



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – FIFTH SESSION**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 8<sup>TH</sup>, 2021 AT 9:30 AM**

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

**QUORUM OF THE COUNTY ASSEMBLY-**

The presiding Chairperson (Hon. John Kamangu, MCA) having confirmed that there was Quorum called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR**

**CLARITY ON THE OCCUPANCY OF THE OFFICE OF THE CLERK**

The Speaker conveyed the following communication-

“Hon. Members, as you may be aware, the Office of the Clerk became temporarily vacant following the Court of Appeal’s ruling on Civil Application No. E351 of 2021, by which the court decreed on Friday 4<sup>th</sup> June 2021 that Mr. Edward Gichana step aside as Clerk of the County Assembly pending the hearing and determination of a suit filed by Mr. Jacob Ngwele.

Hon. Members, the effect of the ruling is that the Office of the Clerk became temporarily vacant. Accordingly, the County Assembly Service Board at its sitting on Monday 7<sup>th</sup> June 2021, deliberated the implications of the decision of the Court of Appeal and subsequently resolved to appoint Ms. Adah Onyango as Acting Clerk of the County Assembly.

Hon. Members, for clarity therefore, the Acting Clerk of the County Assembly is Adah Onyango. The Office of the Speaker and the Board wishes to assure the Membership that it is working to ensure the seamless continuation of Assembly services. It is so notified.

**4. NOTICES OF MOTION -HON. JAMES KIRIBA, MCA**

**1. AWARE THAT** Article 55 (b) of the Constitution of Kenya, 2010 requires the state to take measures, including affirmative action programmes, to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; further aware that mineral excavations and quarrying activities in various parts of the County has led to development of infrastructure, created employment opportunities, growth of towns and has contributed to the establishment of various industries; **concerned that** despite the economic gains, mineral extraction and quarry activities result into environmental degradation and pollution that cause health hazards such as respiratory diseases and accidents in abandoned quarry pits without safety fences; **deeply concerned that** due to poverty and inadequate education, most quarry workers operate without protective clothing and appliances, or use deteriorated protective gears that compromise safety; acknowledging that Section 101 (1) of the Occupational Safety and Health Act, 2007 provides that every employer should provide and maintain for the use of employees adequate, effective and suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, especially the employees who are involved in activities such as breaking or dressing of stone, concrete or slag at their work place; **further acknowledging** the need for the County Government of Nairobi in conjunction with the Ministry of Environment and Mineral Resource to empower, promote, and provide safety for the quarry workers in various sites in the County; this Assembly resolves that the Nairobi Metropolitan Service (NMS) in conjunction with the County Executive partners with the Ministry of Environment and Mineral Resource towards initiation of the following interventions for excavation and quarry workers:

1. Encourage all workers in such sites to register SACCOs that would attract recognitions for supply opportunities for the County Governments;
2. Undertake a Health and Occupational safety programmes that would see all quarry workers in the County issued with free protective clothing and appliances and sensitized on occupational safety;

3. A land refill levy be introduced and included in the subsequent County Finance Act with 40% of the soil refill per lorry being channeled for support and welfare of the registered Quarry SACCOs; and
4. County Government to encourage such SACCOs to apply for government tenders relating to provision of construction materials for self-reliance

**2. AWARE THAT**, Part 2 of the Fourth Schedule of the Constitution of Kenya provides for the functions of for the County Government, as the case with Paragraph 1 (e) which dictates Agriculture including but not limited to fisheries as one of the County Functions; cognizant that the National Government's Big 4 Agenda seeks to foster economic development and provide a solution to the various socio-economic challenges through the following four economic pillars;- Food Security and Nutrition, Affordable Universal Health Care, Affordable Housing and Enhancing Manufacturing; **noting that** the United Nations General Assembly declared 2022 the International Year of Artisanal Fisheries and Aquaculture with Food and Agriculture Organization of the United Nations (FAO -UN) as the lead agency for celebrating the year in collaboration with other relevant organizations and bodies of the United Nations system by recognition of the millions of small-scale fishers, fish farmers and fish workers who provide healthy and nutritious food to billions of people and contribute to achieving Zero Hunger; **further noting that** in Kenya, the Ministry of Agriculture, Livestock and Fisheries 2015 Status Report on Fisheries observed that fisheries development in the Country was slow due to a number of obstacles, being but not limited to lack of proper information on aquaculture development, cultural variations that do not support fish farming, uncertainties on returns on investment, lack of political good will, low investment by Kenyans in the sector, high running cost and lack of access to high quality fingerlings; acknowledging that Kenya has a high potential for fish farming as it can offer prospects for sustainable food security and income for communities hence creation of employment; this Assembly resolves that the Nairobi Metropolitan Services (NMS) in conjunction with County Executive;-

1. Installs four (4) industrial ice plant for fish preservation in the 4 main parts of the County and such plans be considered in the budget for the financial year 2021/2022 that would promote aquaculture in the County; and,
2. Develop a program for promotion of fish farming among the youth through provision of free fingerlings be considered in the financial year 2021/2022 budget.

**3. AWARE THAT** the National Government's Youth Volunteer Program has been instrumental in creating enriching opportunities for over 30,000 unemployed Kenyan youths through internship, volunteership and apprenticeship in line with provision of Article 55 (a) of the Constitution of Kenya, 2010 which require the state to take measures including affirmative action program to ensure youth access relevant education and training; appreciating that through internship and volunteership, youth are able to gain valuable work experience, explore career paths, network with professionals in their respective fields, gain confidence, develop working skills and hopefully transition into employment; **concerned that** Nairobi City County has a growing population of young graduates coupled with high rate of unemployment, with lack of proper mentorship programs, communities risk losing its young educated and promising members of society to social vices due to hopelessness and frustrations; acknowledging there is need for the County Governments to emulate such life improvement programs for the youth from the Nairobi Government as the lead County that would see competent young graduates access Internship and Volunteering opportunities to acquire technical skills and experience in preparation for the Labour market; this Assembly urges the County Executive to explore and consolidate mechanisms necessary for the establishment of a County Youth Internship and Volunteer Program to be implemented in the financial year 2021/2022.

**4. AWARE THAT**, Article 55 of the Constitution of Kenya, 2010 provides inter-alia that the State shall take measures, including affirmative action programs to ensure that youth are protected from harmful cultural practice and exploitation; further aware that Article 21 (2) of the same

Constitution dictates that all state organs and all public officers have the duty to address the needs of the vulnerable groups within the society including the youths; **cognizant that** Part 2 of the Fourth Schedule of the Constitution of Kenya 2010, provides for the functions and powers of the County Governments, which includes inter-alia control of drugs and pornography; deeply concerned that the rising number of youth indulging in drugs, substance abuse such as cannabis sativa, heroin, cocaine amongst others, with reasons for such ranging from dysfunctional families, peer influence, uncontrolled alcohol trading environment, unemployment, social media influence, stress, depression to mention a few; disturbed that failure by all the relevant stakeholders to reverse the growing trend of youth involving in alcohol, drugs and substance abuse, would see the County and the Nation lose an entire generation and this would have adverse effects on the moral fabric of the society as seen from the rising case of sexual and gender based violence, suicides, homicide, femicide, crime, hopelessness, unstable marriages; **acknowledging that** the existence of the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA), a State Corporation under the Ministry of Interior and Coordination of National Government, mandated to undertake public education and awareness against drug abuse; **further acknowledging the** need for top-bottom co-ordination approach by the National Government and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the young generation from drugs and substance abuse; this Assembly resolves that the County Executive moves with speed and:

1. To partner with the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA) in developing programs and policy for creation of awareness, treatment and rehabilitation of the Persons with Substance Use Disorder (SUDs);
2. To initiate plans for the establishment of an affordable Rehabilitation and Rescue Centre to be equipped with qualified personnel and offer medical care to those already addicted; and
3. Anchor the said program and project in the County's Budget estimates for the financial year 2021/2022 for its timely implementation.

**5. NOTICES OF MOTION – HON. MWANGI NJIHIA, MCA**

**THAT**, aware that Article 186 (1) of the Constitution of Kenya 2010, and Paragraph 5 of the Fourth Schedule to the Constitution provide for the functions and powers of County Government on County Transport including County roads, street lighting, public road transport traffic and parking; further aware that the Country has 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 honor and shows gratitude to such people; concerned that there are heroines and heroes who have not had similar honors bestowed upon them despite their immense contributions to this Country; further noting that Douglas Wakiihuri is the Founding Director of Nairobi Sotokoto Safari Half Marathon Limited, Board Member of Anti-Doping Agency of Kenya and Special Olympics, Kenya and the Coach to H.E the First Lady of Kenya who is the founder of Beyond Zero Campaign which has contributed immensely to the health of many women and children in the Country by improving maternal and child health care; further noting that Mr. Wakiihuri is the first Kenyan Gold Medalist of the World Marathon Championships in Rome 1987, London Marathon Champion 1989, Commonwealth Games Marathon Gold medalist 1990, Auckland, New Zealand, and World Cup Marathon champion 1995, Athens, Greece; Silver medalist in the Olympic Games, Marathon, 1988, Seoul, South Korea; he is a founder of Kibera Running Club, developing a school in the slums of Kibera and providing breakfast on running days for the Kibera kids; recognizing that Wakiihuri opened up for Kenya to the world of marathon by inspiring many Kenyans who have gone to win various marathons across the globe; further recognizing that road names have been changed before to reflect names and places with significance to Kenyans; this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to rename Aerodrome Road to Douglas Wakiihuri Road in honour of the athletic icon who is regarded as one of the pioneers of marathon championship in Kenya after winning the first Gold medal of the World Marathon Championships in Rome 1987 and inspired many to win world marathon Championships across the

globe.

#### **6. NOTICES OF MOTION – HON. WAITHERA CHEGE, MCA**

**THAT**, aware that Chapter Four of the Constitution 2010 provides for the Bill of Rights which is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies; **further aware** that the purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potentials of all human beings; **recognizing that** several individuals have served the County at various levels with dedication and splendid work towards the betterment of Nairobi City County and its residents; concerned that such individuals have not been recognized for their outstanding performance in the public service in the County; **noting that** individuals have upheld the rights of others, serving the community above themselves and contributing to nation building through outstanding service and achievements, this Assembly urges the County Executive to develop a policy that provide for criteria to be used in naming of roads and other County facilities in the County in recognition and appreciation of the extraordinary acts of service made by individuals who performed tremendously in their works not only to the County but to the Country at large.

#### **7. MOTION – ADOPTION OF COMMITTEE REPORT**

Motion moved and Question proposed-

**THAT**, this assembly adopts the **REPORT OF THE SELECT COMMITTEE ON LIAISON ON THE CONSOLIDATION OF ASSEMBLY COMMITTEES’ ANNUAL REPORTS FROM JANUARY TO DECEMBER 2020**

laid on the Table of the Assembly on Tuesday 2<sup>nd</sup> March, 2021.

Debate ensued;

Mover replied;

Question put and **agreed to**;

And the time being ten minutes past Eleven O’clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

ASSEMBLY ROSE - Ten minutes past Eleven O'clock

---

**M E M O R A N D U M**

---

The Speaker will take the Chair on Thursday 10<sup>th</sup> June 2021

--x-