



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Tuesday 31st May 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Confirm if we have quorum. Sergeant-at-Arms, kindly ring the bell for ten minutes.
(Quorum bell was rung)

Hon. Speaker: I have been informed that we have quorum. Proceed Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honorable Members, we have a visitor and I have the following communication to convey. Our sitting this afternoon is graced by Ms. Meyer Osterder, who is a student pursuing a degree in political science at ABSA University in Sweden. Ms. Merger is currently writing her thesis on devolution and female participation and found it a privilege to visit our Assembly in her quest for literature. She is at the public gallery.

Honorable Members, on behalf of Nairobi County Assembly family I wish to extend a warm welcome to Ms. Merger as she continues to engage various sections of the Assembly. May your visit be of great benefit to your interest and for that of your country. Feel welcomed and enjoy your experience here in Nairobi. *Karibu sana*. Thank you.

PAPERS LAID

Hon. Speaker: Hon. Kabiro, you have been assigned the duty!

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. Pursuant to section 129 of the Public Finance Management Act of 2012, I beg to lay the following Paper on the Table of this Assembly today 31st May 2022: The Nairobi City County Executive and County Assembly Service Board budget estimates for the financial year 2022/2023. I beg to lay. Thank you.

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(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you. The report should be committed to the Budget committee and due to the urgency of the issue, I hope that the committee will be able to expedite the mandate within the shortest time possible.

MOTION

APPOINTMENT OF PERSONS TO THE NAIROBI CITY COUNTY SISTER CITIES COMMITTEE

Hon. Speaker: Hon. Kabiro

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker sir. The subject of this Motion, Mr. Speaker Sir, is the appointment of persons to the Nairobi City County Sister Cities committee and I read:

Aware that the Sister Cities international was founded by President Dwight Eisenhower in 1956 and is a non-partisan and non-profit organization which serves as a national membership organization for individual sister cities, counties, states across the United States. Further aware that the organization was established on a mission of promoting peace and prosperity by creating bonds between people from different cities around the world by forming relationships that people of different cultures would celebrate and appreciate their differences and build partnerships that would lessen the chances of new conflict. Acknowledging that the Nairobi County Assembly on the 20th November passed a motion to establish a special committee known as the Nairobi City County Sister Cities committee that would work towards expanding and strengthening the existing relationship with the organization and to enable members boast in exchanges on arts and culture, business and trade, youth and education, community development and friendship. Noting that the Nairobi city County Government including the County assembly has so far signed a number of memorandum of understanding with a number of cities internationally based in the United States of America to create bonds between people of different cities from Kenya and around the world for local and global friendship, peace, unity and prosperity.

Now therefore, this Assembly resolves to appoint the under listed members to the Nairobi sister cities committee.

1. The Chairperson appointed by the Governor from among professionals serving in Nairobi County
2. Facilitated by joint secretaries being the County secretary of Nairobi City County Government or his or her representative
 - (b). Joint secretary who is the Clerk of the County Assembly of Nairobi or his or her representative
3. The director of public communication and E-Government at the Nairobi County Government
4. Representative of the Kenya National Chamber of Commerce appointed by the chamber president
5. Representative from the National Ministry of Foreign Affairs appointed by the principle Secretary
6. Three representatives of the public appointed by the Governor from amongst professionals in Nairobi.

Mr. Speaker, several of these Motions have been passed here and this is not different, but this is very actionable. Why I am proposing that we set apart the Nairobi Sister Cities Committee? It is because in my research and other groups of people who I have interacted with, I realized that if you Google Nairobi Sister Cities or towns that have twinned with Nairobi, you would realize that they are like a 100. However, there is no agreement which shows that Nairobi City County has signed with any of these cities whatsoever. Yet we understand the Sister Cities Committee of Nairobi is somewhere but we do not know where.

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This Motion is purely to formalize and say that any function that is charged on the County Government according to Schedule Four is charged on the Executive and the County Assembly. If we are not responsible in any of the agreements, then this can only be null and void.

Sister Cities agreements have been done outside there by other groups of people that we do not even know about who are registered in the Sister Cities International and ratified and agreed by people that we even do not know. This is like taking a loan; a person taking a loan on behalf of the Nairobi City County and giving a collateral of Nairobi City.

I do not like this and even as we are on the tail end of this assembly, we would like to correct this. That is why we are proposing in this Motion that the Clerk of this assembly as the custodian of documents and continuity; becomes a joint secretary in a committee that is to be formed. He should work together with the County Secretary who is like an administrative head on the Executive side and both of them should be the custodians of any agreement that has been brought by the Sister Cities twinning of Nairobi and any other cities. The agreements should be deposited with them so that if there are exchanges between the Nairobi City County Assembly with for example with an assembly in South Africa.

We do not want outsiders masquerading as employees or staff of Nairobi City County Assembly going to explain how this assembly functions, yet they do not know. This would help us form meaningful agreements and bonds that cannot be broken. We will be able to exchange on education matters; the University of Nairobi is here and do the exchanges with for example the University of Pretoria or University of Carolina or students of Fujiani Province in Northern China. This would help our students to engage in meaningful discussions as well as innovations from either Nairobi and other cities that we are twinning with.

Mr. Speaker, we boast as the only city in the world that has a national park where you can see world big animals like lions. But yet such endowments cannot be enjoyed. Why, because there are no proper agreements that have been put in place for us an assembly to ratify and the Executive to write engagements that are meaningful. I decided that as I exit this assembly, I will correct this. I have drafted a Motion to make sure that all agreements including those that have been signed and we shall look for them; and have them ratified by this assembly or the next assembly. The ones that have not been signed should be signed and passed by this assembly.

It is not a one-way ordeal where you execute a function that has been bestowed on both arms of the County Government, you execute it by yourself, it is not okay. Let us have the signing and the ratification done at the same time where the assembly ratifies and indeed it is twinned, and we become a twin city. As it is currently, we really need to work. Those people who are masquerading as Sister Cities or whatever they call themselves, cannot hold brief for Nairobi. Yet there are qualified people who were interviewed for these positions to be custodians of these agreements.

Mr. Speaker, I would like to ask Members of this County Assembly to correct this and for continuity, establish this committee. This committee will check us and will help us to move forward. With that, I would like to call on Immapet Kemunto Onsongo to second the Motion. Thank you.

Hon. Speaker: Thank you. Hon. Kemunto!

Hon. Immapet Kemunto: Thank you Mr. Speaker. It's been a while since I saw you, but I appreciate that you are sound and healthy, plus the Clerk and the staff around us. I would like to rise and second this Motion brought by Hon. Mbugua Kabiro.

I remember, way back in 2019, I brought the same Motion in this Assembly, and I remember then in the Motion we had our former Speaker, the late Ole Magelo, and he was the chair patron of the entire committee of the Sister Cities. The Motion that I drafted then, when it had passed, it was realized we left a big vacancy so we had to restructure it again to ensure that it captured the interests of the County of Nairobi, and ensure that even if our tenure ended, there would be continuity whereby both the Executive and the County Assembly would be involved.

Also there were members from outside whereby the Governor is able to appoint the Chair from his/her side, then we have the director of Communication also from the Governor's office, we have the Clerk and also an appointee from the Foreign Affairs Ministry and also ensure there was representation of two other members of the public.

So for me I stand to second this Motion because I know now it will have a lifetime continuity of more events with other sister cities. Before I finish, I also like to appreciate that it is well, as my other learned friend has stated, it is not about we, it is about how the institution will run after we are gone. Therefore, I second the Motion. Thank you.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: ICT get a hold of Hon. Shilaho. In the meantime, I think Hon. Ariviza is ready as ICT try to get hold of Hon. Shilaho.

Hon. Mary Ariviza: Thank you Mr. Speaker sir for this timely Motion brought by Hon. Kabiro. It is important for us to put frameworks on the way things are done, otherwise we will have people even getting loans on behalf of the County Government of Nairobi and nobody will be able to account for it. This being an international convention, as per the Kenyan Constitution, any conventions that we enter into as a country or as a city will compel us to be able to pay.

It is important that we have people like the County Secretary, Clerk of the County Assembly, people that are professional and well known to Nairobians, people in the Ministry of Commerce and Chamber of Commerce involved, so that we don't get involved in things that can bring rebuke and shame to our city.

I think this is important and I believe there was a meeting that Hon. Kabiro attended somewhere in South America where this kind of thing was held a while back when we just started. We brought in a Motion as Hon. Emapet said but we really didn't put frameworks so, I think it is important. And having just had last week the Afri Cities Conference which was held in Kisumu, it is paramount for us also to have a framework where we can involve ourselves not just with cities that are mainly found in North America or USA, but how we inter-relate with other cities.

In 2018 I had the privilege of being able to be in Israel during the 70th year of independence and one of the things that I was hoping is that we would link ourselves with the capital city of Israel, Jerusalem. This is because now Israel has Jerusalem as its city and because of the spiritual issues of that city and so on, it

would be good for Nairobi also to be linked also with such cities since it also brings some good spiritual aspects, as well as being able to be internationally recognized by well-known cities that are very old in nature.

I was also able to visit Jericho, a city with the lowest altitude in the whole world. It is important for us to have links with such cities where we can be able to take our people to see what they are doing right and we are doing wrong or what we doing right and they are doing wrong. We can have exchanges that can be of great benefit. For instance, Israel mainly does its activities in Tel Aviv and Jerusalem on tourism.

As Hon. Kabiro has said, we have a national game park next door that Nairobians nowadays are not going. When I was growing up in this city, we had tours of the of the national park. There was a vehicle every weekend, Saturday and Sunday at Kencom that was taking people to the national park. It is important for us to capitalize on our strengths. With this framework, I know we will put in place where we can have exchanges. Some people have never seen a lion, and if they have seen, they have seen the ones in the zoo. If we can say Nairobi is where you can stay in a big hotel, we showcase the big hotels that we have. The tourists can go to the national park that is five kilometers away from the CBD and come back safe. By this, we will have more tourists coming. I stand to support this motion. Thank you so much, Mr. Speaker.

Hon. Speaker: Thank you. ICT, get hold of Hon. Silaho. I understand he has logged out. Any other request? No more requests. Can we have the mover to reply? What is it Hon. Member?

Hon. Immapet Kemunto: I support the Motion---

Hon. Speaker: Hon. Member, you will be out of order, you cannot debate again once you have already seconded the Motion. So, we can have the mover to reply.

Hon. Kabiro Mbugua: Thank you very much, Mr. Speaker. The Hon. Immapet Kemunto was standing up for a photo opportunity.

Hon. Speaker, it is a very good afternoon for me this being one of my last businesses in this House considering the political season that is right now. I promise that I do not intend to further bring any other Motion or Bill. I will rest, I have done enough. I have passed two Bills; the Nairobi City County Corporations Bill and the Nairobi Pop Up Markets and Street Vendor Bill, and many other Motions in the range of about 15 to 20 Motions. Hon. Speaker, none of these Motions is about me. All these Motions and Bills have been about building an institution or institutions that we all can be proud of. I would have wished to rename a road in Nairobi in my favour. In fact, I had identified one road near Jevanjee, Moktar Daddah street. I don't know, Hon. Speaker, if you know that road. But may be in future you can rename it or somebody else can rename it in my favour for having done all this work for Nairobi.

Having said that, Mr. Speaker, this is one of those Motions that for posterity and continuity of institutions that govern, I seek to see that this is actually fulfilled. For us to have agreements that are binding, one that cannot be broken, this Motion needs to be established. For organizations that think they can just get into constitutional mandates and take up certain mandates which they are not allowed within any law in this country to institute agreements on behalf of this great city, I think they should be ashamed. But most of all, this Motion presents us with an opportunity to interrogate these agreements so that we are able to see what are these agreements. Are we auctioning our city? Will somebody else come much later and say that because of an agreement that was signed on behalf of Nairobi, this asset was attached because you failed to honour

your end of the bargain. We do not want that. So, sister cities is a people-to-people diplomacy institution. When we are exchanging, we are building one another and bettering the lives of those that we represent.

I would like to thank the Hon. Pius Mbono for being able the first to ever think about the sister cities in the last Assembly and initiated a Motion that was passed on the floor of this Assembly. I would also want to thank the Hon. Immapet Kemunto for making sure that this second Assembly was able to pass another Motion on the same and this just shows the gravity of the situation, which we will look forward to solving. We all desired but yet here we are climaxing very properly by setting up a committee of posterity whereby when I am outside there - because I do not intend to come back here - I can say, indeed we did good work because the Clerk of Nairobi City County Assembly and County Secretary holds those agreements of whichever Government - whether it is the government of Senator Sakaja or it is the Government of Igate; whichever government comes in.

I would also wish to thank the members of staff and the clerks who were able to facilitate this. I would like to thank Kiptoo and Adam Kibwana who are both sitting in the gallery and are very instrumental in making sure that this happens. I would want to say thank you very much to Kevin Wasike who was very instrumental in making sure this Motion happened; Manyi and Asman and all the clerks that I have handled or dealt with or I have disturbed I would like to say I am sorry. In places where I did not put you so hard, I say please there will be a next time in the future life. I thank you very much and I wish you all the best in your career. Once again, I beg to reply thank you.

Hon. Speaker: Thank you, Hon. Kabiro, and as the chair, I would want to take this opportunity to thank you Hon. Kabiro; you have done so well and you have been very active, especially in the Assembly business be it on the issue of Statements, Motions and coming up with the Bills. I do not have the official records here but I believe if you are not the first you are between the top three. Thank you and congratulation.

At the same time also may I also thank the party that nominated you as a youth to present the youth; you have done well to the youth and I encourage other parties, during this election year, that you have shown that youth also can be up to what we are deliberating. Therefore, coming to the next Assembly, for those who will be there, hopefully they will get more youths to represent here in the Assembly because of your role and your sister Kemunto thank you.

(Question put and agreed to)

MOTION

Hon. Speaker: Hon. Mark Mugambi, is he online? It seems like the Hon. Member lost interest in the same issue. Since the Member seems to be not interested, the Motion should be struck of from the Order Paper.

(Motion withdrawn)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business the House stands adjourned to Thursday at 2.30 p.m.

The House rose at 3.45 p.m.