



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Fourth Session

Thursday 17th September, 2020

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Geoffrey Majiwa) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

ADDRESS BY THE DEPUTY SPEAKER

Hon. Deputy Speaker: Hon. Members, good afternoon. I take this opportunity to thank the Almighty God for giving me another chance to serve the people of Nairobi City County. I am humbled and I want to thank you all Hon. Member for the Honour you have bequeathed on me as the Deputy Speaker of the County Assembly of this great City County of Nairobi.

Hon. Members, ten years ago, Kenya adopted a new Constitution where one of the Key hallmarks was the adoption of the devolved system of Government. Devolution is at the center of transformation for the County. Article 174 and 175 of the constitution itemizes the objects and principles of devolution. The function revolves around insuring equity in the distribution of national resources, enhancing a sense of belonging to all Kenyans and promoting democratic and accountable exercise of power.

Hon. Members, I acknowledge the diversity of this great county that is the Capital City of the Republic of Kenya, headquarter to various National and Capital City of the Republic of Kenya, and headquarter to various National and International organizations' offices; and the County Assembly being the second largest Parliament after the National Assembly. As a Member, I urge all of you to appreciate implications of being the Capital city. We thus have to give true meaning to the constitutional stipulations that counties are distinct but interdependent. We are required to promote a culture of consultation and co-operation with the National government and national institutions.

Hon. Members, further acknowledging the current circumstances in the County Government, as your Deputy Speaker, my role is to deputize the Hon. Speaker by presiding over the Assembly sittings and

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offering strategic leadership by ensuring the Assembly execute its triple bottom-line being; Oversight, Legislation and Representation in a manner that upholds sovereign representation and Public trust bestowed upon this Honourable House. I will be the Deputy Speaker for all Members, the Majority party, the Minority party and the Independent Member (s) as part of the constitutional responsibilities and recognition.

Hon. Members, the county Assembly requires each of you to play your role for it to deliver on its mandate. I urge you to promote a spirit of give and take and to compromise so that we have as much as it is possible to deliver in a by-partisan manner as possible.

Hon. Members, I urge all of us to never lose psyche of this greater good. Politics is competitive. The County Assembly is for bringing those opposing ideas to the table. As part of that process, they will necessarily be disagreements, which are the nature of multi-party democracy. Competing ideas does not mean enmity neither does it mean demeaning each other.

To this end Hon. Members, the term Honorable means we have to bring honor both to this Assembly and to our positions as leaders. As your Deputy Speaker, I urge all Hon. Members to carry themselves with decorum and to conduct their affairs in accordance with the Standing Orders, the Constitution and other Statutes. I urge you all to put your differences aside and work together to ensure a robust legislation, prudent oversight and responsive representation in the County. As your Deputy Speaker, I promise to serve all of you fairly and faithfully so that together we can make this Second Assembly memorable in the Journey of transforming this greater County and City.

Thank you very much, Hon. Members. May the Lord God bless you all and this great County. I thank you Member.

I take this opportunity also to thank H. E. The President of the Republic of Kenya for supporting the journey for me to get to this position and exhibiting his confidence in me. I equally thank H.E The People's President Hon. Raila Amolo Odinga for showing confidence and showing me the support to ensure that I get to this position. I don't take it for granted and I promise them that I will deliver on their confidence and I will undertake all the responsibilities of the Deputy Speaker and promise to work closely with my brother Hon. Speaker, Bernard Mutura, so that we can ensure that Nairobi County enjoys the peace and tranquility it deserves. Thank you Members.

(Applause)

STATEMENTS

A STATEMENT REQUEST REGARDING THE CLOSURE OF ASSEMBLY MORTGAGE AND CAR LOAN ACCOUNT

Hon. Moses Ogeto: Thank you Mr. Speaker. First and foremost, I want to congratulate you for being elected unopposed as the Deputy Speaker of Nairobi County Assembly since its inception. I have a statement pursuant to Standing Order No. 45 (2) (c). I wish to request for a statement from the Chairpersons of the Public Accounts Committee and the Loans and Mortgage Committee regarding the closure of Assembly Mortgage and Car Loan Account.

Hon. Speaker, the assembly passed the Public Finance Management Act, Nairobi City County Car Loan and Mortgage Fund Regulations of 2017. However, there are allegations that this scheme which was intended to improve the general welfare of the Members and staff has been diverted to serve particular interests of some individuals.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

1. The justification that led to the opening of the Co-operative Bank Account No.0011141232417504 and the signatories thereof;
2. The amount currently in the said account;
3. Reasons for closure of the Mortgage and Car Loan accounts;

(Point of Order)

Hon. Moses Ogeto: Point of order number?

Hon. Deputy Speaker: Proceed.

Hon. Waithera Chege: Thank you, Mr. Speaker. I am on a point of order under Standing Order No. 45 (2) (c). Precedence has been set in this House that if you are a member of a certain committee, then you should not bring a statement on the floor.

Hon. Deputy Speaker: In the statement, I am seeing Assembly Mortgage and Car Loan Committee. It is in charge of the funds.

Hon. Waithera Chege: Can he then revisit his statement?

(Point of Order)

Hon. Peter Imwatok: Standing Order 45 (2) gives every member of this County Assembly to bring us statement based on a specific committee that is not sitting on. When you look at the statement, he is basing himself on Loans and Mortgage Committee. When I reconstituted this committee last week, I dropped Hon. Moses Ogeto because I knew he had issues within the committee. Therefore, the statement is in line with what he is asking. Allow the member to first proceed so that we can query that. Anyone who has interest can declare under Standing Order No.90 what the interest is.

(Applause)

Hon. Moses Ogeto: Hon. Speaker, I want to tell my learned friend Hon. Waithera Chege to relax and listen to my statement. I don't want to engage them; you are the one to make a ruling on the same.

Hon. Deputy Speaker: You cannot be both on your feet. Let me allow him first before you come up.

Hon. Moses Ogeto: Hon. Speaker, thank you for allowing me. Next time I will take her for classes of these Standing Orders.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Justifications that led to opening of Cooperative Bank Account No. 00142417504 and account signatories thereof;
- ii. Total amount in the said account;
- iii. Reasons for the closure of Mortgage and Car Loan Account; and

- iv. Whether Cooperative Bank Account has been observing prevailing Treasury bill rate from 4th April 2016 to date.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Chairperson, Assembly Mortgage and Car Loan? We have to bring in the Chairman, Public Accounts as well. How many days can we agree on to get this response?

(inaudible)

Hon. Mary Mwami: Excuse me, I am here and am in Loans Committee.

Hon. Deputy Speaker: What have you said? Are you concurring with what the PAC is saying?

Hon. Mary Mwami: Three weeks. Three weeks are enough

Hon. Speaker: Are you okay with that, Hon. Ogeto?

Hon. Moses Ogeto: Hon. Speaker, you know, this statement is about the treasury prevailing rates which has never been exercised. Three weeks is not in order, maybe two weeks will be appropriate, I request. Because, Hon. Speaker, this account you can just walk to Cooperative Bank and you get the statement and we know how much they have been depositing and how much has not been deposited to this account.

Hon. Deputy Speaker: Members, I therefore ---

Hon. Mary Mwami: Thank you, Mr. Speaker, two weeks are also okay. I was just giving that so that we can comprehensively do everything but because the Member is stating what is a fact, because those guys at Cooperative Bank in fact are our tenants, we can walk across and get it in two weeks or even less. Thank you.

Hon. Deputy Speaker: Thank you. Two weeks. Loans Committee and PAC, in two weeks you have to get the response. Members, you must also learn that public good takes interest. When Members are questioning expenditure, we must all take interest in that. We can't put roadblocks on public funds when they are looted.

MOTION

Hon. Deputy Speaker: Is Hon. Matara in? That motion is deferred to House Business Committee for re-allocation.

ADJOURNMENT

Hon. Deputy Speaker: Members there being no other business, the Assembly stands adjourned to Tuesday 22nd September 2020 at 9.30a.m. Thank you.

The House rose at 3.17PM