



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 20th February 2020

The House met at 2.30 p.m.

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

PRAYERS

PAPERS

Hon. Speaker: Chairperson? Hon. Jeremiah.

Hon. Jeremiah Themendu: Madam Speaker, pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly, today Thursday 20th February 2020: The report of the Sectoral Committee on Environment and Natural Resources on the inquiry into the environmental pollution in Nairobi River. I beg to lay.

(The paper was laid on the Table)

Hon. Speaker: Report on Education and Vocational Training. Chair of Education?

Hon. Millicent Mugadi: Madam Speaker, brief me what is happening because I was settling in.

Hon. Speaker: You are supposed to table a report for the Sectoral Committee on Children, Early Childhood Education and Vocational Training.

Hon. Millicent Mugadi: Madam Speaker, I beg to be added two more days because we are not ready as a committee.

Hon. Speaker: Hon Mary Ariviza, do you have the report of the study visit?

Hon Mary Ariviza: Yes, Madam Speaker.

Hon. Speaker: Lay it on the Table.

Hon Mary Ariviza: Thank you, Madam Speaker. Good afternoon everybody? Pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly, today Thursday 20th February 2020: The report on the study visit to the County Assembly of Kakamega. I beg to lay.

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(The paper was laid on the Table)

Hon. Speaker: Leader of Majority.

Hon Charles Thuo: Thank you, Madam Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly, today Thursday 20th February 2020: The Report of the Select Committee on Selection on the capacity building retreat of members held from 12th to 17th December 2019.

(The paper was laid on the Table)

Hon. Speaker: Chair of Education, you now have the report?

Hon. Millicent Mugadi: Yes, Madam Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly, today Thursday 20th February 2020:

The Report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the strategic plan retreat held from 29th November to 2nd December 2019. I beg to lay.

(The paper was laid on the Table)

Hon. Speaker: Clerk, proceed.

NOTICES OF MOTION

Hon. Speaker: Chairperson of Environment, Hon. Kamau, do you have the notice of motion?

ADOPTION OF THE REPORT ON THE INQUIRY INTO THE ENVIRONMENTAL POLLUTION IN NAIROBI RIVER

Hon. John Muthiga: Hon. Speaker, I beg to give notice of the following motion: THAT this Assembly adopts the report of the Sectoral Committee on Environment and Natural Resources on the inquiry into the environmental pollution in Nairobi River. Thank you.

Hon. Speaker: Hon. Njihia, do you have the notice of motion?

ABOLISHMENT OF STREET PARKING AND DEVELOPMENT OF POLICY ON ALLOCATION OF PARKING,
PICKING AND DROPPING ZONES FOR PUBLIC SERVICE VEHICLES

Hon. Abraham Njihia: Thank you, Hon. Speaker. I beg to give notice of the following motion: THAT, aware that Article 186 (1) and (2) of the Fourth Schedule of the Constitution of Kenya, 2010, the functions of the county governments among others covers county transport, including county roads, street lighting, public road transport, traffic, and parking; further aware that the city has designated preferential parking zones and bus termini throughout the city with parking restriction for each zone; noting that recent years have witnessed a marked increase in the number of public service vehicles plying various roads in the county; concerned that most streets, pedestrian walkways and on street parking in the city center have been illegally turned into bus stops and parking slots for public service vehicles, which has led to increased congestion and incidences including deaths to pedestrians; further noting that the allocation of parking, picking and dropping zones for public service vehicles was last done in the year 2000; this Assembly urges the County Executive to abolish

all on street parking and pedestrian walkways within the Central Business District and direct all the Public Service Vehicles (PSV) to revert back to the designated bus termini and develop comprehensive policy on allocation of parking, picking and dropping zones for public service vehicles and bus termini in the county. Thank you, Hon Speaker.

PROVISION OF AFFORDABLE FERTILITY CARE BY ASSISTED REPRODUCTIVE TECHNOLOGY INTO PUBLIC SECTOR

Hon. Grace Muthami: Hon Speaker, I beg to give the following notice of motion: THAT aware that under the Article 43 (1) of the Constitution, 2010 provides for the right of every person to the highest attainable standard of health, including the right to healthcare services including reproductive healthcare; further aware that Part 2 of the Fourth Schedule of the Constitution provides the function of the county governments which includes provision of county health services and promotion of primary healthcare; acquainted that infertility is one of the key components of reproductive health yet it remains an entirely neglected problem in Kenya whose main priority is to produce the growing population size through government and donor-funded reproductive health programmes. In support of contraception and population control, it is not surprising that Kenya has no provision of public facility care; concerned that there are devastating consequences of infertility which childless couples face the most severe negative, psychological consequences, and challenges, childless women are frequently stigmatized, isolated, disinherited and neglected by the entire family and even the local community which amplify the guilt and shame felt by the infertility individual resorting into polygamy and severe physical and psychological violence mitigated towards the woman hence driving some infertility women to suicide; further concerned that most couples in Kenya who are struggling with unintended childless cannot afford in vitro fertilization due to high cost of assisted reproductive technology service; noting that affordable costs of assisted reproductive technology would allow couples to seek fertility care early before the age related ovarian factors affect favorable outcomes thus reducing the consequences accompanying childless among couples in the country; this Assembly urges the County Executive in conjunction with the National Government and other stakeholders to develop mechanism to provide for affordable fertility care by assisted reproductive technology into public sector to give the much-needed hope to the now hopeless couples in involuntary childless. Hon Speaker, I beg to lay.

REMOVAL OF GOVERNOR FROM OFFICE

Hon. Peter Imwatok: Madam Speaker, I beg to give a notice of motion to this Honorable House on 20th February 2020.

Madam Speaker for purpose of clarity, my name is Peter Imwatok, the member of Makongeni Ward serving my second term in this Honorable House.

Madam Speaker, allow me to lay a notice of motion for the removal of Governor from office. Pursuant to Article 181 (1) (a) (b) (c) of the Constitution, Section 33 of the County Governments Act, 2012 and Standing Order No. 67---

(Loud consultations)

Aware that Article 73 (2) (d) and (e) of the Constitution of Kenya provides for accountability of a state officer---

(Loud consultations)

(Hon. Silas Matara rose on a Point of Order)

Hon. Speaker: Order, Minority Whip! Hon Members, I need to know the Point of Order when somebody is giving a notice of motion. When you show me, I will give you. I think it was Hon. Silas.

Searjant-at-Arms, this House of 2020 is not going to be a House of shouting. It is going to be a House of Honorable Members who you use the rule of law. You know how to use the rule of law. If you really indeed love your Governor, you know you just need the numbers. The rest is a process.

(A member spoke off-record)

There is no Point of Order when one is moving a notice of motion. Let us not bring drama where there is no drama. Why are you bringing drama? Anyone who loves Governor Sonko must prove to him in the right way.

(Loud consultations)

Order! Order! Searjant-at-Arms remove Hon Warutere out. You are out for one week out! Out! out. One week, working days.

(Hon. Peter Warutere was escorted out of the Assembly)

Proceed, Minority Leader.

Hon. Peter Imwatok: Madam Speaker, thank you for protecting me as a member of Makongeni Ward.

AWARE, that Article 73(2) (d) and (e) of the Constitution of Kenya provides for accountability of a State Officer to the Public, for decisions and actions as a key guiding principle of leadership and integrity; further aware that Section 30(2) of the County Governments Act, 2012 provides for the functions and responsibilities of a County Governor, noting that Section 30(3) of the County Governments Act, 2012 provides for ways in which the Governor's functions ought to be performed; this Assembly resolves to remove the Hon. Mike Mbuvi Kioko Sonko from the office of the County Governor of Nairobi City County, pursuant to Article 181(1)(a), (b), (c) of the Constitution, Section 33 of the County Governments Act, 2012, and Standing Order Np. 67 of the Nairobi City County Assembly Standing Orders, on the following grounds:

1. Gross violation of the Constitution, 2010; The County Governments Act, 2012; The Public Procurement and Disposal Act, 2015; and the Public Finance Management Act, 2012.
 - a) Violation of Section 30 of the County Governments Act, 2012 by willingly refusing to constitute a County Executive Committee that mirrors what is contemplated under Article 179(2) (b) of the Constitution of Kenya and Section 30 (2) (a) and (i) of the County Governments Act, 2012 where close to a half of the County Executive Committee comprises of Members who are serving on an acting capacity for the longest period rendering them to serve under constant fear of being

- sacked/reshuffled by the Governor thus they cannot make any independent/substantive decisions. The effect of which has been a breakdown in service delivery to the residents, revenue collection, statutory deductions, accumulated debts, revenue evasion, death and stagnation of planning department causing deaths, injuries and diseases. (As annexed in the documents)
- b) Violation of Section 12 (1) of the Assumption of Office of Governor No.4 of 2019 (*specifically First Schedule*):
- i. Violation of social contract and more specifically Article 1 of the Constitution, 2010 dealing with Sovereignty and exercise of donated power by the people of Nairobi City County (he has untruthfully and Carelessly Served the people);
 - ii. Violation of Section 30 of County Government Act 2012;
 - iii. Gross violation of the Constitution and other applicable laws;
 - iv. Committed several crimes under National and International laws; and
 - v. Abuse of office or gross misconduct.
- c) Violation of the Constitution of Kenya 2010 Articles 201 (a), (d), (e) on principles of Public Finance, Articles 227 (1) on procurement of goods and services and the Public Procurement and Disposal Act 2005 by failure to adhere to the stipulated dictates of the law in awarding a contract of construction of Dandora Stadium at a contract sum of Kes.1, 036, 551, 224. 80 in the financial year 2017/2018, contract number NCC/ED/T/193/2017-2018. The purpose of the irregular award was not to supply the stadium but for personal gains and kickbacks.
- i. Irregular variation of a contract for the construction of Dandora Stadium leading both to inflation of contract sum, use of substandard materials of construction of the stadium thus occasioning loss of public funds and compromising the integrity of the contract as annexed. (As annexed)
 - ii. Disinheriting poor and unsuspecting members of the public, more specifically a powerless family of their huge portion of land for selfish gain.
 - iii. Irregular implementation of the beautification program led to an expenditure of Kshs 18.75 million without any tangible results on the ground while claiming it is a personal contribution. (As annexed)
 - iv. Irregular payment of legal fees amounting to Kshs 900 million to selected law firms with a motive of defrauding the County Government at the expense of all pending bills in the county.
 - v. Inability to control and manage county debts and clear pending bills as directed by the National Treasury despite the Governor setting up a pending bills task force that incurred public expenditure in terms of sitting allowance, its report has never been public thus creating paralysis in funding of projects and programmes in the county hence low absorption of development vote in the county.
- d) Violation of Article 73 (2) (b) Objectivity and impartiality in decision making and in ensuring the decisions are not influenced by nepotism, favoritism, and other improper motives or corrupt practices;

- e) Violation of Section 30 Cap 3 of County Government Act, 2012 by exhibiting incompetency, inability to provide leadership and govern the country that has to lead a total breakdown of service delivery in the county thereby the county government is unable to perform the following functions as required under Part 2 of the Fourth Schedule of the Constitution of Kenya 2010.
 - i. Refuse collection; most estates within the city are engulfed in waste due to failure by the county government to collect waste across the county.
 - ii. County transport including county roads, street lighting, traffic and public transport: The Nairobi City transport has totally collapsed. The roads are impassable. Traffic congestion is at unimaginable levels including within the Central Business District and the city is engulfed in darkness orchestrated by failure to procure materials for repair, spoilt street lights on the roads.
 - iii. County health services: Most county hospitals have almost stalled in their operations due to constant strikes by health workers, stoppage in supplies of drugs due to failure by the County Government under the leadership of His Excellency Mike Mbuvi Sonko to pay KEMSA, inefficiency by health officers leading to untold suffering of ailing Nairobians, in particular, many clinics across the city.
 - iv. County planning; there are no ongoing approvals of building plans/developments following the shutting down of the planning department by the Governor hence leading to loss of revenue and stagnation of development until last week where the offices were open.
- f) Violation of Article 179 (2) of the Constitution of Kenya, 2010 by willingly failing to legally and procedurally name a deputy governor following the resignation of Hon Polycarp Igathe from the position with an ulterior motive of holding the county government at ransom in the event of a vacancy occurring to the position of the Governor or inability of the Governor to discharge his function thus risking the operation of the County Government to a level of a personal entity. (*Annex 2*).
- g) Subsequently, Miguna Miguna's name was forwarded to the Assembly on 16th May, 2018 and the Assembly requested for particulars of the nominee which the Governor is yet to comply. Consequently, currently, there are 2 nominees of the position of Deputy County Governor from the Governor. As such, the Governor has consistently exhibited a character of disregarding Government institutional procedures of formal engagement. (*Annex 2*).
- h) Violation of Section 30 (h) of the County Government Act, 2012 by failing to chair any meeting of County Executive Committee with no tangible excuse (Section 30 (h) provides that the County Government Act provides that the Governor shall chair meetings of the County Executive Committee);
- i) Non-adherence to the provisions of the County Governments Act and Employment Act by failing to confirm County Executive Committee Members (CEC) and Chief Officers where majority have been in acting capacity for more than the Legally stipulated period.

- j) Violating the provisions of Section 44 of the County Governments Act, 2012 by failing to appoint a substantive County Secretary in the last one and a half years.
- k) Violation of Article 201 (a) (d) and (e) of the Constitution of Kenya 2010 on principles of public finance management, the Public Finance Management Act, 2012 by failing to put in place a foolproof revenue collection system as directed by the county assembly leading to heavy revenue leaks and missed targets which has greatly affected implementation of county programmes and development while misleading the public that the revenue collection has improved tremendously. (*Annex 3*)
- l) Violation of Articles 201 (a), (d), (e) of the Constitution of Kenya, 2010 on principles of public finance management, the Public Procurement Act by acting ultra vires to his powers by recalling a tender that had been awarded to a service provider for provision of consultancy services to undertake a revenue baseline study for select revenue streams against the provisions of Section 153 of the Public Procurement and Asset Disposal Act, 2016 (*Annex 4*).

(Applause)

- m) Violation of Article 201(a) (d)(e) of the constitution of Kenya on principles of public management act, Article 22(6) (5) as well as Article 22(7) (1) on procurement of goods and services where the Auditor General in his report on the financial statements of Nairobi City County executive for the year ended 30th June 2018 annexed observed the following glaring irregularities committed under the watch of the Governor as the chief executive of the county as provided for under Article 179 (4) of the constitution.
 - i. Irregular award of contracts to thirteen (13) contractors at a combined contract sum of Kshs. 419, 847, 395/- and subsequent concealing of procurement documents to evade accountability; (*Annex 4*).
 - ii. Skewed award of a tender to a contractor to grade and gravel selected roads in Tassia Estate at an inflated rate of Kshs. 10, 500, 000/- per km. In addition, despite the contractor having been paid Kshs.49, 356, 480/- the road is yet to be graded and out of the amount paid, Kshs 10,212,516 was paid outside IFMIS; (*Annex 5*)
 - iii. Violation of the Public Procurement and Asset Disposal Act, 2016 by gross manipulation of the actual number of County staff by adding over 2000 more staff to the official staff roll that were insured by AAR Insurance Ltd knowingly that they were ghost workers with an intention of colluding with the Insurance firm in order to defraud the County Government through kick-backs; (*Annex 6*).
 - iv. Unaccounted for cash withdrawal of Kshs.209, 385, 752/- and irregular payment of suppliers an amount of Kshs 381,841,224/- through cash; (*Annex 7*).
 - v. Violation of the Constitution of Kenya 2010 Articles 201 (a), (d), (e) on principles of Public finance, Articles 227 (1) on procurement of goods and services and the Public Procurement and Disposal Act 2005 by failure to adhere to the stipulated dictates of the

law in awarding a contract of construction of Dandora Stadium at a contract sum of Kes.1, 036, 551, 224. 80 in the financial year 2017/2018, contract number NCC/ED/T/193/2017-2018. The purpose of the irregular award was not to supply the stadium but for personal gains and kickbacks. The contract was also irregularly varied in contravention of the Public Procurement and Asset Disposal Act, 2016 where the bills of quantities were varied; (*Annex 8*).

- vi. Terminating ongoing secondary education bursary for orphans and needy students that were unable to proceed with their secondary education for political expediency;
 - vii. Disinheriting poor and distressful members of the public and more specifically a powerless Orphaned family of their large portion of land in Kanamai, Kilifi County in the Coastal region, all for selfish gain and personal enrichment (*Annex 9*).
 - viii. Irregular implementation of the beautification program that led to expenditure of Kshs 18, 750, 000/- without any tangible results on the ground while claiming it is his personal contribution (*Annex 10*).
 - ix. Irregular payment of Legal Fees amounting to over Kshs 900,000, 000/- to selected law firms with a motive of defrauding the County Government at the expense of all pending bills (*Annex 11*).
 - x. Inability to control and manage County debt and clear pending bills as directed by the National Treasury. Despite the Governor setting up a Pending Bills Taskforce that incurred public expenditure in terms of sitting allowances, its report has never been made public thus creating paralysis in funding of projects and programs since contractor's/service providers have either refused to transact with the County or have suffered losses arising from sanctions imposed by their lenders (*Annex 12*)
 - xi. Forcing suppliers to part with between 10% to 30 % as a pre-condition for payment of their pending bills denying the CEC Member for Finance to clear pending bills. (*Applause*)
- n) Violation of Section 30 (2) (k) of the County Governments Act, 2012 by failing to deliver the Annual State of the County Address that would otherwise enumerate the policy direction of the County Government of a capital city.
 - o) Violation of Section 30 (2) (j) of the County Governments Act, 2012 by failing to submit to the County Assembly an annual report on the implementation status of the County policies and plans.
2. Abuse of office/Gross misconduct
- The Governor of the Nairobi City County, His Excellency Mike Mbuvi Sonko, exhibited gross misconduct/abuse of office as follows:
- a) Gross violation of Chapter 6 of the Constitution of Kenya, 2010 by among others bringing the office of Governor into disrepute, thus breaching the social contract between the bearer and the people of Nairobi as subsumed under Article 1 of the Constitution of Kenya, which says, the

supremacy of the people is with the people and can only be exercised by the elected or the special elect.

The Hon. Mike Mbuvi Kioko Sonko has and continues to degrade the character of the people of Nairobi through making contemptuous, malicious and unfounded allegations against them in the social contract between him and the people.

Subsequently, he displays conduct unbecoming before the right-thinking members of the public generally. Using unprintable abuses on them while appearing at times either consuming alcohol in office or and inebriated often.

(Applause)

- b) Gross violation of Article 40 of the Constitution of Kenya 2010 on the Protection of every person's right to property and Section 155 of the Land Act, 201 which bars unlawful acquisition and occupation of property through the forceful dispossession of:
 - i. Land in Kwale and Kilifi County;
 - ii. Land in Mtwapa Mombasa County; and
 - iii. c. Land in Nairobi County.

The County Governor promptly facilitated the irregular transfer of the said parcels

- c) Equally, riding on a good intention of the National Government to issue title deeds to residents of Nairobi especially from Eastlands, the Governor misled residents to pay lawyers Kshs 30,000 per title so that they can facilitate them to acquire the title deeds as promised by H.E. President Uhuru Muigai Kenyatta. Up to date, the residents have never been issued with the title deeds despite having paid. This is defrauding the public yet he is required to protect the same public through lawyers.
- d) Violation of Article 75(1) (c) of the Constitution on conduct of state officers that is demeaning to the offices they hold and Section 11 of the Leadership and Integrity Act, 2012 by publicly insulting members of the public and other leaders and persons, matters some of which legal redress has been sought and others connived to withdraw their legal redress.
- e) Violation of Article 75(1) (c) of the Constitution on the conduct of State Officers that is demeaning to the offices they hold and Section 11 of the Leadership and Integrity Act, 2012 by causing bodily harm to security officers while resisting lawful arrest in Voi which was captured on video. On several occasions, he has been captured on video taking alcohol and other substances in a public office and behaving in a manner that does not befit the holder of the office of the Governor in the Capital City of Kenya.

(Applause)

- f) Unilaterally sacking and suspending of officers through WhatsApp and Facebook in due disregard of Public Service and Human Resource Management Policy Manual that requires officers to be taken through a fair due process thus altering the service delivery of the County.
- g) Resorting to unorthodox means of punishing political opponents and business competitors by misusing his office and county resources to settle scores as witnessed in the cases of the Directors of Marble Arch Hotel located along Lagos Road, Off Tom Mboya Street and Pimp My Ride located along Kenyatta Avenue. (*Annex 16*).
- h) Demeaning the Office of the Governor of the Capital City of Kenya by conducting official engagements when drunk leading to loss of opportunities for the County for instance:
 - i. Global Fund Delegation that was kept waiting for three (3) hours leading to loss of Kshs 15 billion for a pre-arranged collaboration for health sector.
 - ii. PTA bank was unable to build its headquarters along Lenana Road and relocated to Ethiopia denying Nairobians jobs and revenue.
 - iii. Sabotaging the implementation of the President's Big Four agenda under housing by denying investors approval of building plans and asking for kick-backs. Similarly, the Governor has deliberately refused to approve funds towards the Nairobi regeneration Committee as per the agreement.
 - iv. Violation of Section 30 of the County Governments Act, 2012 on failure to promote peace and order by creating gangs and thriving in anarchy and chaos. Further, he has failed to promote order in service delivery.
 - v. Running a parallel government through Sonko rescue team.
 - vi. Failing to facilitate citizens especially persons with disabilities, the elderly and even the staff to conveniently access City Hall Annex by deliberately refusing to repair of lift just because of it being associated with the former Governor.
- i) Misusing public resources for direct family benefit. (*Annex 17*).
- j) Exhibiting conflict of interest in violation of Section 16 of the Leadership and Integrity Act, 2012. (*Annex 18*).

Madam Speaker, I beg to lay the notice of motion with a bundle of documents that I have been relying on to prosecute this motion. Thank you.

(Applause)

Hon. Speaker: Majority Leader.

Hon. Charles Thuo: Thank you, Madam Speaker. I wish to bring to your attention the Standing Order No. 67 (1), and towards the last paragraph of the Standing Order, it talks about the verification of signatures that support a notice of motion. I am not sure whether verification has been done. I wish that you give the House direction and tell us whether verification of the signatures was done. Thank you.

Hon. Speaker: Thank you. I will order that you go to the Clerk's office and verify the signatures.

(Hon. Member spoke off the mic)

Hon. Speaker: Leader of Majority, kindly use the other microphone.

Hon. Charles Thuo: Thank you, Hon. Speaker, I stand guided. Standing Order No.66 (1-5) is very explicit on the verification of signatures. Thank you.

Hon. Speaker: Thank you.

(Point of Order)

Yes, Hon. Matara

Hon. Silas Matara: Madam Speaker, in light of the Standing Orders our Majority Leader has mentioned, I have a question. We have an issue with the Office of the Clerk in terms of who is the substantive Clerk. The Standing Orders states that before moving, a Clerk should verify the signatures. At the moment we do not have a substantive Clerk and we have court orders indicating that one Ngwele is the Clerk of the Assembly. Therefore, who verified the signatures? I am asking that simple question

(Applause)

(Loud consultations)

We are not in a shouting match, Hon. Members. I am standing on a Point of Order asking if indeed there is an issue with the substantive Clerk of the Assembly. Standing Order No. 67 indicates that before moving the notice of motion, the Clerk must verify and issue verification forms to each and every member who appended their signatures in that notice of motion. Therefore, if the issue of the Clerk is in question, then how does this House move a notice of motion without a substantive Clerk?

Hon. Speaker: Can I answer you?

Hon. Silas Matara: Yes.

Hon. Speaker: You are an Honorable Chair who can sit on my seat and execute my mandate as the Speaker. Hon. Member, do you wish to tell Kenyans that the salary you receive is not from the Clerk?

(Loud consultations)

Hon. Speaker: Order! Order! Do you wish to tell Kenyans that this House debated, had an Ad hoc committee and that you are disregarding the same House? Are you saying that the committee that worked on the removal of the Clerk was a committee from outside? Are you disregarding our report today, Hon. Silas? Are you disregarding the work of the House that was executed under the law and the Standing Orders? The law allows this House under Article 21 through the Controller of Budget to ensure that we have a Clerk for the House to proceed. Are you, therefore, saying that the advice given to us by the Attorney General on how to proceed was wrong?

I give you two days to reply to all these questions. Table to us on Tuesday if indeed the report of this House was not a rightful one if the Clerk who runs the duties of this House is not a Clerk appointed by the Board of this Assembly and lastly if the Standing Orders of this House allows us to remove the Clerk when he has abused his own office.

(Point of Order)

What is the Point of Order, Hon. Mary Ariviza?

Hon. Mary Ariviza: Hon. Speaker, I was in the Ad hoc committee that conducted a lot of research and went up to the Senate. The man had forged his being here and to date many members including Hon. Njambi cannot access their loans, which are held up at Cooperative Bank. Are we here to be served by Ngwele or is he here for us to serve him? It is very sad for a member of the Speakers panel to bring disrepute to this very House of which if you were not around, then he would be in your seat chairing. I feel that you need to give us direction on who sits on that seat because it brings dishonor and disrepute to that seat. We undertook a process and he was present on the day but never said anything

Hon. Speaker: Hon. Mary Ariviza, I agree and that is why I have given Hon. Silas Matara the right to come and reply to this House. Thereafter, we shall see how to proceed. Let us give him that right

Hon. Silas Matara: Can I say something?

Hon. Speaker: Hon. Speaker, I have said you will respond on Tuesday.

(Point of Order)

Yes, Hon. Wahinya.

Hon. Peter Kimuhu: Thank you very much, Hon. Speaker. I am guided by Standing Order No. 67.

Hon. Speaker: Which one?

Hon. Peter Kimuhu: In respect to the signatures being verified by a substantive Clerk.

Hon. Speaker: Yes.

Hon. Peter Kimuhu: Madam Speaker, I have heard you clearly. When you said that we receive our salaries through the Clerk who is there and not necessarily the Clerk we are referring to, who is the substantive one?

Hon. Speaker: Hon. Member, who is a substantive Clerk?

Hon. Peter Kimuhu: As far as I am concerned, there is a court ruling that had returned Mr. Ngwele to this Assembly.

Hon. Speaker: Hon. Member, are you saying that this House cannot proceed to execute its business because of the courts?

Hon. Peter Kimuhu: Madam Speaker, I am saying that---

Hon. Speaker: May I ask another question, if this House needs a substantive Clerk, he then must be approved on the floor of this House.

Hon. Peter Kimuhu: Madam Speaker, maybe I can stand guided if you tell me whether we are a House that obeys court orders? That is all I am asking.

Hon. Speaker: We are a House that obeys court orders.

Hon. Peter Kimuhu: Because---

Hon. Speaker: Order! Let me answer you.

Hon. Peter Kimuhu: The signatures are not verified---

Hon. Speaker: Hon. Wahinya, can you sit!

(Loud consultations)

(Hon. Patricia Mutheu spoke off the record)

Hon. Mutheu, who is intimidating you?

(Hon. Patricia Mutheu spoke off the record)

Who are people? Hon. Mutheu, where is your mic?

(Loud consultations)

(Hon. Patricia Mutheu spoke off the record)

I am on my feet! Order, Members! I have said we are not going to play double standards in this House. I cannot chair a House where today we do this law, then the next day we again disregard the law. I am not going to do that. Yesterday, I gave an order here that one Mr. Jacob Ngwele is needed in Dubai for his own case. You want to tell me today in this House, a case that is now at the DCI, I am supposed to bring Mr. Jacob Ngwele to verify signatures? A criminal case? Is that what today the Hon. Members of the Jubilee Party, who know the President is fighting corruption, want? We don't know how Ksh. 6 million was paid in Dubai. I thought you are the majority.

The Leader of the Majority, whom we respect, has said that he will take his initiative to verify. I need you to respect the Leader of Majority in this House.

Hon. Charles Thuo: Hon. Speaker, I wish to pronounce myself on this matter. I agree it is the right of any Member of the County Assembly to give any notice of motion. It is also the right of this Assembly and the right of Kenyans and Nairobians to ensure that the law is followed. In that respect, I requested that we verify the signatures which you have already ruled about. I would, therefore, urge the Chair to expedite the availability of the signatures as soon as possible. In fact, it should be available at the rise of the House so that the members of my party and I who feel disgruntled can move with speed to verify those signatures.

I also want to urge my members that I understand that there are those of us who do not support the impeachment of the Governor. But we cannot, we will not and we should not intertwine the issues of the impeachment of the Governor and the issues of the former Clerk.

(Applause)

I do not support that impeachment. But if you try to bring the issue of Ngwele into that, then we are going to get into confusion that is going to bring all of us into a state of not understanding each other. These are two different things.

Hon. Speaker, we are going to interrogate this motion. We are going to look at the crowd. Let it be known that we are not asleep. We are going to do our research. The responsibility is pegged on the mover of the motion because it is clear under the maxims of the law that it is him who alleges that should prove. We have seven days to look at those. I only urge my members not to react with emotions. We cannot help the Governor when we are outside the Assembly. I need members here.

(Hon. Member spoke of the record)

Hon. Speaker, before I am rudely interrupted, I wish to pronounce myself that it is my wish that we get the signatures to verify at the rise of the Assembly. I urge my members to be calm and deliberate on all the issues.

(Hon. Member rose on a Point of Order)

You cannot rise on a Point of Order when someone is on a Point of Order. Let me enlighten you a bit. Thank you, Hon. Speaker, I stand guided.

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no any other business, the House stands adjourned to next week, Tuesday 25th February 2020 at 2:30 p.m.

(The House rose at 3:45 p.m.)

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