



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 11th December, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

(Hon. Deputy Speaker Mr. Kennedy Ngondi on the Chair)

PRAYERS

Hon. Deputy Speaker (Kennedy Ngondi): Hon. Members I am made to understand we have lack of quorum in the House so I direct the Sergent-At-Arm to ring the bell for ten minutes.
(Sergent-At-Arms rings the bell)

Hon. Deputy Speaker: Order! Imwatok, I will throw you out now even if we don't have---

PAPERS

Hon. Deputy Speaker: Report of Procedure and Rules Committee on Amendments to Standing Order.

NOTICE OF MOTION

Member of Karen (Hon David Mberia): Mr. Speaker I beg to give notice of Motion that the Assembly adopts the report of the Procedure and Rules Committee on amendment of Standing Order laid on the table of the Assembly on Thursday 11th December 2014.

STATEMENTS

Member of Makongeni (Hon Peter Imatwok): Mr. Speaker pursuant to Standing Order 80 I wish to make personal statement regarding the Nairobi County Executive Committee Members though I must register my displeasure for this was meant to be motion...Let me repeat Mr. Speaker, pursuant to Standing Order number 80 I wish to make personal Statement regarding the County Executive Committee Members, County Officers, County Directors and by extension a number of Honorable Members for being intimidated by cohort of individuals who are constantly threatening the said officers from executing their duties.

Hon Speaker the cartels working in corridors of Governor's Office and County Executive Offices in company of security bouncers and to be precise one Elias Akuba Odhiambo who among his colleagues purport to be in power to hire and fire any Executive Officers who fail to adhere to their ambitious and unscrupulous business interests in their respective Departments leading to fear by the Officers in their execution of duties.

Mr. Speaker sir this is totally unacceptable as the officers cannot work effectively in such unfriendly environment. Mr. Speaker sir, I also request that the names of the security officers both from the private and attached to the Governor's Office and the Executive officers be availed to your office for further interrogation of who this people are. Mr. Speaker I want to urge your office to look into this matter and expedite their resolution as quickly as possible. Thank you.

MOTION

REPORT OF THE PROCEDURE AND RULES COMMITTEE ON STANDING ORDER OF THE NAIROBI CITY COUNTY ASSEMBLY

Hon. Karen Wanjiku (Nominated Member): Hon Members, the Procedures and Rules Committee is established pursuant to Standing Order 188 to among other functions;

- a) Consider and report all matters to the Standing Order.
- b) Propose amendments to the Standing Order and any such amendments shall upon approval by the County Assembly take effect at time appointed by the County Assembly.
- c) Propose rules for orderly conduct of Committee Business.

d) Any such rules shall upon approval by the County Assembly continue to be in force until amended or repealed by the County Assembly but any rules so approved shall be annexed to the Standing Order and shall be as binding upon Committees to the same extent as the Standing Orders.

Committee Membership

The Procedure and Rules Committee comprises of the following members:

1. Hon. Alex Magelo, Speaker, Chairman
2. Hon. Ken Ngondi, MCA/Chairperson of Committees
3. Hon. Elias Otieno, MCA
4. Hon. Joash Omwenga, MCA
5. Hon. Martin Karanja, MCA

Honorable Members the matter before the Procedure and Rules Committee relates to the adoption of amendment...

Hon. Deputy Speaker: Order Member! First of all go to the Motion first and then maybe you can help yourself by building on that Motion.

Hon Karen Wanjiku: That this assembly adopts the report of the Procedure and Rules Committee on amendment to Standing Order laid on the table today.

Mr. Speaker Sir. I beg to move the following Motion. That this Assembly adopts the report of Procedures and Rules Committee on Amendment to the Standing Orders.

Hon. Deputy Speaker: Order Hon. Members.

Hon. Karen Wanjiku: Laid on the table of this Assembly on Thursday 11th December 2014. Hon. Members, the matter before the Procedures and Rules Committee relates to adoption of the amendment to Standing Order number 2 to the Standing Orders of the Nairobi County Assembly.

Acknowledgments

The procedure

Hon. Deputy Speaker: Granted. What is it Imwatok?

Hon. Member for Makongeni Ward (Hon. Peter Imwatok): Mr. Speaker, are we tabling a report? Or are we moving a Motion? Those are two different things Mr. Speaker. On top of that Mr. Speaker, can we know, among the Rules and Procedure Committee, the Member reading a report vis-a-vis a Motion cum report and a Motion. According to a Standing Order is she allowed?

Hon. Deputy Speaker: It was a mistake detected and the Member is now on the right track.

Hon. Peter Imwatak: Is she a Member of this Committee to move this Motion?

Hon. Deputy Speaker: It has been delegated from the Chair. Hon. Members, as you are aware, the Chair of Procedure and Rules Committee is the Hon. Speaker and deputized by myself. I am on the Chair, the Speaker is absent so I have delegated the same to one of the Members. We proceed.

Hon. Karen Wanjiku: Thank you Mr. Speaker sir. Consideration of amendments of the County Assembly Standing Order number 2. The Procedure and Rules Committee received proposals from the Majority and Minority Whip pursuant to Standing Order number 235 on amendment to the provision of the Standing Order 2 to include the interpretation of the Standing Orders, the position of one;

- i) Deputy Majority leader
- ii) Deputy Majority whip
- iii) Deputy Minority leader
- iv) Deputy Minority whip

2. Upon deliberations on the proposed amendments, the Committee noted that both the Majority and Minority Coalition in the Assembly had created the above positions and conducted elections for the same. The Committee therefore resolved that the positions be recognized in the Standing Orders of the Assembly and be included under Standing Order number. 2 as follows;

“Deputy Majority Leader” means the Member designated as the deputy Majority Leader by the largest Party or Coalition of Parties in the County Assembly.

- **“Deputy Majority Whip”** means the Member designated as the deputy Majority Whip by the largest Party or Coalition of Parties in the County Assembly.

- **“Deputy Minority Leader”** means the Member designated as the deputy Minority Leader by the second largest Party or Coalition of Parties in the County Assembly.

- **“Deputy Minority Whip”** means a Member designated as the deputy Minority Whip by the second largest Party or Coalition of Parties in the County Assembly.

- **“Party Whip”** means a Member designated by a County Assembly Party as its Party Whip for the purposes of the transactions of the business in the County Assembly and includes the Majority Whip, the deputy Majority Whip, the Minority Whip and the deputy Minority Whip.

3. Recommendations

That the Assembly adopts the amendment to the Standing Order No. 2 of the Nairobi City County Assembly.

4. Acknowledgements

The Procedure and Rules Committee wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the execution of its mandate.

Hon. Members, It is my pleasant duty and privilege, on behalf of the Procedure and Rules Committee to present and commend this report to the Assembly for adoption pursuant to Standing Order 188. I call upon Hon. Mberia to second this Motion.

Hon. Deputy Speaker: Proceed Hon. Mberia.

Hon. Member for Karen Ward, (Mr. David Mberia): Thank you Mr. Speaker sir, let me also take this opportunity to second this Motion, there was need for the Members who were elected as the Deputy Majority Leader, the Deputy Minority Leader, the Deputy Minority Whip and the Majority Whip to be earning salaries Mr. Speaker sir.

It is important to have assistants so that when the Leader of the Majority is not present, his assistant can represent him. That is why when the Speaker is not present, you are sitting there for him Mr. Speaker sir. So there is need to have these offices in place and I know they have been complaining a lot that they are earning nothing. I beg to second the Motion.

Hon. Deputy Speaker: Hon. Mberia, is this just for the purposes of earning salaries or they are doing some good duties? Imwatak, can you sit down?

Hon. David Mberia: I have said Mr. Speaker sir that I am seconding this Motion because of the importance and I have given an example that when the Speaker of the House is not present, you always sit for him. It is important for these offices to be filled, and I know the Members who were elected to fill those positions are equal to the task Mr. Speaker sir. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Nyangwara.

Hon. Deputy Speaker: Hon Members may I now propose the question that this Assembly adopts the report of the Rules and Procedures Committee on amendment to the Standing Orders laid on the table of the Assembly on Thursday 11th December 2014, Members. Hon. G. Maina.

Hon. Member for Umoja I Ward (Mr. Njoroge G. Maina): Mr. Speaker I beg to support this Motion and in so doing we have heard instances in this House where we have our leaders and we don't have the deputies so when these leaders are not there most of the times nothing happens, we get stuck. So Mr. Speaker it has been long overdue.

We did our elections from both sides of the parties; from the Jubilee and the CORD side, and we elected the deputies but it has taken one year down the line for us to come and pass it here. I just want to tell Members, please we need these deputies and I wish their salaries will be backdated since we voted for them, I don't know about that but maybe when you sit as a Board, we need that. So Mr. Speaker, I think the mood of the House is very ripe, I want to beg you to call the mover of the Motion so that we can get done with it. With that Mr. Speaker, I beg to support.

Hon. Deputy Speaker: Thank you. Hon. Nyangwara.

Hon. Samuel Nyangwara: Mr. Speaker I stand to support this Motion. It is long overdue in fact we wanted the names of the said officials to be brought on the floor of the House so that we can pass them immediately. This one will assist to put away people like Imwatok who have been purporting to be standing on behalf of the Majority Leader when he is not around. Now that we are going to pass this Motion it will give us clear people who will be taking positions whenever the designate officials are not around, Mr. Speaker.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker on the digital era, people do not understand the difference between standing in and filling the gap. I was standing in after being appointed by the Majority Leader whenever he is not in. So the Hon. Nyang'wara must know the difference between standing in and filling in Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Members, allow me now to call the mover of the Motion to reply, Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Thank you Members for supporting this Motion. We know that it will be very good for the leaders to have assistants who will fill in the gap or stand in for the officials, when they are not in. Thank you very much for supporting this Motion.

(Question is put and agreed to)

MOTION

Hon. Deputy Speaker: Motion No. 9, can you proceed?

Hon. Member for Umoja I Ward (Mr. Njoroge G. Maina): Thank you Mr. Speaker, I wish to move the following Motion; that this Assembly adopts the Report of the Select Committee on Ward Development Fund on the vetting of nominees to the Ward Development Fund that County Management Committee laid on the table of this Assembly on Tuesday 9th December 2014. Thank you, Mr. Speaker. I also want to call my friend Imwatok to come and second this Motion.

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker without many words because the Jubilee and CORD are the architect of the Ward Development Fund, I would like to support the Motion, as much as we are doing all this shenanigan of development, Ward Development Fund is the only equalization fund across all the 85 Wards. Maybe through passing the nominees though the Chair has put it, now we can embark on the process of disbursing and making sure that Ward Development agenda is achieved in our Wards. I beg to support.

(Question is proposed)

Hon. Deputy Speaker: Hon. Members, Hon. Deputy Minority Leader.

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity. I rise to support the Motion on the vetting on the nominees for the Ward Development Fund Management Committee. Having looked at the persons who underwent the vetting process----

Hon. Deputy Speaker: Order Member! Sergeant-At-Arms, I will not allow any Member to walk out. Proceed.

Hon. Chege Ngaruiya: Thank you Mr. Speaker, for usurping your authority in this House. I was saying that having looked at the persons and the nominees of that Management Committee and their academic credentials they are people who are qualified for the job and we believe that the passing of these names will not stop there; this is an issue which has dragged in this particular County for the last two years.

Mr. Speaker we hope that with Ward Development Fund, we are going to open the door and we believe that something is going to be done so that at least we can allocate that particular money that we have put in the budget to ensure that that development in this County counts. So I believe that whatever we are going to do today is not everything that is going to pass. I believe and trust that everything is going to happen and we are not just going to talk and nothing is going to happen. So I support, thank you.

Hon. Chief Whip of the Majority (Mr. David Mberia): Thank you for this opportunity. Mr. Speaker two years down the line, we have done nothing as a County. We were told to put committees in place and prepare the Bills of Quantity (BQ's) which we did. The same are still lying at the Highways depot, we don't know whether now that they have been vetted and passed by this management committee. What are they managing, Mr. Speaker? Accounts in our Wards, there is no money. Mr. Speaker as much as we are going to support everything, I think these Members are going to be serious, otherwise your goose will be fried in 2017 and eaten by your opponents.

This County Government is allocated money by the National Treasury and also collects money daily which cannot be accounted for. We want this money so that come next year we have something in the Ward Development Fund accounts. We are not going to pass any budget in this House until this money is put in our accounts. We have roles stipulated in the Constitution; legislating, oversighting and representing people. All our roles have failed in this House. The Public Accounts Committee, Public Investments Committee and the entire watchdog Committees in this House have failed.

Hon. Deputy Speaker: Order Hon. Member! You need to substantiate those allegations. You need to come up with a Motion to substantiate on the same.

Hon. David Mberia: Listen to me Mr. Speaker sir. The two watchdog Committees are supposed to give teeth to this House. We know a lot of corruption is going on in this County and no report has been tabled here.

Hon. Member for Embakasi West (Hon. Robert Mbatia): Point of Order!

Hon. Deputy Speaker: Granted.

Hon. Robert Mbatia: Mr. Speaker, thank you. I would like the Hon. Member to substantiate. I believe he is misleading because a few days ago, we tabled three reports in this Assembly. Actually we are up to date and we have already started looking at one report. So let him substantiate which report he needs in this Assembly. Thank you, Mr. Speaker.

Hon. Deputy Speaker: let's not go there Hon. Majority Whip. Kindly concentrate on the Motion.

Hon. David Mberia: Mr. Speaker sir, this Ward Development Fund is our lifeline as Members of this House. The Committees who are supposed to give teeth to this House have either failed or they have been compromised.

Hon. Deputy Speaker: Order Hon. Member! It seems you want to discuss the conduct and the activities of the Committee, so you need another day for that. Hon. Member for Kwa Reuben Ward.

Hon. Member for Kwa Reuben Ward (Hon. Elkanah Mauti): Thank you Mr. Speaker sir, I think for more updates, most Members should be coming to the Assembly and know what is going on. The Motion on the Order Paper today shows whether Nairobi is alive or not. By today we want to give powers to these Committee Members because we know they are from Executive side and will perform because we have given them powers. Today I support the Motion. We have been lagging behind, is it because we have not been giving this Committee power? Mr. Speaker, defend me from the Chief Whip who does not often come to the Assembly. In a few weeks we would like to see money in our Ward Development Fund accounts since we have mandated them from today.

Development projects from every Ward, within two weeks will put an advert; the people concerned have prepared everything. The Committee should follow up and see where they have put an advert for the projects from every Ward. We don't want to see the Committee we have passed today fail us. Whether we are going for recess today or not, what we want to see is development of Nairobi. Nairobian are crying to us and we as their representatives tell them we have been denied money for development.

Hon. Deputy Speaker: Sergeant-At-Arm don't allow Members out.

Hon. Elkana Mauti: I hope this time it will be noted that we were being denied money for development but because we have passed these names, I hope that money for development will come as soon as possible and the oversight of this Ward development Fund Committee do assist them to get the Funds, which we passed 15 million for the last financial year and 20 million for this financial year. That's 35 million to be found in our accounts as soon as possible. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Imwatok

Hon. Peter Imwatok: Mr. Speaker as much as my Chairman Ben from the Jubicord asked me to support and to second the Motion, I have just gone through a report and saw the name Dominic Dan Ayaa, who was my Lecturer at Daystar University. I know the capability of these men, to drive the Ward Development Fund forward. As I know him this is a guy who was a Head of a Department in the University and he exhibited exemplary performance. I know his coming to head this and to be part of this team that will spearhead Ward development Committee; I think we are in the safer hands.

Having said that Mr. Speaker, just as the Majority Whip was trying to intimate here, that the major challenge of Nairobi County is not about how much are we paying our staffs neither how many bouncers can we have in the corridors of justice or the corridors of power, but the agenda is Development! Development! Development! Development! Which for the last 2 years we have not realized, with the coming of this Committee as a Board in conjunction with the Committee of Ward development Fund of which Mr. Speaker with your indulgence maybe is not only the Ward Development Committee which will spearhead the process of development in our Wards, we are aware there's Public works Committee which works hand in hand with this Committee.

Surprisingly when all the Bill of Quantities were being prepared, by this department there was interference in a way. Words were going around there that the department was being interfered with because, some people in Executive were not keen on the success of the Ward Development Fund and the Public Works Committee. I think it's time as the Members of this House as we purport to be the House of Rules and Procedure, as a Member for Makongeni Kaloleni Mbotela Ward I wouldn't hesitate when we come back the next Session to move a Motion against our own Committees;

- 1) The Public works Committees
- 2) The Ward Development Committee
- 3) The implementation Committee

We will not pass Bills, Motions, resolutions from this House yet none is implemented, Mr. Speaker. With your indulgence, as a House we cannot wait any longer. As the saying in the street says *punda amechoka* or the donkey is tired, when we come back after recess, the ball game will be so different. For those who will be ready to take the heat, they can take and those who cannot then the door is open for the them and even for the Assembly because we are not going to allow anybody to write our political obituary on the behest of a few individuals. May be within us, either the Chairmen of the Committees or your panel Mr. Speaker or the panel of the Clerk.

Mr. Speaker, we are aware even in these Committees there are those who have gone to bed already with the Executive and there's separation of powers if you can't exhibit that in your Committee next Session. We are bringing now impeachment within our own Committees because if the Chairmen and vice Chairmen cannot perform to the expectation, especially the three committees that we've mentioned; The Public works Committee, The Ward Development Committee, The implementation Committee, then we've no choice as the Members of Nairobi County Assembly to bring impeachment Motions against these Committees. I beg to support the Motion.

Hon. Deputy Speaker: Thank you. Hon. Kagiri

Hon. Samuel Kagiri: Mr. Speaker I want to thank you for this chance that you've given me to contribute. I want to start by supporting this Motion and congratulate the Committee for the work they did of vetting these individuals and as my colleagues are saying; as Imwatoke talks about Dan Ayaa we hope even the rest are capable people who are going to perform and make this Fund work. The state of this County in terms of development is seriously wanting and we can say that this County is actually in I.C.U and it needs some quick things to be done for the County to change. We know there are numerous corruption cases going on in this County and I would like to recite one of the issues that has made the corruption to thrive. There is lack of a clear financial structure for this County.

Since we came, two years have gone and now that we are in digital error we are supposed to be the first County to automate the financial structures and be up to-date. We have done none of these things and we hope these people are not coming here to be given stress and a lot of problems asking for money now and then. It is now two years down the line and we've not seen any single development or anything that we can say has changed the state of this City. We need an action to be taken quickly and this Assembly----

Hon. Deputy Spaker: Order Madam Amina! Proceed.

Hon. Samuel Kagiri: Mr. Speaker, I was saying this Bill was passed a year ago, and having the right structures now put in place. We expect things to start running, let's not come here next year and we start repeating the same stories, it makes us to be seen as if we are ineffective in this Assembly. I beg to support

Hon. Deputy Spaker: Last one.

Hon. Member for Karura Ward (Mr. Kamau Thuo): Thank you Hon. Speaker for the opportunity I would also want to add my voice to this and also support the approval of this particular Committee. It is indeed a very important Committee as far as the implementation of Development Act for Nairobi is concerned. As a Member I am only concerned with the time line Mr. Speaker having passed this registration sometimes this year, it is taking years for the same to be effected and implemented and I am supporting this particular nominees with the believe that they will do something in conjunction with the Committees that have been mentioned here. I would also say that there is one thing to pass these names and it is another to have the resources, so I want to believe the resources to fund various projects in our Wards will be availed for the same team.

It would be very bad if we would have just a team and there are no resources, offices and secretariat that would be so bad. Therefore, I want to believe that the fellow Members will believe as such that this team will help us have development in our Wards. With those few remarks Mr. Speaker I support. You can call the mover now.

Hon. Deputy Speaker: Allow me now to call the mover to reply.

Hon. Member for Umoja 1 Ward (Mr. George Maina): Before I reply I want to thank all the Members of this House and there is one Member I would always want to thank and he has much passion when he was here, that is the Majority Whip, but there is one thing that we need to be clear on, you see even if we had resources and we had no structures we still could not have spent this money so this is the last of the diction parcel and we put it in place. So the likes of Agnes Othiambo, the Controller of Budget she has no excuse now, so I want to urge all the Hon. Members, lets pass this Motion and after passing the Motion then we implement it.

Therefore, I want to thank all the Members and the Mr. Speaker for allowing the debate. You have heard the cries of Hon. Members for Nairobi, there are no development the only way we can implement development is through the Ward Development Fund and so with those few remarks Mr. Speaker I beg to support, thank you very much and have a Merry Christmas.

Hon. Deputy Speaker: Hon. Members, allow me to put the question.

(Question put and agreed to)

MOTIONS No. 10

Hon. Deputy Speaker: Order Hon. Members!

Hon. Member for Karen Ward (Mr. David Mberia): Mr. Speaker I beg to move the following Motion that, Pursuant to provisions of Standing Order 25 (3), This Assembly adjourns until Tuesday, 10th February 2015 in accordance with the amended calendar of the Assembly (altered regular Session Pursuant to Standing Order No. 24 (2)). Thank you.

Hon. Deputy Speaker: Okay! Members maybe as a matter of Merry Christmas wishes and happy New Year, if none Hon. Member on Motion No. 10, I now propose that

(Question Proposed)

Hon. Deputy Speaker: This does not attract any Motion. Not really Order Members! You see now whether you debate or not it stands so maybe at least I am giving you a plenary to wish your fellow colleagues at least a Merry Christmas and Happy New year holiday.

Hon. Members my wish to you as you go for holidays I am praying that, you get close to your heart the immediate families. Take them world over and the Committees will be resuming on January 13th 2015. I wish you all a Merry Christmas and Happy New year Thank you.

House rose at 4.06 p.m.