grabbed shall be repossessed. I have in the meantime invited the Ethics and Anti-Corruption Commission to investigate cases of land grabbing at Racecourse Primary School, Eastleigh hawkers market and Mwariro market. At Upper Hill Nursery School, it is sad to note that a contractor who was doing the road around the school and was allocated open field as parking for his equipment, machinery later colluded with the land grabbers and sold part of the school land. These types of thieves who are keen on stealing the future of our children must be stopped and prosecuted.

(Applause)

Madam Speaker, it we have now established that a cartel at the Rates department has been terrorizing helpless widows and Nairobians in general through fraudulent transfers of properties through a well-planned syndicate. I assure all those who have lost their properties to this cartel that I shall do all that is possible to ensure such properties are repossessed and returned to their rightful owners. I will lead from the front in reforming the County Land and Rates departments. This will require us to review some legislative infrastructure. To achieve this, my administration will be counting on this Assembly, and where necessary, reach out to the Senate and the National Assembly.

Madam Speaker, I would also like share with this Assembly two items that relate to the present state of the affairs of this County. First is the financial status of the County: The County debt burden currently stands at a staggering 58 Billion shillings. Out of this amount, 12 Billion is owed to employee pension schemes. This is particularly agonizing because we have thousands of our staff members and retirees who have continued to live in abject poverty and misery, despite playing their individual roles in nation building. Another 7 Billion shillings is owed to the Kenya Revenue Authority and a further 4.2 Billion is owed to various suppliers of goods and services, crippling the provision of critical services to the residents of Nairobi, while stalling important development projects. We inherited a County whose financial infrastructure was badly broken.

Madam Speaker, the County Public Service is a vital instrument in the delivery of services to the citizens of Nairobi. It touches and affects the lives and well-being of our people. The quality and proper establishment of the Public Service determines the scope and efficiencies of the services that the citizens receive.

The Nairobi County Government has a large workforce that is predominantly old and unproductive. Out of 13,000 workers, 8,800 or 72% of the workforce are support staff. 27% are operational staff and only

1% is strategic staff. There has been no succession program and the workforce has been allowed to age without revitalization. The County is unable to attract or retain professional staff.

I also wish to draw to the attention of this Assembly the fact that out of a workforce of about 13,000 there are less than 400 employees aged below 30 years. This not only presents monumental capacity challenges due to an ageing workforce, but may also partly explain why Nairobi has been unable to move progressively with the rest of the cities across the world especially in this technology and digital era.

Madam Speaker, the upshot of this situation is that at the moment, 5,000 workers are ready for voluntary early retirement. My administration will be forwarding to this Assembly proposals on how to implement this retirement program in an accelerated manner. This will create room to right-size our workforce, while injecting a fresh and energetic workforce to propel Nairobi to a modern world class city.

Over and above, my Administration will seek to establish a Graduate Program in line with the National Government's policy to provide paid internships for graduates from our universities, colleges and vocational training institutions. This will go a long in creating employment opportunities and enhancing the skills for our youth, besides supporting them to establish new and expand existing business.

(Applause)

Madam Speaker, in order to improve on service delivery, I intend to carry out a serious reshuffle of both senior and junior staff at City Hall. I have also noted with great concern that some staff have served in the same department for over 15 years and have personalized the departments like their family business. Further, it has also been drawn to my attention that a number of our staff are past the mandatory retirement age of 60. Some are illegally in employment while others are on contract. I will also order for an audit of the same to weed out those still in the service against the law.

(Applause)

Madam Speaker, upon assuming office, I have taken some immediate measures to address the daunting challenges that we now face. First, my Government has sealed the most obvious loopholes in the County collection and retention of revenues. When I assumed office, the County was collecting an average of 7 million shillings daily. I am happy to report that the daily collections have increased to levels never witnessed in the history of Nairobi. This is proof that with commitment and dedication, Nairobi can be different.

Madam Speaker, I am confident that with improved revenue collection, delays in the payment of salaries and service providers will be a thing of the past under my administration. Over and above, the people of Nairobi shall be assured of efficient and quality services. This shall be the cornerstone of transforming Nairobi – a motivated workforce and a satisfied taxpayer.

Madam Speaker, during my campaigns and in my manifesto, I promised small scale traders famously known as *mama mboga* and the hawkers that my administration will cut the cost of doing business in Nairobi. I wish to assure the entire business community that I will soon bring proposals to this Assembly to amend the Finance Act 2013.

In the proposed review, I intend to cut by 20% on payments on certificates and licenses such as those charged on food and rental markets as well as cess. I further propose to abolish the daily fee charged on *mama mbogas*. This, I believe, will go a long way in putting more money in the pockets of the people of Nairobi to feed and educate their children.

(Applause)

Madam Speaker, I have embarked on plans to relocate our small scale traders to designated areas as a short term measure, as we work on legislation that will ensure hawkers are allowed to do their business on specific days and on specific streets within defined hours. This is in line with the Constitutional right of every Kenyan to earn a living.

My administration recognizes the role small scale traders play in terms of creating jobs for themselves and for others. It is against this that they must be handled in humane manner without being subjected to unnecessary harassment, intimidation and extortion by a section of the County Inspectorate. To this end, I have already embarked on reforming the County Inspectorate. The program shall include retraining them in partnership with the National Police Service and National Youth Service while improving their terms and conditions of service to reflect a department appropriate for the City of Nairobi.

Madam Speaker, my County Government and the National Government have started a joint initiative based on cooperation and mutual support under the principal of interdependence. This initiative is founded on Article 189 of the Constitution of Kenya 2010 which in part states that: Government at either level shall-

“(b) Assist, support and consult and as, appropriate, implement the legislation of the other level of Government; and

(c) Liaise with Government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

(2) Government at each level, and different governments at the County level, shall cooperate in the performance of functions and exercise powers and, for that purpose, may set up joint committees and joint authorities.”

This position is further elaborated under the Intergovernmental Relations Act and in the case of Nairobi given special status under Section 6 of the Urban Areas and Cities Act 2012. This cooperative initiative has already yielded benefits for the County of Nairobi.

(Applause)

Madam Speaker, in this regard the joint initiative has put together a budget of Ksh.17.8 Billion to be utilized in the current financial year. Out of this amount the National Government will provide 7 Billion shillings while the County Government will provide 7.7 Billion shillings. The balance of Ksh.3 billion will be sourced from our Development Partners. The specific sectors that will benefit from this arrangement and the amount proposed to be allocated are as follows:

- Housing and Settlement – Ksh.3.24 Billion.

- Infrastructure and Transport – Ksh.3.43 Billion.
- Energy – Ksh.3.8 Billion.
- Water Resources – Ksh.1 Billion
- Environment and Solid Waste – Ksh.4.2 Billion.
- Youth, Women and Persons with Disabilities – Ksh.442million.
- Land – Ksh.330 Million.
- Information and Communications Technology – 1.3 Billion

Madam Speaker, the cooperation management is being managed by a Steering Committee chaired by His Excellency the President while I act as the Deputy Chair. In addition, my Deputy, Mr. Polycarp Igathe has been appointed as the Chair of the Technical Committee which comprises of National Government Principal Secretaries and Nairobi County Chief Officers.

As part of this cooperation we have entered into dialogue to terminate all pending court cases between the County Government and the National Government in a manner that is satisfactory to all parties concerned.

Beyond these immediate measures, several other areas require the next urgent steps. First, is to improve the County's outdated service delivery methods. Second, is to enhance the standards of financial management and cash handling for services delivered. Third, is to deepen digitization and decentralization of service delivery and administration and fourth is to create a modern asset management model.

(Applause)

Honorable Members, we campaigned on a platform to fix Nairobi. This was in recognition of the broken down City that Nairobi had become. Our Manifesto seeks to make this City a beautiful, prosperous and safe home for all of us. To achieve this, our platform focuses on seven core pillars. Permit me to elaborate on these pillars:

On Governance, Public Safety and Security: Our vision is to be a competently managed, accountable, compassionate and caring administration. We will focus on restoring safety and security and work with residents of Nairobi, to respond and deal with disasters and emergencies when they arise.

My Government will deal decisively with any act of corruption; financial irregularities, financial impunity, illegal practices, and above all, I undertake to dismantle corruption cartels that had looted County coffers dry.

During the last five years, various independent audit reports revealed that the former administration failed to meet the 30% development budget threshold in the annual budget thereby breaking the law with impunity. Under my leadership, I undertake to ensure at least 30% of annual budget goes to development. At the same time, laws regarding salaries and wages had been violated against the law which stipulates that not more than 35% of the recurrent budget should be spent on salaries and wages. I further promise to respect and strictly comply with the Public Finance Management Act.

Madam Speaker, Hon. Members, to improve service delivery, I will put in place policies that will guide revenue collection. No acts of corruption will be tolerated. We will stop illegal borrowing from financial

institutions. We will ensure procurement officers are driven by public rather than personal interest as has been the case.

I will also develop policies to tackle growing crime and insecurity in the City and its environs. We will also decentralize and improve emergency and fire response capability. Our target is to ensure every Ward will have at least one ambulance and every Constituency a fire engine. In order to achieve the above, I undertake to ensure proper financial management, open procurement services, service delivery and public safety.

I will put in place measures to digitize service delivery, improve working condition for the staff, commit senior staff to sign code of ethics on accountability, recover misappropriated or lost assets, revoke irregular and illegal contracts and to audit County properties.

(Applause)

Madam Speaker, on Housing and Settlement: Nairobi is our Home. Our vision is to see every resident live in dignity and have decent, affordable housing. Approximately half of the City's population lives in informal settlements with no access to basic services: Water and sewerage, education, and health services. However, it has been noted that the sprawling of the informal settlements makes it harder to provide essential services such as security and emergency services. My administration shall work together with all stakeholders including national government and International partners to find a long-term sustainable solution to the problem of informal settlements. I undertake to bring on board stakeholders to come up with policies that once implemented will design and implement low-cost housing.

(Applause)

Madam Speaker, on Education and Health, we will ensure that Nairobi's residents enjoy the right to affordable and quality health services and our children will have the right education foundation. We also will ensure that our youth have the opportunity to build the right skills to be productive. Records show that Nairobi has one doctor for every 7,386 residents whereas the World Health Organization recommends a ratio of 23 doctors, nurses and midwives per 100,000 populations.

I have also noted with concern that the County health personnel work in poor, stressful and sometimes very dangerous conditions. It is also worth noting that most Nairobi County Hospitals use old manual information system resulting in long waiting times, poor information management and storage as well as revenue loss.

Further on education, there has been poor investment in Early Childhood Education, lack of investment in primary school education, inadequate education facilities as well as lack of opportunities for technical and vocational training for Nairobi residents.

Madam Speaker, to address the problems affecting education and health services, we shall invest in preventive health to arrest communicable diseases, expand existing health facilities, improve existing facilities with modern equipment and improve the supply of medical supplies and personnel management. My administration will work hand in hand with the national government to expand both primary and

secondary schools to ensure they keep pace with the growing population. We will further invest in expansion and maintenance of technical and vocational centres.

(Applause)

Madam Speaker, on Environment, Water, Sanitation and Garbage, we inherited a city that was choking in filth and garbage. Even before I was sworn in as Governor, I embarked on a mission to clear mounds of garbage that were found across every corner of Nairobi. I am happy to report to this House that "Operation Ng'arisha Jiji" has been a great success thus far. This is just but the first step of an elaborate plan to making Nairobi the cleanest city in Africa. My administration will make every effort to have a city where water is safe, accessible, affordable and regular. Garbage will be collected and safely disposed of and sewage will be treated and our environment green and alive. We will produce electricity, fertilizer and other byproducts from the garbage from the Dandora Dumpsite.

(Applause)

Madam Speaker, Nairobi Residents have continued to witness inadequate and perennial water loss over the years. Inadequate and expensive water in the informal settlements where residents do not have enough money to buy enough water has also continued to impact negatively on majority of Nairobi residents. Garbage collection is scam and is riddled with corruption and is run by a cartel. I undertake to ensure garbage collection and disposal tenders are awarded transparently and in accordance with the Procurement Laws. My administration is therefore committed to providing safe water to all Nairobi residents.

Madam Speaker, on Traffic Management and City Transport: We will ensure a congestion-free Nairobi County where public transport is orderly and flows. We will provide safe, paved and lit walk ways since most people walk to work. We will prioritize access to public transport vehicles in CBD.

On Jobs, Business and Wealth Creation, improving the business environment remains my top priority. There can be no solution to youth unemployment in Nairobi without a better business environment. Our vision is to rebuild the Nairobi dream, a County where every business entity, from the small *kiosks* and *vibanda* to the multinationals, will have an equal opportunity to find work or do business. Our business laws will become enabling and their enforcement fair and transparent. Your rights and property will be respected and protected. We will make our city a tourist haven with opportunities for youth and women and make Nairobi a globally competitive city and regional hub.

(Applause)

On Youth, Women, And Persons with Disabilities (PWD'S) and Social Inclusion, we will ensure that Nairobi is an inclusive and caring city. Every person irrespective of their age, gender or ability will be proud to call Nairobi home. Ours will be to enable you to live out your full potential. We will reserve business opportunities for youth, women and persons with disabilities as provided for in the Constitution, the Public

Procurement and Disposal Act, the Access to Government Procurement Opportunities Act amongst other legal provisions. My administration will leave no one behind.

Madam Speaker, In the coming weeks I shall submit various legislative proposals in the form of Bills for consideration by this Assembly so as to convert aspirations of this manifesto into policies, legislation, programs and projects.

I will shortly be forwarding to the Members of this Assembly through your good offices, copies of our manifesto for your attention and familiarization. Because my belief is that it is impossible to transform Nairobi alone, but together we shall reclaim the lost glory of our city and remake the "Green City in the Sun" that we all recollect with fond memories.

(Applause)

Madam Speaker, Article 176 of the Constitution of Kenya 2010 stipulates the County Government comprises of a County Assembly and a County Executive. A harmonious relationship between these two arms of Government is essential in the proper conduct of County affairs and in providing our citizens with the services that they deserve. It is against this background that I acknowledge the mandate of this Assembly to comprise representation, legislation and oversight.

My Government will provide full cooperation to this Assembly so that it can effectively discharge this mandate. In turn, I seek similar understanding and accommodation. Whenever problems and challenges occur between the Assembly and the Executive, we should resolve them through dialogue and with the primary understanding that we are all here to serve the citizens of Nairobi. I look forward to a new era of openness and cooperation.

Madam Speaker, I also look forward to a new way of doing politics in Nairobi, politics that will foster tolerance and social harmony. I am aware that I give this address at a time when the County is deeply divided along ethnicity, gender, religion, class and generational lines. The population of Nairobi is a true reflection of the population of the wider Kenya. Hence divisions experienced in any part of our nation are particularly magnified in our County.

The leadership of Nairobi therefore has a special duty to minimize these divisions and conflicts through engagement of responsible politics. Equally, we should be keenly aware that where advances in social cohesion and communal understanding are achieved in Nairobi, then the dividends are spread out to the rest of the country.

Madam Speaker, the challenges facing this County are enormous but so are our abilities to meet them if we all rise as one.

If we commit to be guided by ideals and not just the deals we can make;

If we commit ourselves to serve the many who are in pain and not just the few who are in our favour;

If we commit to serve the ordinary Nairobiian, the Youth, the Women and People with Disabilities;
If we accept that now is the time and the circumstance to put Nairobi first;

Then we shall achieve the vision I have outlined.

Madam Speaker, I once more want to thank you and the Assembly for the opportunity to address you all. And it is now my singular pleasure to declare the First session of the Second Nairobi City County Assembly officially open.

Asanteni sana. Mungu aibariki Nchi yetu, aibiriki Kaunti yetu na aendelee kutubariki sisi sote. God bless Kenya.

(Applause)

Hon. Speaker: Thank you, your Excellency the Governor. Let me appreciate and recognize our Members from the National Assembly; Member for Starehe Constituency, Hon. Charles Kanyi, Member for Kasarani Constituency, Hon. Mercy Gakuiya, Member for Roysambu Constituency, Hon. Waihenya Ndirangu, Member for Embakasi Central Constituency, Hon. Benjamin Gathiru, Member for Dagoretti South Constituency, Hon. John Kiarie, Member for Embakasi North Constituency, Hon. James Gakuya, Member for Langata Constituency, Hon. Nixon Korir, Hon. Nominated Member for Starehe, Hon. Maina Kamanda, Member for Embakasi West Constituency, Hon. George Theuri, our Nominated Senator, Hon. Beth Mugo and Member for Kamukunji, Yusuf Hassan.

(Applause)

ADJOURNMENT

Hon Members, please be upstanding.

Your Excellency the Governor, Hon. Members, we have come to the conclusion of the business of the day and it is now time to adjourn.

Hon. Members, I wish to thank His Excellency the Governor for his Address to the County Assembly and the County at large.

It is now my singular pleasure to invite His Excellency the Governor, the Deputy Governor, Hon. Members and all invited guests to a reception at the County Assembly Court (Gardens) hereafter.

Hon Members, you are requested to remain upstanding until the Governor's procession; including the religious leaders and our Senator have left the Chamber.

Hon Members, the Assembly stands adjourned until Tuesday, 3rd October, 2017 at 2.30 p.m.

DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

(Hon. Members rose in their seats while His Excellency the Governor left the Chamber)

(The House rose at 4:00 p.m.)