



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FOURTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 29, 2020, 9:30 AM

1. The Assembly assembled at Thirty Minutes past Nine O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Deputy Speaker having confirmed that there was quorum at the commencement of the Assembly called the Assembly to order.

3. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C):-

Pursuant to Standing Order 45 (2) (c) the following Members requested for Statements: -

- i) The Hon. Jeremiah Themendu, MCA requested for a statement on behalf of Hon. Mwangi Njihia, MCA from the Chairperson of the Sectoral Committee on County Finance, Budget and Appropriations regarding the rates and rent waivers granted by the County Executive, both formally through advertisements and informally through declarations made by the governor. **(To be responded in 3 weeks)**
- ii) The Hon. Jeremiah Themendu, MCA requested for a statement on behalf of Hon. Mwangi Njihia, MCA from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the perennial water shortages in Woodley/Kenyatta Golf Course Ward. **(To be responded in 2 weeks)**
- iii) The Leader of Minority Party gave a statement pursuant to standing order 45(2)(b) regarding the probable swearing in of hon. Perpetua Mponjiwa.

4. NOTICE OF MOTION – HON. ESTHER WAITHERA CHEGE, MCA

Subject: Provision for post-trauma care facilities for survivors of Sexual and Gender Based Violence (GBV) in the County.

THAT, aware that Article 28 of the Constitution 2010 specifies that every person has inherent dignity and the right to have that dignity respected and protected; further aware that Article 25 (a) of the Constitution provides for freedom from torture and cruel, inhuman or degrading treatment or punishment; **cognizant** that every person has the right to freedom and security which includes the right not to be subjected to any form of violence from either public or private sources; **further cognizant** that international laws and instruments such as Convention of Elimination of all forms Discrimination against Women (CEDAW), UN resolutions 1325 and 1820 deprecate violence against women as it impedes the advancement of women and maintains their subordinate status; noting that Maputo Protocol on the rights of women which states that parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence; **concerned** that there has been an increase in incidences of Gender-Based Violence and Sexual Gender-Based Violence in the County which has been accelerated by the corona virus pandemic that has maimed people lives; **further concerned** that many such gender-based violence acts have gone unnoticed due to lack of proper reporting mechanisms which has resulted in family break-ups; acknowledging that the County is in the process of enacting a law on the gender-based violence issues, this Assembly urges the County Executive to establish Gender Based Violence Desks and well trained staff at City Hall as the central point and in all the Sub-Counties to provide for post-trauma care facilities for survivors of Sexual and Gender Based Violence (GBV) in the County.

5. MOTION - DEVELOPMENT OF AIR QUALITY POLICY AND LEGISLATION.

Motion made and Question proposed-

THAT, aware that Article 42 of the Constitution 2010 provides that every person has the right to a clean and healthy environment including the right to have the environment protected for the benefit of present and future generations through legislative and other measures; **further** aware that Section 5 of the Nairobi City County Solid Waste Management Act, 2015 provides that every person within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment; **cognizant** that the functions of control of air pollution are vested on county governments pursuant to Paragraph 3 of Part Two of the Fourth Schedule to the Constitution; **concerned** that air pollution is a perennial concern across the globe especially because it has the greatest environmental risk to health of vulnerable populations as shown by the studies, which have pointed out that air pollution has a negative effect on a child's neurodevelopment and is linked to some behavioral disorders such as autism and attention deficit hyperactivity disorder; **further concerned** that according to *Kenya National Bureau of*

Statistics in 2014, the leading causes of morbidity and mortality among children in the County are respiratory diseases; **noting** that the *World Health Organization (WHO)* estimates shows that 90 percent of people worldwide breathe air containing high levels of pollutants where many people are exposed to fine particles in polluted air that penetrates human body system, causing respiratory and cardiovascular diseases; **acknowledging** that the County Government developed a 2019-2023 Air Quality Action Plan with the objective of building capacity to develop, implement and enforce improved policy and regulatory frameworks for air quality management in the County; this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to urgently develop the Air Quality Policy and Legislation to provide for mechanisms for improving air quality in the County and submit the same to the County Assembly for approval.

Hon. Esther Waithera Chege, MCA

Debate arising;

Mover replied;

Question put and *agreed to*;

6. MOTION - DEVELOPMENT OF THE POLICY THAT ESTABLISHES AN UNEMPLOYMENT INSURANCE FUND.

Motion made and Question proposed

THAT, Article 6 of the Constitution 2010 provides for the two level of governments, at the national and county levels which are distinct and inter-dependent and required to conduct their mutual relations on the basis of consultation and cooperation; **further aware** that Article 41 of the Constitution provides for the right to fair labour practices including forming, joining or participating in the activities and programmes of a trade union; **acquainted** that recent months have witnessed increased cases of job losses not only in Kenya but globally with an estimation of over one million jobs lost by June across all Sectors in Kenya due to the corona virus pandemic; **concerned** that a majority of people in Nairobi had high hopes and ambitions in the beginning of the year, however, poor macroeconomic performance, a lack of labor market opportunities, and the current pandemic has resulted in reduced revenues, loss of business opportunities, loss of markets for goods and services, shortage of raw materials and restructuring due to the tough economic times; **noting** that high expectations, disappointing employment and life prospects have fueled frustration and desperation among many people who have turned to criminal behavior, violence, substance abuse, commercial sex work and even suicide; **acknowledging** that the National Government has developed

several economic stimulus programme and measures to cushion the economy from the impact of the Covid-19 pandemic, this Assembly urges the County Executive to develop a policy to establish an unemployment insurance fund to which employers and employees contribute; and from which employees who become unemployed or their beneficiaries, as the case may be, are entitled to benefit in order to alleviate the harmful economic and social effects of unemployment.

Hon. Kabiro Mbugua, MCA

Debate arising;

Mover replied;

Question put and *agreed to*;

7. **ASSEMBLY ROSE** - Fifty minutes past Eleven O'clock

MEMORANDUM

The Speaker will take the Chair on
Tuesday, September 29th, 2020 at 2.30 p.m.

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