



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 3<sup>rd</sup> May, 2018

The House met at 2.30 p.m.

*[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]*

PRAYER

QUORUM

**Hon. Speaker:** Serjeant-at-Arm, ring the bell for 5 minutes.

*(Quorum bell rung for 5 minutes)*

#### COMMUNICATION FROM THE CHAIR

##### VISITORS FROM KAJIADO COUNTY

**Hon. Speaker:** Hon. Members, we have visitors from Kajiado County and I would like to recognize them and then we proceed. Hon. Members, I would like we appreciate them the Nairobi style. In the gallery we have Alvin Joseph Kimani the CEC of Youth, Sport, Gender and Social Services (*Applause*), we have Iren Katete Director Social Services (*Applause*) and we also have Maratashi Jonah the Chair of liquor Board from Kajiado County. We welcome you all to Nairobi County and we hope you will enjoy our deliberations for today. *Karibuni (Applause)*.

## PAPERS

**Hon. Speaker:** Chair!

**Hon. Wilfred Odalo:** Thank you Madam Speaker, Pursuant to Standing Order 191 (6) I beg to lay the following papers on the Table of the Assembly today 3<sup>rd</sup> May 2018 the report of the Select Committee on Public Accounts on the consideration of the report of Auditor General on financial statement of Nairobi City Executive for the year ended 30<sup>th</sup> June 2016.

## NOTICES OF MOTION

**Hon. Speaker:** Chair!

**Hon. Wilfred Odalo:** Thank you Madam Speaker, I beg to give notice of the following Motion that this Assembly adopts the report of the Select Committee on Public Accounts on consideration of the report of Auditor General on financial statements of Nairobi City County Executive for the year ended 30<sup>th</sup> June 2016 laid on the Table of the Assembly today Thursday 3<sup>rd</sup> May 2018.

## STATEMENTS

**Hon. Speaker:** Hon. Members, I will defer statements because of the business that we have today, to our next sittings after recess. We will move to the Supplementary paper that we have. Clerk, proceed on the Supplementary paper.

## MOTION

**Hon. Speaker:** Chairperson Appointment Committee! Leader!

ADOPTION OF REPORT OF COMMITTEE ON APPOINTMENT ON VETTING OF NOMINEE FOR MEMBER OF COUNTY EXECUTIVE COMMITTEE FOR FINANCE AND ECONOMIC PLANNING

**Hon. Abid Hassan:** Hon. Speaker, the Chairman is around and is the one who is going to move the Motion.

**Hon. Speaker:** On the Appointment Committee, You are my Vice Chair Leader, I want you to move.

**Hon. Abdi Hassan:** With your indulgence, I have not seen the Supplementary paper that is why. Thank you, Hon. Speaker, I beg to move the following Motion that the Assembly adopts the report of the Select Committee on the Appointment of the vetting of the nominee for the Member of County Executive Committee responsible for Finance and Economic Planning laid on the Table of the Assembly on Thursday 3<sup>rd</sup> May 2018.

Hon. Speaker, Pursuant to section 45 (1) (a) (b) of the County Government Act, 2012 H. E. the Governor forwarded to the Assembly the name of Mr. Newton Munene for vetting and approval for appointment as the County Executive Member responsible for Finance and Planning.

Madam Speaker, the nominee appeared before the Committee on Thursday 19<sup>th</sup> April 2018 and was vetted in accordance with the provision of the Constitution and relevant statutes of the Standing Order on his suitability for appointment to the position of County Executive Committee Member responsible for Finance and Economic Planning.

Hon Speaker, the Committee considered the nominee filled questionnaire, Curriculum Vitae and having heard his oral Submission during the vetting exercise made the following key observation.

Madam Speaker, due to time I will go straight to what the Committee observed that:

- (a) The nominee has the requisite academic qualifications and professional experience some of it acquired through working for Central Bank of Kenya.

**Hon. Speaker:** Order Hon. Betty and Hon. Maurice, you should go to the Bar and any Hon. Member moving from one side should know we are now in a serious debate here. Minority Leader, go back to the Bar and you know you are a leader in this House! You should go back to the Bar!

*(Laughter)*

**Hon. Abdi Hassan:** Madam Speaker thank you for that and I say it is for the first time I see my counterpart and good friend bowing to the authority which is a good sign. Let me continue with the observation.

- (b) The nominee committed that he will work to ensure the County is able to generate the necessary revenue and put in place effective monitoring and evaluation of programs where resources are channeled to ensure value for money for the public.
- (c) He will implement the Public Finance Management framework that supports the decentralization of Financial Management to the Accounting Officers in each sector.

This is very important Madam Speaker, as we speak now everything has been centralized that is the reason this County is not moving. The respective CEOs are supposed to be Accounting Officers but at the moment they have no mandate and what the CEC Finance has said it is a good sign.

Madam Speaker, the Committee further observed that:

1. The nominee satisfies the requirement of Chapter 6 of the Constitution of Kenya on leadership and integrity which is a requirement under section 35 (3) (c) of the County Governments Act, 2012
2. The Nominee meets the requirements of Section 45(1) (a) of the Public.

Hon. Speaker, Pursuant to section 35 (1) (a) and (b) of the County Government Act, 2012, Section 9 of the Public Appointments ( County Assemblies Approval) Act , 2017 and Standing Order No. 203 (6) (f) of the Nairobi City County Assembly Standing Order, the Committee recommends:-

That, this Assembly approves the nominee for appointment by H.E. the Governor as County Executive Committee Member responsible for Finance and Economic planning as follows:

1. Mr. Newton Munene – County Executive Committee Member responsible for Finance and Economic Planning.

Hon. Speaker, I call upon my counterpart to second the Motion. Thank you.

**Hon. Speaker:** Minority Leader!

**Hon. Elias Okumu:** I rise to second the Motion. As I had mentioned in the morning that all the Committees have already vetted this people so I know the Committee are capable of knowing what they were

doing. So let us as Members, not take too much time debating on one issue. Therefore, I call Members to support the nominee so that we can go to another business.

*(Question proposed)*

**Hon. Speaker:** Whip you want to speak on it?

**Hon. Chege Mwaura:** Thank you Madam Speaker, I just want to add and then maybe you close the debate after your indulgence. Madam Speaker, CEC Finance will be judged on how they operate and any operation when it comes to issues of finance, the proof of the pudding is in eating so without much ado through Standing Order 100 I would propose that we call the mover to reply. Thank you.

**Hon. Speaker:** Hon. Majority Leader you should reply not because of the Whip but because there is no any other person. *(Laughter)*

**Hon. Abdi Hassan:** Thank you Madam Speaker, I want to thank Members for supporting this Motion and we want this House to keep this CEC on his toes because he has pledged to this House according to PFM Act that he is going to ensure that each and every Chief Officer operates as accounting holder. This is very important for the sectors to work on Madam Speaker. With those few remarks Madam Speaker, I beg to reply.

*(Question put and agreed to)*

ADOPTION OF REPORT OF COMMITTEE ON APPOINTMENT ON VETTING OF NOMINEE OF OFFICE OF COUNTY ATTORNEY

**Hon. Speaker:** Minority Leader!

**Hon. Elias Okumu:** Thank you Madam Speaker, On behalf of the Chairperson of Select Committee on Appointment who is supposed to move this Motion I want to do it on his behalf because I am a Good Samaritan.

*(Laughter)*

Thank you, Hon. Speaker, I beg to move the following Motion that, this Assembly adopts the report of the Select Committee on Appointments on the vetting of the nominee of office of the County Attorney laid on the Table of the Assembly on Thursday, 3<sup>rd</sup> May 2018.

Madam Speaker, pursuant to Section 45(1) (a) and (b) of the County Governments Act, 2012, H.E. the Governor, forwarded to the Assembly, the name of Ms. Lydia Kwamboka for vetting and approval for appointment as County Attorney

Madam Speaker, The nominee appeared before the Committee on Thursday 19<sup>th</sup> April 2018 and was vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly Standing Orders on her suitability for appointment to the position of Office of the County Attorney.

Hon. Speaker, the Committee has considered the nominee filled questionnaire, Curriculum Vitae and having heard her oral submission during the vetting exercise made the following key observations that:-

- a) Apart from her impeccable academic and professional qualifications the nominee experience and training accumulated over the years which equip her with the necessary skills to serve in the Office of the County Attorney and she has served as Chief Legal Officer for major companies.
- b) If appointed she intends to establish a strong and robust Legal Department in the County and put in place robust monitoring mechanisms to ensure cases are followed through and closely monitored to avoid losses to the County.
- c) She will also maintain a neutral position and provide proper legal counsel to all departments and Office of the Governor.

The Committee further observed that:-

1. The nominee satisfies the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that:-
2. The nominee meets the requirements of Section 45(1) (a) of the Public Appointments (County Assemblies Approval) Act, 2017.

As such, that, pursuant to the provision of Section 4 of the Nairobi City County Office of the County Attorney Act, 2016 and Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order No. 196 (4), the Committee recommends that this Assembly approves Ms. Lydia Kwamboka for appointment by H.E. the Governor as the County Attorney, Nairobi City County. THAT, this Assembly approves the nominee for appointment by H.E. the Governor as County Attorney as follows:-

- 1) Ms. Lydia Kwamboka - County Attorney

Madam Speaker, on your behalf also I would like to call upon my counterpart to second the Motion because he was supposed to do it but I did it on his behalf, so I am calling him to second it.

*(Laughter)*

**Hon. Speaker:** Minority Leader you are doing it on behalf of the Committee. Hon. Abid Hassan.

*(Laughter)*

**Hon. Abdi Hassan:** Madam Speaker, I rise to second the Motion if you look at the credentials of this good lady Madam Speaker, the lady is capable and beautiful and she will do a marvelous job for this County *(Laughter)* I beg to second.

*(Laughter)*

*(Question proposed)*

**Hon. Moses Ogeto:** Madam Speaker, looking at the mood of the House, you can call the mover to reply.

**Hon. Speaker:** Minority leader!

**Hon. Elias Okumu:** Thank you, once again on behalf of Madam Speaker because you are the Chair of the Appointment Committee and after doing a very good job because you have gone through it so I think

the lady is suitable for this job. I, therefore, thank all Members since we don't want to take a lot of time arguing over it because some of us here we don't have any legal background except one person who is none other than me. Thank you Madam Speaker.

*(Laughter)*

*(Question put and agreed to)*

## MOTION

### ADOPTION OF REPORTS ON VETTING OF NOMINEES TO POSITION OF CHIEF OFFICERS

#### 1. CHIEF OFFICERS, FINANCE AND ECONOMIC PLANNING

**Hon. Speaker:** Chairperson Budget! *Mhesimiwa Mbatia!*

**Hon. Robert Mbatia:** Madam Speaker, I beg to move the following Motion that this Assembly adopts of the Report of the Select Committee on Finance, Budget and Appropriations on the vetting of the nominees for the positions of the County Chief Officer for Finance and County Chief Officer for Economic Planning.

Madam Speaker, the nominees appeared before the Committee on Wednesday 18<sup>th</sup> April 2018 and were vetted in line with the underpinning legal requirements. In the vetting process the Committee was keen in determining the suitability of the nominee with regard to the following key parameters:- academic qualifications, employment record, professional associations, potential conflict of interest, knowledge of the relevant subject, overall suitability for the position, tax compliance, and integrity.

Madam Speaker, having interrogated the submissions of the Nominee on her suitability to hold the position of the Chief Officer for Finance, the Committee observed the following:-

- (a) She holds a Bachelor's Degree in Commerce (Finance) from Jomo Kenyatta University of Agriculture and Technology and a Master's Degree in Commerce (Finance and Accounting) from KCA University.
- (b) She had worked as an Executive Teller with Cooperative Bank for four years before joining KPLC in May 2017 as a Treasury Accountant.
- (c) She is employed on a contract basis at Kenya Power and was at the level of Accountant IV (being 8 positions under the General Manager);
- (d) She supervises three Clerical Officers; and
- (e) She has not been involved in making management decisions.
- (f) She is currently pursuing CPA Section 5.
- (g) The maximum budget she has ever been assigned and fully accounted for is Ksh.1million.
- (h) She has experience in the preparation of financial statements and the same was comparable to the roles of the position to which she had been nominated;
- (i) She is not very appraised on the County budget process.
- (j) She has never been directly involved in budgeting or allocation of resources in her previous assignments.

- (k) She is not conversant with government budgeting terms like Standard Chart of Accounts, Medium Term Expenditure Framework, the Medium Term Plan currently implementing the Vision 2030, International Accounting Standards and procedures among others;
- (l) She is not a Certified Public Accountant.

Madam Speaker, the Committee, therefore, found the nominee unsuitable for appointment to the position of the Chief Officer for Finance.

Madam Speaker, on the vetting of the nominee for Chief Officer for Economic Planning having interrogated the submissions of the nominee on her suitability to hold the position of the Chief Officer for Economic Planning, the Committee observed the following:-

- (a) She holds a Bachelor of Arts Degree from the University of Nairobi and is pursuing a Master's Degree in Business Administration from the Nazarene University.
- (b) She had worked with Cooperative Bank from the year 2004 rising from being a Graduate Clerk to her current position of Product Relationship Manager.
- (c) She has been involved in planning, implementation, and execution of budgets.
- (d) She has experience in the preparation of financial statements and the same was comparable to the roles of the position to which she had been nominated;
- (e) She is conversant with government budgeting/planning terms, procedures and practices.
- (f) She supervises 180 staff at the Bank.
- (g) She is adequately grounded in County planning procedures and practices.
- (h) She has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation and other relevant clearances from state agencies as required.
- (i) She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with the conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

Therefore, Madam Speaker, the Committee found the nominee suitable for appointment to the position of County Chief Officer for Economic Planning having met both the Constitutional and the statutory requirements.

In conclusion and pursuant to the provisions of Section 45(1) (b) of the County Governments Act, 2012 and Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, the Finance, Budget, and Appropriations Committee recommends:-

- a) That, this Assembly disapproves the nomination of Ms. Mary Nyambura Maina for appointment by H.E the Governor to the position of the County Chief Officer for Finance
- b) That, this Assembly approves Ms. Winfred Wangui Gathagu for appointment by H.E the Governor to the position of the County Chief Officer for Economic Planning

**Hon. Robert Mbatia:** Madam Speaker I beg to move and request my able Vice Chair Hon. Karani to second me, thank you.

**Hon. Patrick Karani:** Thank you Madam Speaker. I rise to second the Motion. Allow me to give two remarks. One, the business of government is to govern. For effective service delivery and sound policies it is the function of officers who are in position to give the guidance.

I want to congratulate the Committee because when we were coming up with this report we decided that it is desirable we have a government based on merit. That is we pursue the principle of meritocracy whereby the people that we put in place in high position of the office would be based on competency and talents. Going by that, the person we recommended to be in charge of economic planning is a competent economist and we believe she will be able to formulate nice and sound economic policies that will see this term of the government achieve the objectives. Thank you Madam Speaker.

Hon. Speaker: Chair, before I propose, did I hear you well when you were finalizing? Because I know one nominee has been dropped and one had been approved. The words you said, I hope it is exactly correct. You need to look at the *HANSARD* as I propose the question, on how you finalized the two.

*(Question proposed)*

Minority leader?

**Hon. Elias Okumu:** Madam Speaker I think busy bodies have already come to the House again. He is trying to play around with my card! According to the mood of this House, and I said, all committees have gone through all and because all Members here belong to each and every committee. Since today we want to start Ramadan and those people are not eating and they only ate *mchele* long ago, the mood of the House is that let the mover reply.

**Hon. Speaker:** Hon. Sylvia, you want to speak on it?

**Hon. Sylvia Moseiya:** I have a question before I support. Did the Chair said the Committee nullified or approved the appointment of Chief Officer Ms. Mary Nyambura because during his closing remarks he seemed to have approved both Chief Officers Ms. Mary Nyambura and Ms. Winfred Wangui Gathangu despite him mentioning in clear and bold terms that the former was too under qualified. In his own words he said 'she has not' 'she has not' 'she has not' and said that the Committee found her unsuitable. So who are we passing?

**Hon. Speaker:** Welcome back Hon. Moseiya. When you ask a question you cite the Standing Order and I agree with you on the question and I think that is why I asked him [Chair] to clarify. In the report---

**Hon. Robert Mbatia:** In the report as I was reading I requested and begged the Assembly to adopt the report but it had two points. The first point, in conclusion, was to disapprove the nomination of Ms. Mary Nyambura Maina. My second point was to approve the nominee Ms. Winfred Wangui Gathangu as the Chief Officer of Economic Planning.

**Hon. Speaker:** OK chair, you can reply.

**Hon. Robert Mbatia:** Thank you Madam Speaker I want to thank the entire Assembly and the office for the support we have been given as Budget and Appropriation Committee. I also want to thank the entire Assembly for being attentive and keen because they were concerned about nominee number one and we would like to request the Executive to move with speed and probably nominate another member whom they feel is fit for that office because that office is very key to the operation of this County.

I might not have a lot of time to deliberate again but because most of the Chief Officers are getting to office we welcome them but we tell them, as most are drawn from the private sector, they come to this new dispensation and should understand this is very political. They must balance between their



academics and the politics of the day. They must also recognize this House as the oversight body, not like some that have already served here that were ignoring us.

I want to thank the House, the members of the Budget and Finance Committee and to mention my two ladies who braved their very busy schedule to come and do the vetting. That is Madam Jane Muasya and Hon. Susan Makungu. Madam Muasya has a patient she attends to and we all know Hon. Susan has a baby. We thank them and all the other members. Hon. Oduor was unwell but she braved all that and attended. We want to thank you and the entire Assembly. I beg to reply.

*(Question put and agreed to)*

2. CHIEF OFFICER, EDUCATION, CHILDREN, YOUTH AFFAIRS, GENDER AFFAIRS, CULTURE AND SOCIAL SERVICES

**Hon. Speaker:** Chairperson, Education? Hon. Oyugi?

**Hon. Kennedy Oyugi:** Thank you Madam Speaker I rise to read the report on behalf of the Education Committee since I have been mandated by my able Chair who is seated next to me. Madam Speaker I beg to move that this Assembly adopts the report of Sectoral Committee on Children, Early Childhood Education and Vocational Training on vetting of nominee for appointment to the position of County Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, Culture and Social Services laid on the Table of the Assembly on Wednesday 2<sup>nd</sup> May 2018.

Hon. Speaker as Hon. Members are aware on Tuesday 10<sup>th</sup> April 2018 the Hon. Speaker in a message to the Assembly informed the Assembly that her office had received the names of nominees to be considered for approval by the County Assembly for appointment as Chief Officers within the ten sectors from the Governor, and directed that the names and curriculum vitae of the said nominees be referred to the relevant Sectoral Committees for vetting and reporting to the Assembly pursuant to section 10 (1) of the Public Appointments County Assembly Approval Act 2017 and Standing Order 203 (6) (f).

Hon. Speaker the name of Ms. Lucia N. M Mulwa was committed to the Sectorial Committee of Children, Early Childhood Education and Vocational Training for vetting and reporting to the Assembly pursuant to section 45 (1) (a) (b) of the County government Act 2012.

Upon consideration of the nominee curriculum vitae and the information received from the clearance entities the Committee observed as follows:

1. The nominee satisfy the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity which is a requirement under section 35 (3) (c) of the County government Act 2012 in that:
  - a) The nominee has been cleared by the Ethics and Anti-corruption Commission, Directorate of Criminal Investigation, Kenya Revenue Authority, Higher Education Loans Board and Credit Reference Bureau

- b) The nominee has not been charged in a court of law
  - c) The nominee did not exhibit the potential conflict of interest
2. The nominee exhibited impressive knowledge in the subject area and is conversant with the duties of the post and has the requisite abilities, qualifications and experience

Hon. Speaker the nominee informed the Committee that if appointed she will:

- a) Build a good working relationship with the CEC since they both need each other in order to attain service delivery for the residents which is the overriding objective. Their relationship will be symbiotic one.
- b) Create good working relationship with the national government so that they can support both primary and secondary schools so that children from less fortunate background can access quality education.
- c) Place affirmative action for the youth and ensure they are involved in decision making.  
In addition she will ensure the youth are availed with education opportunities and are provided with technical education.  
She will strive to promote cordial working relationship to ensure delivery on her mandate and Assembly expectations.
- d) Respect the role of the County Assembly to oversight, make laws and approve policies and plans.
- e) Act professionally and within the confines of the law in dealing with pressures
- f) Sensitize the public on budget preparation regarding the education sector.
- g) Advocate for the education of children with special needs and
- h) Formulate an annual work plan that has activity for every Sub-County and Ward level

Hon. Speaker the Committee found the nominee suitable as County Chief Officer responsible for Education, Children, Youth Affairs, Gender Affairs, and Culture and Social Services having met both the constitutional and statutory requirements.

Hon. Speaker the Committee therefore recommends that pursuant to section 45 (1) (b) of the County government Act 2013 section 9 of the Public Appointments County Assembly Approvals Act 2017 and Standing Order 203 (f) of the Nairobi County Assembly the Committee recommends: That this Assembly approves Ms. Lucia N.M Mulwa as the nominee for appointment by H. E the Governor as Chief Officer for Education, Children, Youth Affairs, Gender Affairs, and Culture and Social Services Sector. This report was adopted by the whole Committee. Madam Speaker I want to urge my colleague Hon. Pius to second the Motion.

*(Question proposed)*

**Hon. Speaker:** Hon. Gari Otieno?

**Hon. Maurice Gari:** Madam this gadget must be revisited! I think it just ... *(Laughter)* Madam Speaker I stand to support this Motion. I hope the Chief Officer who has been brought before us will be articulate and she is coming next financial year. I have seen today our Chairperson [looks] very tired *(Laughter)*.

**Hon. Speaker:** Order, order Hon. Gari! Has she told you that? Hon. Kennedy

**Hon. Kennedy Oyugi:** Thank you Madam Speaker, once again I rise to appreciate the House for accepting the nominee since the lady is overqualified. The reason why I support the lady is we have had numerous problems in the Education Sector. Currently we are facing a crisis as a County on the issues of bursary and I believe that with the lady in the office problems of bursaries will be a thing of the past. For that reason I beg to reply.

*(Question put and agreed to)*

### 3. CHIEF OFFICERS, TRANSPORT AND PUBLIC WORKS AND ROADS

**Hon. Speaker:** Chairperson, Transport?

**Hon. Mark Macharia:** I beg to move the following Motion, THAT this Assembly adopts the report of Sectorial Committee on Transport and Public Works on vetting of nominee of Chief Officers responsible for Transport and Public Works and Chief Officer responsible for Roads laid on the Table of the Assembly on Thursday 3<sup>rd</sup> May 2018.

Madam Speaker pursuant to Section 45 (1) (a) (b) of the County Government Act 2012 H.E the Governor forwarded to the Assembly the names of Mr. Richard Mutinda Kavemba and Engineer Fredrick Ng'ang'a Karanja for vetting for approval of appointment of Chief Officer responsible for Transport and Public Works and Chief Officer responsible for Roads respectively.

Pursuant to Standing Order 43 (1) the Hon. Speaker informed the Assembly on 10<sup>th</sup> April 2018 that she had received the notification of the nomination and committed the same to Sectorial Committee on Transport and Public Works for vetting and reporting in accordance with Public Appointment of County Assembly Approval Act 2017.

Madam Speaker, the nominees appeared before the Committee on Thursday 18<sup>th</sup> April, 2018 and were vetted in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders on their suitability for appointment to the said positions.

Madam Speaker, the Committee considered the nominees' filled Questionnaires, CV and oral submission and made the following observations:

#### **(a). Mr. Richard Mutinda Kavemba (Nominee for Chief Officer Transport and Public Works)**

1. He holds a Bachelor's degree in Education Arts and currently pursuing Master in Project Planning and Management;
2. He is a former Councilor for Umoja 1 Ward, Personal Assistant to a former MP and held other leadership capacities;

3. He was qualified as per the advertisement by the County Public Service Board. He had an understanding of the Sector and stated that he will strengthen enforcement and work with stakeholders in order to address critical challenge of congestion, traffic jam and indiscipline in the public transport industry. He also committed to disciplined implementation of Sector plans using the resources allocated to the Sector in order to address the issue of low funds absorption;
4. He also committed to work closely with the County Assembly to better deliver the services needed by the people;
5. Further, he committed to adhere to the constitutional principles guiding working of public officers, promote integrity as well as avoid conflict of interest; and
6. The nominee satisfied the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity and the requirements of the Public Appointments (County Assemblies Approval) Act, 2017.

**(b). Eng. Fredrick Karanja (Nominee for Chief Officer Roads)**

1. He holds a Bachelors and Master's degree in Engineering and attended other professional trainings from various institutions;
2. He is qualified as per the advertisement by the County Public Service Board
3. He is an active Member relevant professional bodies;
4. He is currently the Acting Chief Officer for Public Works, Roads and Transport Sector;
5. He has the understanding of the Sector and by applying for the post, he seeks to hold the office as a substantive officers that will give him full mandate to provide sound services to the residents;
6. He acknowledged that delay in payments to contractors and suppliers as the key challenge in the Sector and proposed to continue sensitizing the leadership on importance of commitment to prompt payments;
7. He also acknowledged the challenge of congestion, traffic jam and disorder in the public transport industry and committed himself to scale up the partnerships that are already in active to ensure that objective of City decongestion through public transport vehicle relocation to various termini, expansion and construction of dedicated lanes on selected corridors is realized;
8. He also emphasized the importance of the roles of the County Assembly and promised to harness the capacities of the Members to better deliver services to *Mwananchi*;
9. He also committed to adhere to the Constitutional principles guiding working of public officers, promote integrity as well as avoid conflict of interest;
10. The nominee satisfied the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity and the requirements of the Public Appointments (County Assemblies Approval) Act, 2017.

Having considered the filled in questionnaire of the nominees and the oral submissions in accordance to the Constitution and relevant laws, the Committee found both the nominees suitable for appointment to the respective positions.

Therefore, Madam Speaker, the Committee urges this House to approve the nominees as the Committee confirmed their suitability to hold the said positions during the vetting process. Thank you Madam Speaker. I now call upon Hon. Mary Ariviza to second this Motion.

**Hon. Speaker:** Hon. Mary Ariviza.

**Hon. Mary Mwami:** Thank you Madam Speaker. The laughter is because yesterday I was not allowed to speak despite having very important points. So, it is great to have Madam Speaker back. I am happy to have you there. And thank you Mr. Chair for giving me this great opportunity to second this Motion that wants the appointment of Mr. Richard Mutinda and Engineer Fredrick Karanja to be approved. These are great men.

We all unanimously approved them. So, I stand here to say that they are great men. Kavemba brings in a lot of experience. He has been in politics and he knows how to go about things in this County. He does not have any criminal records or anything that would make him unsuitable. So, we found they would complement each other greatly with Fredrick Karanja as they work together because Transport and Public Works go hand in hand. And we found Engineer Karanja a career engineer who has worked greatly and served the people of Nairobi with a lot of diligence and commitment. In fact, there was nobody who was against it. So, I stand to support the appointment of Richard Mutinda for Transport and Public Works and Engineer Fredrick Karanja for Roads.

*(Question proposed)*

**Hon. Speaker:** Hon. Obuya, you want to speak on it?

**Hon. Peter Imwatok:** Madam Speaker, allow me to rise and support this report on Public Works and Transport. I want to say Hon. Kavemba has worked so hard to make our County worth to live in. I support his appointment to this particular docket because I am sure he understands, being a councilor and also a politician within us, he knows the challenges that face Nairobi in terms of Transport and Public Works.

And more so, it is also to encourage those within us who are still councilors that life has to recycle one day. Time will come when you will back here. Majority Leader will come back maybe as a CECM for Finance. Madam Speaker, I want to encourage and say that Engineer Karanja is a gentleman and an old man that has respect for everyone. I normally give merit where it deserves. Engineer Karanja is a man whom you can knock his office anytime and he listens to you at any time. I would say the appointing authority considered the best for this County. Therefore, I support as I call the mover to reply.

**Hon. Speaker:** Chair, reply. What is it, Minority Leader?

*(Laughter)*

**Hon. Speaker:** Fine.

*(Laughter)*

Minority Leader.

**Hon. Elias Okumu:** Madam Speaker, what I can learn from this boy is that he has hangover from yesterday and that is why he is behaving like this. So, I just excuse him because yesterday he got some movie---

**Hon. Speaker:** Some wisdom?

**Hon. Elias Okumu:** Thank you Madam Speaker.

**Hon. Speaker:** Thank you. Chair, reply.

**Hon. Mark Macharia:** Madam Speaker, I would like to thank the Assembly and the hardworking Committee for Transport and Public Works. I beg to reply.

*(Question put and agreed to)*

**Hon. Speaker:** Next order.

#### 4. CHIEF OFFICERS, FOOD AND AGRICULTURE AND LIVESTOCK AND FISHERIES

Chair for Agriculture? Hon. Okumu?

**Hon. Nicholas Okumu:** Thank you Madam Speaker. I beg to move the following Motion. That, this Assembly adopts the Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the vetting of the nominees for Chief Officers Position for Chief Officer Responsible for Food and Agriculture and Chief Officer responsible for Livestock and Fisheries.

Madam Speaker, The Sectoral Committee on Agriculture, Livestock & Fisheries undertook Vetting of two Nominees for position of County Chief Officers, that is;

1. Dr. Washington Odhiambo. Odingo – Nominee for Food and Agriculture Sub Sector
2. Mr. Mohamed Abdi Sahal – Nominee for Livestock and Fisheries Sub Sector

Madam Speaker, on the first nominee, Dr. Washington Odhiambo Odingo, the Committee found out that:-

- (i) He was the 7<sup>th</sup> best student nationally in the Kenya Certificate of Secondary Education of 1998.
- (ii) Has done numerous research and publications on Devolution, Public Participation and conflicts (from 2013 - 2016)
- (iii) The Committee was convinced by Dr. Odingo's commitment to ensure County Government set up food and cold storage facilities to cushion residents of Nairobi from buying food at exorbitant prices. His intention for continuous liaison with the National Ministry of Agriculture, Livestock & Fisheries and the National Cereals and Produce Board (NCPB) was seen as a positive gesture aimed at pulling more synergies to address among other things, the looming food shortages in the City.

Madam Speaker, on the second nominee, Mr. Mohamed Abdi Sahal, the Committee established that;

- (i) He was currently undertaking Doctor of Business Administration - Strategic Management from California Miramar University -USA
- (ii) He holds a Master degree in Project Planning and Management from the University of Nairobi and a Bachelor of Arts Degree in Development Studies from Kampala International University.
- (iii) The Nominee, cognizance of the fact that most County abattoirs were operating in deplorable health standards, showed commitment to undertake unlimited inspections and deployment of more extension officers to detect and prevent public dangers such as food –borne poisons in meat.
- (iv) The Committee was also persuaded that Mr. Sahal, having come from a region that practices pastoralism farming and having worked as a Director and Sub-County Administrator fits well in the docket. His exemplary educational background was also seen by the Committee as a sure plus to the Sub Sector.

In Conclusion Madam Speaker, the Committee found the two Nominees suitable for appointment in the respective positions, having fulfilled the requirements provided for in Section 7 (8) (9) of the Public Appointments (County Assembly Approval) Act, 2017.

Therefore, Madam Speaker, the Committee requests this Assembly to approve Dr. Washington Odhiambo Odingo and Mr. Mohamed Abdi Sahal for appointment by H.E the Governor as Chief Officer responsible for Food and Agriculture and Chief Officer responsible for Livestock and Fisheries Sub Sectors respectively.

Madam Speaker, I call upon Hon. Gari to second this Motion.

**Hon. Speaker:** Hon. Gari.

**Hon. Maurice Gari:** Thank you Madam Speaker. I rise to second.

*(Question proposed)*

**Hon. Speaker:** Chair, proceed.

**Hon. Nicholas Okumu:** Madam Speaker, I want to take this opportunity to thank the Hon. Members and this Hon. Assembly for approving the two nominees. It is the Committee's deep conviction that the said officers will take the Sector a notch higher in realizing tangible milestones in provision of essential services to Nairobians. Thank you.

*(Question put and agreed to)*

#### 5. CHIEF OFFICER, ENVIRONMENT AND NATURAL RESOURCES SUB-SECTOR

**Hon. Speaker:** Next order. Hon. Muthiga.

**Hon. John Muthiga:** I beg to move the following Motion. That, this Assembly adopts the Report of the Sectoral Committee on Environment and Natural Resources on The Vetting of the Nominees for Chief Officer Position, Environment And Natural Resources Sub-Sector, laid on the Table of the Assembly on Wednesday, 2<sup>nd</sup> may, 2018.

Madam Speaker, pursuant to section 45 (1) (a) and (b) of the County Governments Act 2012, His Excellency the Governor forwarded to the Assembly the name of Mr. David Masereti Makori for vetting and approval for appointment as Chief Officer responsible for Environment and Natural Resources. Madam

Speaker, the nominee appeared before the committee on 19<sup>th</sup> April 2018 and was vetted in accordance with the provision of the Constitution on Public Appointment act 2017 and the County Assembly Standing Orders on his suitability for appointment for the position of Chief Officer responsible for Environment and Natural Resources. Madam Speaker, the Committee, having considered the nominee, filled questioners, CVs and having heard his oral submission during the vetting exercise made the following observations:

He has never been charged in a court of law, has no potential conflict of interest and has fully complied with his tax obligation and other relevant clearances from state agencies as required. The nominee missed the requirements of section 45 (1) (a) of the County governments Act 2012 since he was competitively sourced and recommended by the County Public Board, exhibited impressive knowledge of topical issues touching on his docket and has requisite abilities, qualification and experience.

Pursuant to section 45 (1) (a) and (b) of the County Governments Act, 2012 and section 9 of the Public Appointments Act 2017, the committee recommends that this Assembly approves Mr. David Masereti Makori's appointment by His Excellency the Governor to the position of County Chief Officer for Environment and Natural Resources Sub-Sector. I call upon Hon. Millicent Okach to second.

**Hon. Speaker:** Hon. Millicent.

**Hon. Millicent Okach:** Thank you Madam Speaker. I beg to second. One thing about Mr. David Makori is that he is a young energetic and experienced young man. He has the institutional memory which is an advantage to the County. In his field of study, he is well connected and related to the said position. I believe his experience will impact a lot of energy towards the achievement of a better, cleaner and greener Nairobi. Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Kimunto.

**Hon. Immapet Kemunto:** Thank you Madam Speaker. I beg to support the Motion. And this caught my eye during the vetting period. When vetting the nominee, Mr. David Makori, when he was asked what Nairobians expect from him. This is what he said and I was moved. He said he will enlighten the public on the importance of the three Rs, which is to reduce, to reuse and to recycle, thus making Nairobi a better and greener place. And on this, I just saw that he is a visionary man who is able and has that heart of making Nairobi a better place than it is.

Before I sit down Madam Speaker, I know that in a few hours to come, you are going to celebrate your birthday therefore I want to stand up as a woman to appreciate you, make you confident and courageous. You are a very special woman in our lives and to the entire House. May you have a magical birthday and many more days to come in your life. Thank you.

*(Members chanting happy birthday song)*

**Hon. Speaker:** Chair. Order! Order!

*(Members chanting happy birthday song)*

**Hon. John Kamau:** Thank you Madam Speaker. Maybe when we go out we will find a cake. We did not know that it is your birthday and because we are adjourning today--- lets go on



(Laughter)

**Hon. Speaker:** Chair reply

**Hon. John Kamau:** Thank you very much. I wish to say thank you to my Committee and to the entire Assembly for showing confidence in that young man. It will go down in history that Nairobi County Government is employing young people against what people say. I am thankful Makori David is a very young man with a vision. Thank you and I beg to reply

(Question put and agreed to)

**Hon. Speaker:** Next order!

6. CHIEF OFFICER, PUBLIC HEALTH AND MEDICAL SERVICES

**Hon. Speaker:** Chair Warutere Health

**Hon. Peter Warutere:** Thank you Madam Speaker. I beg to move the following Motion; that this Assembly adopts the report of the Sectoral Committee on Health Services on the vetting of nominee for Chief Officer for Public Health and nominee for Chief Officer for Medical Services departments, laid on the Table of the Assembly on Wednesday, 2<sup>nd</sup> May, 2018.

Hon. Speaker, As Hon. Members are aware, on Tuesday, 10<sup>th</sup> April, 2018 the Honorable Speaker in a message to the Assembly informed the Assembly that her office had received the names of the nominees to be considered for approval by the Governor and directed that the names and Curriculum Vitae of the said nominee be referred to the relevant Sectoral Committees for vetting and reporting to the Assembly pursuant to Section 10 (1) of the Public Appointments (Public Appointments (County Assemblies Approval) Act. No. 5 of 2017(N0. Of 2017) and Standing Order 203 (6) (f).

Hon. Speaker, the names of Mr. Mahat Jimale Mohamed and Dr. Musa Mohammed Ramadhan were committed to the Sectoral Committee on Health Services for vetting and reporting to the Assembly pursuant to Section 45 (1) (a) and (b) of the County Government Act, 2012. The Committee invited memoranda from the public on the suitability or otherwise of the nominees. The nominees also sought clearance from EACC, HELB, the CID and Credit Reference Bureau (CRB). The Committee on Tuesday 17<sup>th</sup> April 2018 held vetting interviews at the Assembly's Resource Centre. Hon. Speaker, upon consideration of the nominees Curriculum vitae and the information received from the clearance entities, the Committee observed as follows:-

Both nominees satisfy the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35(3)(c) of the County Governments Act, 2012 in that:-

- a) The nominees have been cleared by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB).
- b) The nominees have not been charged in a Court of Law.
- c) The nominees do not exhibit a potential conflict of interest.

Both nominees exhibited impressive knowledge of topical and legal issues touching on the respective dockets and have the requisite abilities, qualifications and experience

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**Hon. Speaker:** Order Hon. Waithera! Go to the Bar. Proceed Chair

**Hon. Peter Warutere:** Nominee number one is Mr. Mahat Jimale Mohamed nominated for the position of the Chief Officer for Public Health informed the Committee that-

- a. He wanted to give back to the public and was not money driven as had earlier in the previous and current employment handled huge sums of money and hence in this case money was not the motivational factor.
- a. He had an urge to serve the County being the heart of Kenya and hence the position was equivalent to that of the Permanent Secretary in the National Government.
- b. he has served in the field of Public Health and was well versed with the responsibilities that comes with the position
- c. He was willing to work day and night to make sure that the major health facilities offered the best services
- d. That his availability will be paramount and at any time if any assistance will be required/needed he will be willing to assist.

Dr. Musa Mohammed Ramadhan, the nominee for the position of the Chief Officer for Medical Services informed the Committee that-

- a) He had no initial interest in the position but after the meeting with the Governor and upon enquiring from him why he did not apply, he decided to apply
- b) He neither filled nor submitted the Questionnaire as required by Section 7 (9) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017.
- c) He would make sure that the four major hospitals operate within 24 hours in terms of emergencies, deliveries and outpatient.
- d) He would initiate as well the other Sub-County health facilities to operate 24 hours as well.

Madam Speaker, the Committee found Mr. Mahat Jimale Mohamed suitable for appointment as Chief Officer for public Health having met both Constitutional and the statutory requirements. The Committee therefore agrees that he is suitable for this particular position. The Committee however found the nominee for appointment as the Chief Officer for Medical Services Sector unsuitable for the following reasons;

1. Failure to meet the requirements of section 7 (9) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and
2. The reports of the Auditor-General Reports on the Financial Statements of Nairobi City County Executive for the year ended 30th June 2015 and the Financial Statements of Nairobi City County Executive for the year ended 30<sup>th</sup> June 2016 could not confirm the propriety and validity of the expenditure on goods and services amounting to Ksh. 165,852,531;

The committee noted that during this period the nominee Dr. Musa Mohammed held the position of the Medical Superintendent of the Mama Lucy Hospital.

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Hon. Speaker, the Committee therefore recommends that pursuant to Section 45 (1) (a) and (b) of the County Governments Act, 2012, Section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017, and Standing Order No. 203 (6) of the Nairobi City County Assembly Standing Orders, the Sectoral Committee on Health Services recommends the following;

1. That, this Assembly approves Mr. Mahat Jimale Mohammed for appointment by His Excellency the Governor as the Chief Officer for Public Health, Nairobi City County.
2. That, this Assembly rejects the nomination of Dr. Musa Mohammed Ramadhan for appointment by H.E the Governor as the Chief Officer for Medical Services, Nairobi City County.

Madam. Speaker, I urge Members to support this report and as I move I call upon Minority Deputy Whip Hon. Moses Ogeto to second the Motion.

**Hon. Speaker:** Hon. Ogeto

**Hon. Moses Ogeto:** Thank you Madam Speaker. I second.

*(Question proposed)*

**Hon. Speaker:** Hon. Naftali Mathenge, do you want to speak on it?

**Hon. Naftali Mathenge:** Thank you Madam Speaker. I am invoking order number 100 and looking at the mood of this House, I ask that you call the mover to reply.

**Hon. Speaker:** Mover.

**Hon. Peter Warutere:** Thank you Hon. Speaker and the whole House. We have an opportunity---

**Hon. Speaker:** Are you on a Point of Order?

**Hon. Robert Mbatia:** You are losing your job Madam Speaker. Someone just gave an order to this Assembly and the Chair is the only one who is supposed to give orders. So you are soon losing your job on your birthday!

**Hon. Speaker:** Thank you for hearing. I heard but I did not want to intervene because English is a learning process. Chair reply.

*(Loud consultations)*

**Hon. Peter Warutere:** I want to thank the entire House and in particular the Committee on Health services. Following the seven pillars of this great County, I know that we are now filling in gaps on the missing links. We already have the CECs in office and now we are doing the last batch which is the Chief Officers.

As you have noted in our report, we had two appointees, one is in and the other is out. I urge you through your office and that of the Excellency the Governor to hasten the process of getting the second nominee because we have two sectors that need able Chief Officers.

Therefore going forward I hope the Governor will act with speed to ensure that the other nominee is brought to the House for vetting going forward. Otherwise I thank my Members for a job well done. We look forward to ensuring that success is noted within this department. Thank you Madam Speaker

**Hon. Speaker:** Thank you Chair.

*(Question put and agreed to)*

**Hon. Speaker:** We are going to order number 17 and then we will end with order number 16

**MOTION****ADOPTION OF REPORT OF PUBLIC ACCOUNTS COMMITTEE ON CONSIDERATION OF REPORT OF AUDITOR GENERAL ON FINANCIAL STATEMENT OF NAIROBI CITY COUNTY EXECUTIVE FOR YEAR ENDED 30<sup>TH</sup> JUNE 2016**

**Hon. Speaker:** Hon. Members, we are going to sit until we end with the adjournment Motion.

**Hon. Winfred Odalo:** Thank you Madam Speaker for this opportunity. I beg to move that this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the financial statement of Nairobi City County Executive for the year ended 30<sup>th</sup> June 2016 laid on the Table of the Assembly today Thursday 3<sup>rd</sup> May 2018.

Madam Speaker, I will be brief. This report of the Auditor General was committed to the PAC on 7<sup>th</sup> November 2017 for consideration and reporting. Article 229 (8) of the Constitution provides that within three months after receiving the report of the Auditor General, parliament or the County Assembly shall debate and consider the report and take appropriate action.

It is on this basis that this report has been produced by the Committee for consideration and adoption by the County Assembly. In the same vein Hon. Speaker, I want to sincerely thank you on behalf of my Committee for having considered our requests for extension to allow us finalize and consider the report. While considering the report Madam Speaker, the Committee met and interrogated County Executive Officials, especially the acting Chief Officers and various witnesses including the former officers. However, the Committee received written submissions from the witnesses.

Allow me Madam Speaker to thank the entire Membership of this Committee for its hard work and commitment which made the taking of evidence and production of this report a success. Madam Speaker, allow me to congratulate the secretariat and more so one Shadrack Makhoha for his tireless work.

The report of the Auditor General raised issues that hamper effective service delivery to Nairobians, especially during the year under review. The issues include financial mismanagement, poor financial policies and non-compliance with Public Finance Management regulations. In this regard we have recommended several recommendations based on the law. Indeed our mantra as a Committee is that financial accountability is non-negotiable. Hon. Speaker, the issues that have been raised include;

1. Poor and improper financial record keeping: The Auditor General raised issues regarding poor financial record keeping and non-submission of key accounting documents such as the trial balance and ledgers at the time of audit. The Committee recommends that all Accounting Officers must institute measures to ensure that their departmental entities adhere to International Public sectors accounting standards consistent with the Public Finance Management Act 2012. In addition, the Committee has recommended that the administrative action be taken against the relevant officers. I repeat, that action be taken against the relevant officers that have neglected their duties and report to the relevant professional bodies for their misconduct.
2. Lapse in local revenue collection and accountability: The Auditor General revealed that during the period under review, the County Government on several occasions spent local generated

- revenue at source contrary to section 106 (2) of the Public Finance Management Act 2012. This in the opinion of the Committee is a representation of the misappropriation of funds and tactics to evade accountability of relevant officers. In addition, the report of the Auditor General raised concerns regarding non accountability in street parking collection where motorists and County officials collude to evade payment of parking fees. The Committee has in this regard recommended that for immediate automation of all local revenue collection especially parking fee revenue collection and immediate sweeping of all local collected revenue to County revenue fund. In addition, the Committee has recommended that the parking attendants and relevant officers who occasioned loss of public funds be sanctioned.
3. Challenges on operations of Jambo Pay revenue collection system: This was a prior year audit query which the first Assembly had considered and made recommendations but they were never implemented. The Auditor General raised concerns over the delay of remittance of the collected funds to the County Revenue Fund (CRF) account. Evidence presented to the Committee indicated that on one occasion, on 21<sup>st</sup> January 2015, Ksh 2, 829,000 was delayed for remittance to CRF account by 57 days while on other occasion on 2<sup>nd</sup> February 2018 Ksh. 51,000,000 was delayed for 6 days. In this reply, Webtribe limited, the provider of Jambo Pay revenue collection system accused Cooperative Bank for the delay. The Committee believes the delay is meant for trading with the County funds for personal interest only known to Cooperative Bank and Webtribe. In this regard the Committee has recommended that the County Government should invoke the provision of clause 17 of its agreement with Webtribe and terminate the agreement following the breach of clause 29 and clause 25 of Webtribe. In addition, the County Government should within 5 months of the adoption of this report develop its own internal and full proof automated revenue collection system.
  4. Valuation of procurement law and procedures: The County Executive undertook several procurement exercises. However the Auditor General noted that procurement laws were violated. For instance, in the ICT sector price for purchase of furniture was inflated and supporting documents for the entire procurement process unavailable. The Committee has consequently recommended for reprimand and surcharging where applicable for all officers involved in irregular procurement.
  5. Misappropriation of funds especially in legal fees: One of the areas where public funds were brutally misappropriated during the period under review was expenditure on legal fees. The Auditor General reported that the County Treasury paid Ksh. 508,200,000 outside IFMIS for legal cause contrary to National Treasury regulation and a part of that said amount totaling to Ksh. 480,000,000 was paid outside the approved budget of Ksh. 100,000,000. No supplementary budget was presented for the approval by the Assembly to regularize the same. In compliance with section 135 of Public Finance Management Act 2012. In essence the County Treasury

- illegally spent Ksh. 480,270,000 being money for Nairobians and never bothered to regularize the same. The Auditor General went further to raise issues on whether the County got value for their money on the illegal expenditure since the basis of the expenditure was questionable. The Committee has consequently recommended for prosecution of the County Executive Committee Member for Finance, Economic Planning and CFO for breach of law. In addition the Committee has recommended for overhaul of the Legal department and forensic audit of all pending legal fees before being settled by the County Government.
6. Huge Pending Bills: The County has huge pending bills amounting to 48 billion. The Auditor General raised concern on the validity of the pending bills. Notably, some of the pending bills are as a result of non-submission of employee statutory deductions. The Committee is in support of the Pending Bills Committee established by His Excellency the Governor and has recommended that the said Committee conduct a forensic audit of all pending bills before they are settled with the priority on the historical bills. In addition, the Committee has recommended for immediate remittance of employee statutory deductions especially to the retirement benefit schemes.
  7. Mariakani Estate debt swap: While the Auditor General observed that the debt swap was irregular, the Committee observed that;
    - I. A debt swap is a legal and acceptable means of settling debts between two entities and therefore the transfer of Mariakani Estate to LAP Fund through a debt swap was always well intended since it helped to reduce the outstanding balance. The defunct City Council of Nairobi and its successor the County Government owes LAP Fund. Notably the debt was due to the failure of the defunct City Council of Nairobi to remit employees deductions to the LAP Fund.
    - II. Although it is claimed by both LAP Fund and the Nairobi County Government that the property was valued with the initial valuation showing that the property was valued at 1.4 billion and later revised upwards to 1.9 billion as evidenced in the letter Reference NNC/CEM/FEB/354 dated 3<sup>rd</sup> December, 2014. The document given to the Committee did not show any independence and professional evaluation of property thus casting aspersion on the disclosed value of the property.
    - III. The officials of the defunct City Council of Nairobi did not commit any offence by transferring the estate to LAP Fund since it was a debt swap which is an acceptable way of settling debts and it was approved by the Ministry of Local Government by a letter Reference No. MLG/230/231/0N34 dated 1<sup>st</sup> November 2012 as required. In addition, based on the documents submitted to the Committee the process of transfer had been commenced well before the moratorium order stopping such transfer had been issued by the Transitional Authority.

- IV. The process of transfer was not flawed since officers of the County Council namely, the Town Clerk, the Mayor, the Chairperson of Finance Committee, were the ones who executed the transfer documents following a resolution of a special Finance Committee and ratified by the full Council of the meeting held on 10<sup>th</sup> August, 2012 at 8 hours and 10 hours respectively. This was the only avenue where such decisions could be made and therefore with the approval of the parent Ministry.
- V. Despite LAP Fund crediting the Nairobi City Government account with the property the County Government still collects rent from the tenants hence undermining the essence of debt swap and further risking the benefits of the County Government employees and exposing the County Government to unnecessary litigation. This issue has been raised by the LAP Fund and Auditor General in its own report of the financial statement of LAP Fund.
- VI. In the event that the County Government decides to repossess the property it must go through due process which will lead to the County Government incurring unnecessary legal costs leading to loss of public funds. Similarly, the debt owed to LAP Fund will tremendously increase in terms of principle amount and accrued penalty interest leading to further loss of public funds.

The Committee has recommended as follows;

- i. The County Government should not allow any claim against Mariakani Estate since the property was properly transferred to LAP Fund as part of the settlement of the debt owed to the pension fund. However, in future the County Government should desist from selling or swapping residential property as it affects the livelihood of City residents.
- ii. The Chief Officer, Lands, should within 3 months of the adoption of this report engage 3 independent valuers to determine the exact values of property which will be swapped if there will be any and the valuation report be Tabled in this Assembly for variation.
- iii. The County Government should immediately stop collecting from Mariakani estate tenants and allow LAP Fund full possession of the property in order to forestall unnecessary litigation and to safeguard the retirement benefits of County Government employees.
- iv. LAP Fund should not evict the current residents of the estate especially those who are clients of the County Government, both parties should enter into a normal tenant/tenancy agreement with priority being given to the current tenants including an option of tenants purchasing the houses. Should there be need of sale of the houses the current tenants should be given priority of the purchase of the houses if interested. However, in case of any disagreement due process should be followed.

- v. Before the County Government decides to transfer or sell any County property in future there must be adequate public participation with the approval of the County Assembly as required by the Constitution and other applicable laws.
8. Irregular borrowing: Noted in the report of the Auditor General is the outstanding loan owed to Kenya Commercial Bank of 3.4 billion being a pay out of Equity Bank Loan Facility that had been extended to the defunct City Council and now inherited by the Nairobi City County Government. Under new terms of subsequent disbursement of the further 700 million by the KCB to the Nairobi County Government, the Committee observed that from the documents submitted both loans were not properly approved since the County Assembly did not approve the borrowing while the National Treasury did not guarantee the same as required under Article 2(12) of the Constitution.

The Committee has recommended for prosecution of all persons involved in the irregular borrowing and a review of the payment term in view of the illegality committed and the extravagant interest charged on the same. Other issues include irregular location and encroachment of County Government properties where we have recommended that all parcels be reverted to the County Government. The parcels include;

- a. Koma Rock Ward Office
- b. Mtuwini Hospital
- c. Highrigdge Health Center
- d. Nyanyuki Road Stores Depot
- e. Karen Health Center and last but not least;
- f. Highway stalls.

Madam Speaker, it is our belief that our recommendations if adopted will be fully implemented. Madam Speaker, allow me to call the Deputy Chair for PAC one Hon. Njogu to second the Motion. Thank you.

**Hon. Fredrick Njogu:** Thank you, Madam Speaker. I rise to second the Motion.

**Hon. Speaker:** Hon. Waithera.

**Hon. Beatrice Waithera:** Thank you, Madam Speaker. Allow me to confirm from you and the Chair on the report that he has just read because I cannot see part 6 and 7, the one he read under 'irregular transfer of Mariakani Estate' which actually falls under my Ward. I want to know where he is reading from because the report that I have does not have part 7 and 8.

**Hon. Speaker:** Chair.

**Hon. Wilfred Odalo:** Thank you, Madam Speaker. The one I have just read is the summary of the report and the larger part of it which I tabled contains everything. This is just a summary because of time.

**Hon. Speaker:** Okay. Hon. Waithera, you will get it in the main report. Who is your seconder? Oh yes, you seconded. I will put the question.

*(Question proposed)*



**Hon. Speaker:** Hon. Obuya and Whip, you have to get your cards.

**Hon. Peter Imwatok:** I have applied already, Madam Speaker, it is coming and the able Clerk is working on it. Thank you, able Clerk, for working on my card. Madam Speaker, in the history of the PAC allow me to first of all to congratulate the members of the Public Accounts Committee, in particular the most powerful Vice Chair, Hon. Wilfred Odala aka *Ndingding*. *(Laughter)* Madam Speaker, to me sitting here and reading the history of PAC where I was the first Chair before this very Assembly, back then we did not understand the Commonwealth practices of Parliament but PSC was an opposition seat.

Therefore, Madam Speaker, I must say that I am very proud across the political divide of all the members of PSC. In the history of PAC for the first time a comprehensive report is read with authority and more so with accuracy and determinant results has been read before this House. Madam Speaker, I want to single out the basics but I feel that to this end PAC has done us proud and I believe all Nairobians and the entire Fourth Estate having this report tomorrow it will flash around all the cables in all the media outlets.

Number one, PAC Nairobi County Assembly you have made us proud to acknowledge JamboPay is a problem to this County and authoritatively the ball now shifts from the Public Accounts Committee from this important Assembly to the Implementation Committee led by our able Majority and Minority Leaders and the Speaker. Therefore, with speed for us to collect Nairobi to its feet, JamboPay must go. For us to make sure that Nairobi stand firm again with accountability that is transparent and open and verifiable and well audited, JamboPay must go. Madam Speaker, allow me to speak about the legal fees. This is what we saw on social media all stakeholders have been accused of, I want to confess to this Assembly that I have never been part of a cartel in the legal fees in this County.

I am proud of the PAC to put a stop to this and we must say congratulations, PAC. Number 3, Madam Speaker, I want to talk about the issue of the pending bills. Indeed the PAC has put clear the amount we are owed as a County and that is [Kshs] 39 billion plus [Kshs] 5 billion. That is the equivalent of [Kshs] 44 billion not [Kshs] 60 billion that I hear of on a daily basis on the cables. The last point, Madam Speaker. The most emotive and important aspects in this County for the last 5 years and this very aspect made me write a letter to resign from the Public Accounts Committee in the year 2016, the Mariakani elephant. Today the Committee of PAC you have made me proud that at last you have slain the elephant in the house and that is the Mariakani saga which has always been a conduit of cartels within and without. Madam Speaker, I must say to the Chair, thank you so much, you and your Committee have made us proud and that today one Joe Kadenge can sleep comfortably that he has a chance to buy a house in Mariakani for his grandchildren to stay in.

Therefore Chair, I am proud of you and all the 19 members. Also, to this Assembly, this is not a question of who and where, it is a question of saying let us adopt this report and more particularly for the prosecution of all those people who have committed illegalities and irregularities in this County. Moving forward Madam Speaker, allow me to say this, that the ball has shifted from the Public Accounts Committee and has now been shifted to implementation and we will ask you questions and we believe that you will answer these questions as per this report. I beg to support and I say *viva, viva* PAC.

**Hon. Speaker:** Hon. Elias Okumu.

**Hon. Elias Okumu:** Madam Speaker, as I stand to support this Motion I think in the Presidential speech at the National Assembly yesterday he said clearly that he is going for the big fish. So, let us not look

at who was there before even if they *were Luo, Kikuyu, Mkamba* etc, you are not above the law. The President said yesterday that you are not above the law so this thing of your duty is always to loot public funds, then your neighbours are saying that this man is very rich and you are rich because of looting. These people who loot Nairobi, let them be prosecuted and we are going to follow up on the implementation of this.

At the same time Madam Speaker, what the President said yesterday, Jubilee side should also stretch your arms for our sake, let us greet one another because yesterday I saw forgiveness was a lot in the Republic of Kenya yesterday but we are not going to forgive those who steal from us. That is a no and it is going to be a lesson for those who do it. So, even the Chief Officers whom we approved just a few minutes ago, they should take into account that the world is watching you so do not go there and loot. Therefore, I support Madam Speaker.

**Hon. Speaker:** Thank you very much, Minority Leader and also for that reminder from the President. Hon. Anthony Karanja.

**Hon. Anthony Karanja:** Thank you, Madam Speaker. I am a Member of the Public Accounts Committee and I am happy for what I have heard. Madam Speaker, I was afraid that we might let this County down by not pointing at Jambo Pay and that is the theft of the 20<sup>th</sup> Century and I am glad that the PAC has recommended that we cancel and terminate this contract. Madam Speaker, I think traditionally the Executive has 90 days to implement the recommendations of the Public Accounts Committee and also being a member and I am also a part of the report that says people should take personal responsibility for their actions. Madam Speaker, I have seen recommendations like sanctioning of relevant officers, prosecution of the CEC and the CFO for breach of law.

Madam Speaker, we know and we have seen that they circumvented IFMIS for their own personal gain resulting in the loss by over expenditure of 480%. The only reason we found as this Committee for overspending and paying outside IFMIS was simply to steal money from the tax payers. Madam Speaker, I am happy and I hope the relevant Committees will oversight the Executive to implement and to make sure that this County is free and that we are able and responsible and accountable to the people who brought us here. Thank you.

**Hon. Speaker:** Delegate 00132.

**Hon. Peter Warutere:** Thank you, Madam Speaker. The gods have a way of doing things and I am sure that it is by the choice of the gods that your birthday coincides with this report because this is going to be a new birth for Nairobi. Madam Speaker, this report has been well thought out, I am a Member of that Committee and through the leadership of our able Chair and the work of the Clerk Assistants, Madam Speaker, we have worked on this report day and night, some of us have not been sleeping. As you all know I am one of the few brains around and I had to really work hard. Madam Speaker, there is just one point because I do not want to repeat what people have said and I think we are going to have to look at it in the next report and it is the issue of the department of internal audit.

Madam Speaker, we have a fully-fledged Internal Audit Department that has been sitting pretty, that has a budget and all these malpractices have been happening as they watch and they do not have any other job in this County. Their job is to make sure that things are done right. It surprises me that external auditors

can find so many flaws in the working of this Government and we have an Internal Audit Department that has not even raised one finger.

Madam Speaker, those of us who had a chance of serving in this Assembly in the last regime and off course the new Members, will realize that when you are following up bursaries, all your files will be stuck at the Internal Audit. They will go through those files with toothcomb, page by page, sentence by sentence, letter by letter and they will make sure there is no flaw in the bursaries. Why don't they do that to people who are stealing from Nairobi? I don't want to deal with other issues because I am sure Members are going to talk about that issue but this Assembly has a duty and is bound by the laws. We cannot continue to look at things after people have stolen from us. We cannot be looking at the funds of Nairobi County when people have already stolen. This is not a morgue. We should make sure people are responsible and do what they are supposed to do. Thank you, Madam Speaker.

**Hon. Speaker:** I will give each person two minutes. Hon. Leah Naikanae.

**Hon. Leah Supuko:** Thank you, Madam Speaker. I also rise to support the report. I am not a member of the Committee but having gone through that report, it actually takes a brave committee to come up with tough recommendations like those especially on Jambo Pay who does business with us and who can threaten a Member of this House.

I want to thank the Chair of PAC for doing a good job. I am being reminded here that you are a doctor, I don't know you are a doctor of what but that is good report and I hope that those recommendations will just not go by on paper but should be implemented. Thank you, Madam, Speaker and Happy Birthday.

**Hon. Speaker:** Thank you. Hon. Mary Ariviza.

**Hon. Mary Mwami:** Thank you, Madam Speaker and the Committee. You have done very good job and we hope that this report will be implemented. If it is implemented, Nairobi will move forward because we will have money for bursary and will be paid early. By now we have not been paid because there are some people who are playing with the money of the people of Nairobi. We may blame somebody somewhere, but we have a group that are collecting money and putting them in their own use instead of remitting it to the County Government. I am very happy about the report, it is very comprehensive and if implemented, it will bring very good results.

Secondly, the infrastructures in this City have really been dilapidated. It is very important to know that the Governor and the people of Nairobi cannot be able to move forward with what they have if the money that is supposed to be used for these activities is not there.

I stand here to support these recommendations and we will not be afraid of threats. Those people who think they can threaten us, we will not just sit as people of Nairobi are given poor or no services. The cartels must fall with a thud. I pray that the Governor with his officers that we have chosen today will move quickly so that they can implement this. If these go on, soon we may not get salary. We have to leave Nairobi a better place than we found it. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Jagero.

**Hon. Millicent Jagero:** Thank you, Madam Speaker. First, I want to applaud the PAC Committee which is also watchdog committee in the Assembly. I want to applaud our able Chair and the only doctor who is pursuing the same course under different unit---

*(Laughter)*

---together with the Vice Chair, Hon. Njogu, for taking a firm stand and action for not allowing the entire Committee to be compromised by the report. Different people approach the Committee with intends of compromising but they guided us in taking a firm stand in refusing tips. We are the eyes of Nairobi and the people of Nairobi are watching us. So, if we let ourselves be compromised, there is nothing that we will be doing. The recommendations that were made are at par with the law. So, I stand to support the report. Happy Birthday, Madam Speaker.

**Hon. Speaker:** Hon. Geophrey Majiwa:

**Hon. Geophrey Majiwa:** Thank you, Madam Speaker. As I rise to support the report, I will not forget to congratulate the Committee headed by the so called Dr. Odalo. He has many names but the meanings are known to him alone.

*(Laughter)*

Madam Speaker, there is an area that has really made me happy; they have recommended that valuation should be done in three months so that we get to know whether we are swapping the same values. This is where the catch-22 is. We don't want a situation where 3 or 4 months down the line, people start telling us the value for Mariakani was Kshs.50 billion and yet we swapped it for kshs.2 billion. So, we need that valuation to be done. I believe that in the Government's regulations, there was also a need for the private valuers to jointly do this exercise together with the Government valuers so that we don't get somebody from any quarter giving us a different opinion which will clash with ours that people start saying many things about what we did here.

I congratulate the Committee for the good job and now the buck stops with the leaders. We have seen the Minority Leader giving us his assurance that this report will be followed to the latter. We are looking forward to the Majority Leader also giving us his own commitment so that we don't just sit here and then they start pulling in different directions out there. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Jeremiah Themendu.

**Hon. Jeremiah Themendu:** Thank you, Madam Speaker. I rise to support the Motion and also thank the Committee through their Chairman, Hon. Odalo. I know he is a doctor.

For now, we have Chief Officers and in the report, they are saying the Chief Officer Lands should review all parcels of lands allocated to private persons and entities by the defunct City Council of Nairobi, ascertain the veracity of the leases and revoke irregularly allocated lands so that the lands can be used to develop public utilities. In my Ward, I have a problem because some developers empowered by the defunct City Council, had encroached schools. In Bondeni area, they have allotted a parcel belonging to that school.

I am also happy because we had an issue in this House concerning Jambo Pay. It is very healthy for us to discuss that matter and adopt so that within that period that has been given here by the Committee, they are going to be implemented. I think we should put those guys who are threatening some of our Members out of County business. As we are in this Chamber, we are the voices of the County residents and we should be taken seriously. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Rose Ogonda.

**Hon. Rose Ogonda:** Thank you, Madam Speaker. I must register that Dr. Wilfred Odalo, my able Chairman and the Deputy Chairman of the Public Accounts Committee, and all brains in PAC have done a good job.

Madam Speaker, as you know, in PAC, we have leaders from various departments. We have young ladies who know how to calculate money properly. I very thankful to be the only old guard in PAC and now I am learning a lot and have experience more than before. I was in PAC in the first Assembly. While I am standing here, there is clause on the use of funds for unplanned and unbudgeted activities. If you can walk outside there, you will see women and men who supplied things in these County Assemblies. Women are becoming thin because of these things, their houses have gone and their cars have been taken but nobody is caring about that. I am pleading that when we come back from the recess, let the Implementation Committee do what they can. Let us not drag ourselves like the first Assembly.

I beg to support and say Happy Birthday. You will tell us how old you are now. Thank you, Madam Speaker.

**Hon. Speaker:** I am your age.

*(Laughter)*

Hon. Juliet Ndegwa.

**Hon. Juliet Ndegwa:** Thank you, Madam Speaker. It is prudent for me as a Member of PAC to thank our Chairman, Dr. Hon. Wilfred Odalo and our humble warrior, Hon. Njogu, who is our Vice Chair. They have a way of psyching together; Hon Odalo being the one who has a lot of voice and Hon. Njogu being the humble one. We have learnt how to psyche the Committee. It is also important to notice that this Committee has had quite a few challenges considering that most of us are very new and we actually did not know how to steer this Committee.

If I do not mention our last born, Hon. Ogeto, I might get into problems. He was in the Committee before together with Hon. Rose and they have taught us what to look for, where to look for it, how to find it and how to come up with a report that is implementable.

Without much ado, I would like to support this report and say it has been done impeccably. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Clarence Munga.

**Hon. Clarence Munga:** Thank you, Madam Speaker. Let me wish you a happy birthday. I also take this opportunity to support the report of Public Accounts Committee. Having gone through the audit queries and as a Member of the Committee, and having interrogated all that were mentioned in the audit report, I want to congratulate the Chairman, the Vice Chair and all the capable Members of PAC for having worked hard and ensure that we come up with resolutions that will help this County move forward.

If you look at the way they handled the issue of land, they said in the recommendations that all the land that was acquired illegally should be brought back to the County. If you also look at the aspect of legal costs, you will find that all the law firms that were trading with the County colluding with the Legal Department to fraud the County, the recommendation of the Committee is that they should be blacklisted and ensure that they don't trade anymore with the County. I want to thank the Committee for working hard and making sure

that all other officers who were working with the County should work with caution to ensure that the public has value for the money. I support, Madam Speaker, thank you.

**Hon. Speaker:** Hon. Members, I will give each one minute. So, when one minute is off, you just sit. Hon. Nyangweso.

**Hon. Esther Nyangweso:** Thank you, Madam Speaker for giving me this opportunity. First of all, let me congratulate my able Chair, Dr. Hon. Odalo and my Vice Chair, Hon. Njogu and the entire PAC, I being a Member. What I will urge the Implementation Committee is to make sure that the recommendations of this report are implemented especially when you look at the pending bills.

The Ksh.39 billion come from accrued bills due to lack of remittance of amounts or late remittance. So, if it is implemented and the monies are remitted on time, we will not have a huge amount on the pending bills. If pensions are remitted on time, our retirees and pensioners will not suffer looking for their funds like now, there are many who are suffering because their monies were not remitted at the pension schemes. Thank you, and Happy Birthday.

**Hon. Speaker:** Hon. Anita.

**Hon. Anita Thumbi:** Thank you, Madam Speaker. I want to take this opportunity to congratulate PAC and the Chair, Dr. Odalo. You realize medical doctors have scientific minds that keep evolving---  
*(Loud consultations)*

Congratulations to the Committee. I have gone through the report and I like the recommendations---

**Hon. Speaker:** Hon. Elias, what is the Point of Order?

**Hon. Elias Okumu:** Hon. Speaker, I think we should not play with some people's professions. To be a doctor, you know what it means. So, there is no way you can come here and call Odalo a medical doctor. Surely!

*(Laughter)*

**Hon. Speaker:** Hon. Anita---

**Hon. Anita Thumbi:** Thank you, Madam Speaker. The Chair is a doctor and I have said doctors have scientific minds that keep evolving and this report can tell you that.

You realize that PAC is very risky Committee. The recommendations are very important and I would urge the Implementation Committee to make sure they implement the same. Thank you, Madam Speaker and Happy Birthday.

**Hon. Speaker:** Hon. Kennedy Odhiambo, do you want to speak on this?

**Hon. Kennedy Oyugi:** Yes. Thank you, Madam Speaker. Let me start by congratulating the Chairman for presenting a very good report. If it can be implemented to the later, Nairobi will be a better place to work in.

However, Chair, allow me to say something that has not been spoken. You are fighting the cartels, you are fighting corruption and you are fighting the corrupt. I want to bring to your attention that corruption fights back. You started on a very clean note, so I would love to help you on this. PAC is the watchdog of this Assembly and the auditors will tomorrow furnish you with their report on the happenings. The corrupt will not let this one go. I believe you are going to oversight the work of the taskforce that has been appointed by the

Governor. Now, as a member of the taskforce, I want to appeal to you to relinquish your position as a member for you to effectively fight the cartels. By so doing, you shall have placed yourself above anyone else in the history of the Assembly of Nairobi. Thank you, Chair.

**Hon. Speaker:** Lastly, Hon. Majority Leader.

**Hon. Abdi Hassan:** Thank you Madam Speaker. I rise in support of the Motion. For the first time the Committee of Public Accounts in this House has come out with extensive exhaustive and far reaching recommendations to this House. On that note, I want to congratulate the Chair of the Committee, the Vice Chair and the entire Committee for a job well done.

Madam Speaker, in the report four things have caught my eye. The first thing is legal fees. Madam Speaker legal fees have become a conduit to freeze this government and the recommendation which this Committee has given will assist this County to save a lot of money. I heard my good friend Hon. Imwatok say that he chaired the earlier PAC but when you look at the report which was produced by the Committee which was deputized by Hon. Imwatok and his cronies, they did not come up with the recommendations which will help this County.

Madam Speaker, the second thing which I saw and felt that this Committee has done a marvelous job, is the issue pertaining to Jambopay. Jambopay has become an eyesore to this County. It needs to go like yesterday, Madam Speaker. As we are speaking, this County cannot access the record of Jambopay. That means that the County cannot verify how much was collected by this company. To save the Nairobians money, Jambopay needs to go.

On the issue of Mariakani Madam Speaker, which my good friend has said is an elephant in the house, I believe Mariakani is not an elephant in the house Madam Speaker. If you go through the report and the documentation process of transferring this property from Nairobi City Council to LAP fund, the process was followed to the latter. There was no law which was breached, Madam Speaker. For the information of this House, the property was not given to private owner; the property came from public entity to another public entity. As we are speaking right now some of us are pensioners at the LAP fund and I think now we are owners of Mariakani estate. I congratulate the Committee which has laid this matter and it has come to conclusion, Madam Speaker. Thank you Bwana Chair and his Committee.

Madam Speaker, the other aspect which I saw that the Committee dealt with is the public property which had been given to private owners and I have seen the recommendation of the Committee that, all public properties which have been given to private owners to be repossessed within three months. I think that is a good recommendation and Madam Speaker this Committee need to be congratulated for the good work. I think no resources of this County henceforth will be lost because of some public officers who don't take their work seriously.

I want to request the Chair of Public Accounts Committee to write to the Auditor General to come up with a special report, special audit, concerning Mbagathi Hospital, Mama Lucy Hospital and Pumwani Hospital, Madam Speaker. We need to decongest Kenyatta National Hospital; we need to know why these three hospitals not functioning? What is the reason behind their malfunctioning, Madam Speaker? Why are people from Kayole leaving Mama Lucy Hospital and going for simple surgery at Kenyatta National Hospital? We need to know what is the problem behind this. I have seen that this Committee is doing a wonderful job

and I think they will cause the Auditor General to come up with the special audit report concerning these three public facilities so that they can come up with recommendations which will make these facilities to become functional facilities.

Madam Speaker with those few remarks, I beg to support the report. Thank you Madam Speaker.

**Hon. Speaker:** The mover to reply.

**Hon. Wilfred Odalo:** Thank you Madam Speaker for giving me time, let me take this opportunity to thank the whole House and more so the leaders for actually being the moderators when things are not good in the Committee. Thank you Madam Speaker, I beg to reply.

**Hon. Speaker:** Thank you very much Hon. Chair. I also want to thank you for making this House proud and I also want to thank the leadership. As the leadership of the House we will indeed ensure that the report is implemented. I want to thank the Majority Leader and the Minority Leader. This is a very serious report. When you look at the results and the questions that the former Prime Minister raised, the questions the President is raising, I want to say thank you for making Nairobi proud.

*(Applause)*

*(Question put and agreed to)*

## PROCEDURAL MOTION

### ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR

**Hon. Speaker:** Majority Leader

**Hon. Abdi Hassan:** Thank you Madam Speaker. THAT pursuant to the provision of Standing Order 29 (1), this Assembly adjourns until Tuesday, 4<sup>th</sup> June, 2018, in accordance with the Calendar of the County Assembly (Regular Sessions).

Madam Speaker the essence of this adjournment is to give room for the respective Sectoral Committee to start scrutinizing the budget. We need this Committee to take serious and to look at the budget items by item. When we come back in June, we need a thorough report which will make this Nairobi move forward. That is the reason why this House today is being adjourned today so that the Committee will have ample time to scrutinize the estimates of 2018-19.

With those few remarks, I will ask my good friend to second me and I also want to wish you a happy birthday Madam Speaker and I think you need to tell us how old are you. *(Laughs)* I heard somebody ask about that. Thank you Madam Speaker. Can the Minority Leader second the Motion?

**Hon. Speaker:** Order!

*(Laughter)*

**Hon. Elias Okumu:** Okay, I second this Procedural Motion for Adjournment because the Leader of Majority is saying that we are adjourning because of the Budget Committee to go and do their work. But also you are going for fasting; I know very well right now what you are going to do.

So it is high time Madam Speaker as we are adjourning this Assembly today, to get bursary cheques to go and give our people during this time because we are going to have time. Why don't we go and pressurize



the Executive side for them to give us the bursary? Because it is the right of the Nairobians. It is not the right for someone sitting on the bursary.

Let us have this bursary my good friend Majority Leader and the Chair of Education, I think she is here also, we want bursary and we want to give our people, because the MPs are fighting us on the ground that we are just doing nothing. So, let us have the bursaries to fight them because at the end of the day, I know Madam Speaker in the near future I am going to support you to be the MP for Dagoretti because the current MP right now is going for Governor's seat in Kisii. Right now I will start calling you my MP because I know you are going to get it this time. Thank you Madam Speaker for all those many remarks, if I wronged you in any way, just forgive me.

*(Laughter)*

*(Question proposed)*

**Hon. Speaker:** Hon. Palapala.

**Hon. Peter Imwatok:** Madam Speaker---

**Hon. Speaker:** Order! Are you Hon. Palapala?

**Hon. Peter Imwatok:** Madam Speaker I am just in the position of Hon. Palapala as I said my able Clerk of the County Assembly of Nairobi Mr. Jacob Ngwele----

**Hon. Speaker:** Stop joking with the House. Okay proceed.

**Hon. Peter Imwatok:** Dr. Jacob Ngwele is going to provide me with one when we come back, he has assured me that. Thank you very much *Daktari Wakili*.

**Hon. Speaker:** Two minutes.

**Hon. Peter Imwatok:** Madam Speaker, I agree with the Minority Leader, yesterday we were in this House and I know the challenges that we have just as stated by the Minority Leader. From 8<sup>th</sup> of August most of us had nothing to give to the electorates even to say thank you for the opportunity to be back in this House and also to be elected. Yesterday our able Majority Leader made an undertaking, we wanted to reconfirm that undertaking that by tomorrow we will have the cheques for the bursaries.

Madam Speaker today I borrowed about Ksh.72, 000/- just to disburse a few kids that I support to go back to school and these kids we sponsor them under our Ward bursary for free secondary school. Madam Speaker, we were waiting this morning and it was postponed to afternoon for the able Majority Leader to explain to us how far it has reached so that when we adjourn this Assembly we are sure that tomorrow we are going to whoever's office to pick our cheques. By this weekend these young poor vulnerable children can go to school, that is the least that we can ask this government other than ask for payments, for brokerage fees, anything just for this poor people, please.

**Hon. Speaker:** Hon. Millicent, Chair Education.

**Hon. Millicent Mugadi:** Thank you Madam Speaker. I would like to answer the House on the issue of bursaries, we have been having a bit of challenges but we are working on them. So I would kindly ask you to be patient. The Majority and Minority Leaders have been helping me fight for the issue but the challenges are not County challenges, they are out of control. Kindly be patient we are working on that and in due course you will have your cheques. Thank you.

**Hon. Jeremiah Themendu:** Thank you Madam Speaker. Though, I may support the argument, but according to my opinion concerning the issue of bursaries we are in a very bad state. In our Wards we are not even able to face our electorates or answer some questions because I think we gave those forms in the end of December and up to now. Even before the day before yesterday we were with the Chairperson at their offices, even at the Auditors' offices. What we found there, the files are there but have not been scrutinized and they are telling us it is only 154 files which have not being verified.

When we headed to Finance, we found only one big file with some of volumes from our Wards, like my Ward, had only two volumes. Now what we are asking, if we are going to adjourn this House today, are we going to be able to follow the same when we are outside this House? And then, they are telling us it is the Comptroller of Budget who is not releasing our money. Even if today the Comptroller of Budget releases our funds, what ---

**Hon. Abdi Hassan:** Hon. Jeremiah this relates to the matters pertaining to bursaries, Madam Speaker. Yesterday I undertook an undertaking to this House on the same, Madam Speaker today we had a challenge and we were with you. Madam Speaker, we spoke to the Comptroller of Budget and she said there was an issue with regulations. She needed changes to it, it was a minor change and we asked our Clerk here to assist the Executive to make sure that the changes were effected today and the regulations were published. As we are speaking now Madam Speaker, the regulations have been published and it has been forwarded to the Comptroller of Budget. I hope tomorrow she will approve the regulation so that the money can be disbursed to the respective Wards.

Madam Speaker, I want to assure the House that by the end of this week even if all the files have not been worked upon, I am a hundred per cent sure that half of this House will get their cheques by Friday. Thank you.

**Hon. Jeremiah Themendu:** Madam Speaker, I can agree---

**Hon. Speaker:** Not on that because we are on an Adjournment Motion and---

**Hon. Jeremiah Themendu:** I know that Madam Speaker, let me just agree with my Majority Leader and I support the adjournment of this House today. I think even himself the Majority Leader is having the same problem in his Ward and I beg to support.

**Hon. Speaker:** The mover to reply.

*(Point of Order)*

**Hon. Speaker:** Mover reply. If is not on adjournment, we were not talking about bursaries and this House was adjourning.

**Hon. Abdi Hassan:** I am already on my feet and I don't know---

**Hon. Speaker:** Order Hon. Kennedy, sit down! Hon. Ngesa, is it on the Adjournment Motion?

**Hon. Francis Ngesa:** Yes.

**Hon. Speaker:** Proceed.

**Hon. Francis Ngesa:** Thank you very much Madam Speaker. I think whatever I want to say, is more important than adjournment.

**Hon. Speaker:** Order and sit down. If it is not on Adjournment Motion, I am not giving you the mike. Order Hon. Ngesa! Hon. Kennedy, this is not a shouting Chamber, it is a silent Chamber with rules. That is why we use electronic system and you know what to do. I can't see your point of intervention that is why I have refused to give you and therefore, Majority Leader proceed.

**Hon. Abdi Hassan:** Thank you Madam Speaker and also Hon. Oyugi is standing on the same Madam Speaker. But I want to assure the House even if--- I am replying Hon. Oyugi and I don't think you can get a Point of Order on the same because I am replying.

Madam Speaker with your indulgence on the issue of bursary, the problem that we are having as the finance is the issue pertaining to the Internal Auditor. What I don't understand why are the Internal Auditors examining where the money has not been spent, Madam Speaker. That is unnecessary bottleneck and I am going to ask the Governor to make sure that this process of audit should come after we have spent the money for bursary; it is unnecessary bottleneck which should not be there. I don't know what they are examining and the money has not been spent.

What has made this bursary to stay for a long time is the Audit office and we are going to deal with it. Madam Speaker I want to thank the House and I want also to ask my colleagues to go back to their Wards. Some of them have not even thanked their voters which is a very serious matter, these people woke up at 3 p.m. and others at 2.p.m., Oyugi, to vote for you. You need to go back, thank them because they endured the night cold, the rain, you need to go back there---

*(Loud consultations)*

**Hon. Speaker:** Order!

**Hon. Abdi Hassan:** Madam Speaker there is somebody behind me who is saying that he bought the voters. I don't understand how you can buy a voter, Madam Speaker. I can see my friend is agitated and when he is agitated he can use very bad language, Madam Speaker I beg to reply. Thank you.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members Order! I want to thank you all as we go for recess. I want each side to remember "the handshake" of the President and the former Prime Minister. It is a handshake that you have to take to your Wards and let us have peace in our Wards. Let us be the ambassadors of the President and the former Prime Minister in their agenda to reconcile our country.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, the House stands adjourned to 5<sup>th</sup> June, 2018. at 2:30 p.m..

*(The House rose at 5.26 p.m.)*