



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 2nd July, 2020

The House met at 2.30 p.m.

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

PRAYERS

ADMINISTRATION OF OATH

Hon. Speaker: Order Hon Members! I want us first to be very calm because I am taking a video for purpose of the courts and therefore we have to follow this procedure. The Hon. Justice Grace L. Njoka in her ruling in the High Court Election Appeal No. 4 of 2028 delivered on 23rd June 2020, ordered that Ms. Perpetua Mbojiwa be sworn in within 14 days. The 14 days are set to lapse on Tuesday 7th July 2020. The consequences of noncompliance of this order is that the Speaker shall be committed to civil jail.

In compliance with the said order for the court, I am hereby set to swear in the said member as per the First Schedule of the County Government Act 2012 and Standing Order 46 of the Nairobi City Assembly's Standing Orders.

Hon Members, Standing Order No. 4 provides that in any other time the oath or affirmation of office shall be administered by the Speaker immediately after prayers. Consequently, notwithstanding the provisions of Standing Order No. 47, and now that this matter is a directive of the courts, I hereby direct the Sergeant-at-Arms to escort and present the member for the administration of oath.

(Loud consultations)

Hon. Speaker: Hon. Members, Order! Order! Order! Hon members of Minority! *(Loud consultations)* Seargent-at-Arms ensure the member is secure.

(Loud consultations)

I am not adjourning the House. Hon. Members of the Minority you can walk out but we are not adjourning the House, but you can walk out. I have given you permission. The Sergeant-at-Arms to ensure that the member is protected.

(Loud consultations)

(Some Members of the Minority walk out)

I Order the Sergeant-at-Arms and the police to protect Ms. Perpetua Mbojiwa.

(Loud consultations)

For the sake of this institution, I want it to go on HANSARD because I will walk with it in court. This is not a joke. I also have children and I cannot go to civil jail because that, and it has to go on the HANSARD that I will walk to court on 8th; that indeed I walked the member into the chamber, it was disrupted and I was unable to swear her in. It should be very clear in the HANSARD. This is my life also; not just the life of one person. And when the Judge orders that I go for civil jail tomorrow, it is not right. I want it to go in the HANSARD that I did my best. For those who will now follow, next I think they will face the Judge, not me. I remove myself from the matter completely and remove the House also from this matter.

(Applause)

(Administration of oath was aborted)

Proceed, Clerk.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I hope no Chairperson or vice-chair is walking out. This time around you must respect this House. If you know you have just taken a position, you are going to stay in this House. You are not going to joke with us, we are removing Chairs because they have not been working, you can't walk out.

(Applause)

Hon. Ndoji, I am on my feet. Hon. Members, I want to thank the different committees and say that indeed after two years it is always important--- I will wait for the vice-chair of PAC to sit first.

Hon. Members, I want to thank all the committees and I want to congratulate those who have been elected to be Chairs. I want also to thank the former Chairs. After two years it is always important to go for elections and to select their Chairpersons.

(Applause)

I also want to thank the Majority side for making this House a 'Handshake' House---

(Applause)

We have abided on what the President wanted and I want to thank him for giving us that opportunity to work together in a handshake spirit. I just want to say these are your chairmen. Kindly Chairs, going forward we are going to reserve seats for you and the vice-chairs, you will be always in the House. The seats shall be marked so that when the members find that you are not coming for two or three times, do not complain when they come [for them]. We want to make the House stronger and more vibrant.

1. Hon. John Kamangu – Chairperson of Committees

2. Hon. Charles Thuo – Chair of Selectin Committee
3. Hon. David Mberia – Chair of Implementation Committee
4. Hon. Stazo Elijah Omungala – Chair of Public Investment Committee
5. Hon. Jayendra Malde – Chair of Justice and Legal Affairs Committee
6. Hon. Joyce Muthoni – Chair of Transport and Public Works Committee
7. Hon. Paul Ndungu – Chair of Trade and Tourism Committee
8. Hon. Millicent Mugadi – Chair of Children and Early Childhood Education Committee
9. Hon. Patricia Mutheu – The Chair of Ward Development Fund Committee
10. Hon. Jeremiah Themendu – The Chair of Environment
11. Hon. Joseph Komu – The Chair of Agriculture Committee
12. Hon. Stephen Gikonyo – Chair of Health Services Committee
13. Hon. Jared Akama – Chair of Water and Sanitation Committee
14. Hon. Wilfred Odalo – Chair Public Accounts Committee
15. Hon. James Kiriba – Chair of Loans and Mortgage Committee
16. Hon. Joseph Kiragu Wambugu – Chair Planning and Housing Committee
17. Hon. Geophrey Majiwa – Chair of Energy and ICT Committee
18. Hon. Peter Wahinya – Chair of Delegated Legislation Committee
19. Hon. Chege Mwaura – Chair of Finance, Budget and Appropriation Committee
20. Hon. Mwangi Njehia – Chair of Culture and Community Services Committee

(Applause)

I know we have the vice-chairs and I want to also congratulate them and I hope I can get the list so that members can know who are the vice-chairs of the different committees. I want to say congratulation but you need to know that this is a task that we must work very closely and ensure that we work with the NMS and revamp back our committees. Thank you.

PAPERS LAID

Hon. Charles Thuo: Hon. Speaker, I wish to lay the following paper on the floor of the House; pursuant to Article 228 (6) of the Constitution of Kenya, I beg to lay the following paper on the table of the assembly today Thursday 2nd July 2020; the report of the Controller of Budget on County Governments; Budget Implementation Review for the 1st half of 2019-2020, I beg to lay.

Hon. Speaker: Thank you Majority leader. Hon. Chair Labour, Geoffrey Nganga!

Hon. Geoffrey Mbutia: Hon. Speaker, I beg to lay the following paper on the floor of the assembly; pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the assembly today Thursday 2nd July 2020; the report of the Sectoral Committee on Labour and Social Welfare on vetting of a nominee to the position of Secretary to the Nairobi City County Public Service Board. I beg to lay.

Hon. Paul Ndun'gu: Thank you Madam Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the assembly today Thursday 2nd July 2020; the report of the Sectoral

Committee on Trade, Tourism and Co-operatives on the site inspection visit to Westland's market on Wednesday 5th February 2020. I beg to lay.

NOTICES OF MOTIONS

Hon. Geoffrey Mbutia: Hon. Speaker, I beg to give notice of the following motion. That, pursuant to Standing Order 191 (6), this assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of a nominee to the position of Secretary to the Nairobi City County Public Service Board. I beg to give the notice.

Hon. Paul Ndun'gu: Thank you Madam Speaker. Hon. Speaker, I beg to give notice of the following motion; that, this assembly adopts the report of the Sectoral Committee on Trade, Tourism and Co-operatives on the site inspection visit to Westland's market on Wednesday 5th February 2020 laid on the table of the assembly today Thursday 2nd July 2020. Thank you Madam Speaker.

Hon. Speaker: Hon. Jayendra, you have a Notice of Motion?

Hon. Jayendra Malde: Yes, Madam Speaker.

Hon. Speaker: Proceed.

Hon. Jayendra Malde: Thank you Madam Speaker. Hon. Speaker I beg to give notice of the following motion: That aware that the county has always been experiencing increased cases of land grabbing over the past years; Noting the many allegations of officers in the Planning and Housing Department who work in cohort with these people in order to acquire land fraudulently or get favoritism to contravene standard building plans and or regulations; Cognizant of the fact that the corruption continues to mar the transfer process of land and properties in the county without the knowledge of the residents living on the such lands; Further noting that relevant department of the county government had continued to remain adamant or complacent to rectify the many anomalies dating back to 2017, giving example of Highridge clinic that is under construction by a private developer, North Highridge School--

(Point of order)

Hon. Speaker: What is the point of order, the board member?

Hon. Maurice Gari: Hon. Speaker, we can't hear what Hon. Malde is saying. I don't know whether he is speaking in Gujarat or what.

(Laughter)

Hon. Jayendra Malde: Madam Speaker, please protect me.

Hon. Speaker: You are protected, proceed.

Hon. Jayendra Malde: Thank you, Madam Speaker. Hon. Members, giving the example of Highridge clinic that is under construction by a private developer, North Highridge School situated in 6th Park Avenue that is allegedly grabbed and Parklands Highridge Ward whose approval for 10 storey was extended for more than 12 storey building;

Deeply concerned that many residents of Nairobi have abruptly been displaced from their lands or properties as a result of politicians and business elites allegedly giving bribes and engaging in corruption activities; Fully aware of the laid down building guidelines and the implication of Chapter Six of the

Constitution of Kenya 2010 on Leadership and Integrity and the Presidents' pronouncement in the fight against graft by the public officers.

This assembly urges the County Executive in liaison with the Nairobi Metropolitan Services to urgently investigate the process followed in the issuance of building approvals and fraudulent acquisition of lands in the county since 2017 that led to many contraventions of requisite buildings and land transfer regulations and issues on residents consultation before transfer of such lands and properties. Thank you Madam Speaker.

Hon. Speaker: Thank you Chair. Hon. Joyce, first I want you to give an undertaking. Did you hear what Hon. Malde was saying?

Hon. Joyce Kamau: No.

Hon. Speaker: You need to get his notice of motion and give us an undertaking on that issue. I will give you a few minutes to read. I know you have a statement but that is a different order.

Hon. Joyce Kamau: Okay. Let me give my statement first.

Hon. Speaker: Wait until I get to that order then.

Hon. Joyce Kamau: Okay.

Hon. Speaker: Proceed, Clerk.

STATEMENTS

REQUEST FOR STATEMENT REGARDING MUSHROOMING OF MODERN KIOSKS AND HAWKERS PARTICULARLY IN PARKLANDS/HIGHRIDGE WARD

Hon. Joyce Kamau: Thank you Madam Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson the Sectoral Committee on Trade, Tourism and Co-operatives regarding the mushrooming of modern kiosks and hawkers in the county particularly in Parklands Highridge Ward.

Hon. Speaker, in the recent past the residents of Parklands Highridge Ward have witnessed increased construction of illegal modern kiosks especially on the road reserves. The presence of the kiosks has resulted in the blockage of feeder roads within Parklands Highridge Ward leading to traffic snarl ups in the area. In addition, these modern kiosks pose a security threat to the residents of Parklands Highridge Ward and Westlands at large.

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

1. Approval of the construction of illegal modern kiosks in Parklands Highridge Ward;
2. Ownership of the illegal modern kiosks in the Ward; and
3. Measures the County Executive is taking to stop the mushrooming of modern kiosks in Parklands Highridge Ward without approvals.

Hon. Paul Ndun'gu: Thank you Madam Speaker. We all know that we are going for recess. I think when we come back we will give her an answer.

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: Order, Minority Whip! It is okay Chair.

(Point of Order)

Hon. Peter Imwatok: You know as a leader of this House, you read a list when I was walking in and I wanted the Majority leader to confirm whether we are dealing with the right person as the Chair of Trade so that this side can have that same rapporteur for purposes of clarity. Minority Whip kindly confirm for me that the member who stood is still the Chair of Trade---

Hon. Speaker: Order! I have already named on the floor of the House and appreciated all the Chairperson. I can see the name of Paul Ndun'gu I No. 8; he is the Chair.

(Laughter)

You are okay, Chair. Don't engage into that. Chair, I have agreed when we come back from recess you can follow up on the matter. There is a response from the Chairperson of Children, Early Childhood and Vocational Training, is Hon. Redson in the House? Proceed, Chair.

RESPONSE TO STATEMENT REGARDING THE ISSUANCE OF BURSARIES

Hon. Millicent Mugadi: Thank you Madam Speaker. The response to a statement regarding the issuance of the bursaries. On Tuesday 16th, the Member for Ngei Ward Hon. Redson Otieno, pursuant to Standing order 45 (2) (c), requested for statement from the Chairperson of the Sectoral Committee Children, Early Childhood Education and Vocational Training regarding the delay in the issuance of bursary forms in the 85 Wards.

Hon. Speaker the Member further asked the Chairperson to inquire into and report on:

1. *Reasons why the sector has not communicated about the formal written concerns raised relating to the issuance of blank bursary forms;*

The acting county chief officer responsible for education, gender and social services stated that the wards have been issued with blank bursaries from communicated individually to the sector and that such forms were replaced accordingly;

2. *Madam Speaker, the list of all suppliers who applied for the tender, those qualified for the tender to put the bursary forms and how much they were paid.*

The acting County officer responsible for Education listed the following four suppliers who applied for the tender to supply forms as per the documents.

- ✓ Kestel Enterprises which had quoted an amount of Kshs. 745,200,
- ✓ Belivent Enterprises which had quoted Kshs. 558,000,
- ✓ Judly Enterprises which quoted Kshs. 652,050,
- ✓ Joh Cata Agencies limited which quoted 625,650.

3. *Madam Speaker, when the bursaries will be released,*

The Acting Chief Officer responsible for Education stated that the processing of the bursaries was ongoing as per the people who had submitted their documents. However, some 14 documents had not submitted their documents. The Acting Chief Officer stated that the payment of the processed bursaries was to be made when the bursary account is credited.

Observations

During the consideration of the Acting County Chief Officer responsible for Education, Gender and Social Services further observed that there are some Members of County Assembly who had not submitted their bursary forms to the department. Hon, Speaker, this committee urges the Members of the County

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Assembly of the following listed words to submit their bursary forms to the Education Department. The Wards are: Utalii, Dandora IV, Hospital Hill, Kayole central, Clay City, Laini Saba, Utawala, Nyayo Highrise, Dandora II, Dandora III, Sarang'ombe, Maringo/Hamza, Pangani and Imara Daima.

Hon. Speaker, attached here is the response from the Acting County Chief Officer responsible for Education, Gender and Social Services for the reference by the member for Ngei Ward.

I beg to lay the response, but before I do that, Madam Speaker, we have received some communication from some members that Covid 19 has been the reason why they delayed to give their bursaries and once they manage to distribute the forms, they will submit their files. Thank you Madam Speaker. I beg to lay.

Hon. Speaker: Hon. Redson, are you okay with that response.

Hon. Redson Otieno: Yes, I am okay.

BILL

First Reading

THE NAIROBI CITY COUNTY BETTING, ROTARY AND GAMING BILL, ASSEMBLY BILL NO. 3 OF 2020
A Bill for an Act of Nairobi City County Assembly for The Control of Licensing of Betting, Rotary, Gaming and other Premises and other forms of Gaming within the County for authorization of price, Competitions and Public Rotaries within the County, for Imposition of Entertainment Tax and for connected purposes.

MOTION FOR ADJOURNMENT

PENDING BILLS

Hon. Juliet Ndgewa: Madam Speaker, I am standing up on Standing Order 34 (1) *Any Member may at any time rise in his or her place and seek to leave to move the adjournment of the County Assembly to discuss a definite matter of urgent county importance.*

Madam Speaker, I beg to give notice of the following motion on pending bills in the County. That aware the National Government through the Ministry of Finance has released a circular on pending bills and directed that paying off all pending bills in the National Government and the County Government should be concluded before the financial year 2019/2020. Further aware that in much 2020 the County Assembly approved in a supplementary budget for the Financial Year 2019/2020 where a total of Kshs 3.6 billion was allocated for pending bills owed to contractors and suppliers by the County Government.

Madam Speaker concerned that up to date several contractors and suppliers have not been paid their dues considering the current COVID19 pandemic where many people have lost their jobs. Hon. Speaker further concerned that small scale traders especially women, youth and person with disabilities have not been prioritized in the wake of this COVID19 pandemic to safeguard the small-medium enterprises, noting that no adequate measures by the County Executive have been put in place to ensure these pending bills are cleared in the shortest time possible.

Madam Speaker, I have been directed by the National Government this Assembly should adjourn pursuant to Standing Order 34 to discuss the pending bills by the County Government. To bring you up to speed and to enlighten on this in the year 2019/2020 His Excellency pronounced himself on a matter of pending bills in various Counties in this Country the ministry of Finance went ahead and put consideration on how to pay the pending bills.

Madam Speaker, the considerations were:

1. To pay women, youth and people with disabilities and priorities all the companies.
2. It is a fact that they say that small traders were meant to be paid SME people who were owned 5million and below.

Nairobi County has not been able to prioritize these SMEs and even in the wake of this Covid19, no measures have been taken it seems as if it is almost deliberate by the County Government of Nairobi to go ahead and pay people who are not in this particular prioritized list.

Madam Speaker, we have also multinationals that have been holding vehicles that could be used in enhancing services, especially by the SMEs.

Hon. Speaker: Hon. Whip, before you proceed, I would want to see whether you know what the Standing Order says, that at least you should have 20 Members who can support what you want to do. Let us first see whether you have support for that Motion for those who are supporting that pending bill should be paid.

(Several Members stood on their feet in support)

Hon. Juliet Ndegwa: Madam Speaker, you can see that I have more than enough support.

Hon. Speaker: You can proceed!

Hon. Juliet Ndegwa: Madam Speaker, another consideration that was put by the Ministry of Finance is that we should pay pending bills from the oldest to the newest. It is such a sad affair that we as the Nairobi County have a pending bill from 2019 that we owe a supplier Kshs. 9,800. That is a youth in the city that has not been paid since 2019 but we have the audacity to pay a lawyer Kshs. 80 million who worked in 2015. Honestly, this is not the Nairobi I think the President had envisioned.

Madam Speaker, research has been done and consideration has been done on this pending bills that if we were to take anybody who has owed Kshs 5 million and below and if we were to consider the oldest to the newest we will only need Kshs 650 million to pay small traders in this City. I believe that this is something that is happening in other counties. However, if we do not speak up then we find the president losing support just because he has not been able to pay the Nairobi County or it has not been able to prioritize Kshs. 650 million to pay the small traders. What they do is to prioritize the big contractors.

Madam Speaker, it is about time that we look into our mandate and we have just have that human heart that if somebody has a pending bill of up Kshs. 5 million and those are about 600 traders, we only need about Kshs 650 million. I do not understand what is happening in the County Executive and do not understand why people have to go and queue in Akongo's office just because they want a payment done. I do not understand why we have collected so much money yet we cannot pay these small traders.

This afternoon I stand up to plead with my President and with this assembly to agree with me that all these pending bills should be taken over with immediate effect to NMS so that the General can

scrutinize them. Let us first pay the small traders who are owed Kshs 5million and below without having to know anyone and without having to give 10%, 20% or 30% because this is what has made us slaves to this Executive. Honestly speaking Kshs 650 million for 600 small traders! we are doing very badly.

I would like this Assembly to consider the small traders like the mama mboga, the youth and the people living with disabilities who have worked tirelessly and yet some of them have been auctioned, lost some money, properties and families. Even some of them committed suicide or died because of depression and stress because they were owed some little money and some have bank loans which they cannot afford to pay.

Madam Speaker, this bondage of walking to Akongo's office and lining up just to be paid the pending Bill has to stop. Thank you Madam Speaker and I beg hon. Emily Oduor to support me on this one.

Hon. Emily Oduor: Thank you Madam Speaker and thank you for bringing this issue up. Unfortunately, the day before yesterday we had a meeting as Budget Committee, the executive, and our leadership. The saddest bit was Akongo telling us that the lowest amount they owe is Kshs 9,000. It got to a fight as our Minority leader was annoyed.

The idea of paying lawyers and forgetting even our projects and when you see what happens every year the absorption rate of our projects is almost zero. Why? It is because the money comes and instead of taking the money to schools, hospitals or where they the money is needed it usually ends paying pending bills for the lawyers and friends.

We have asked repeatedly as a Budget Committee to let the sectors to be independent so that money can go there so that they can be able to pay their pending bills for example in the education sector let their money go straight there so that they can be able to pay their pending bills and do their projects.

Madam Speaker, two, three years down the line they have refused to do this. When the money comes for the projects they use it to pay the pending bills. It is so shaming when Mr. Akongo was telling us that the least amount of the pending bill is Kshs 9,200. Imagine he was giving us the exact figure and yet two weeks ago he had paid somebody.

Madam Speaker, we need your indulgence since it is not fair for these people. We are so happy the Minority and Majority leaders were there and the Whips confronted him about these pending bills. From the grapevine I hope something is going to happen and I think we can't quote something from the grapevine. Nevertheless, I understand that our Governor was not happy when this issue was brought up in our meeting the day before yesterday. However, I think as leaders we need to stand up and put our feet down and let these people debate. Thank you Madam Speaker, I second.

(Question proposed)

Hon. Geophrey Majiwa: Thank you Madam Speaker, as I arise to support the motion, I would want to express my disappointment in a manner in which we have formed a tradition of delaying statements in this assembly, a scenario that has caused Nairobians a lot of damage. Madam Speaker, if you can remember the same issue that the Majority Whip brought before this House is more or less the same issue that I brought like two weeks ago.

I stated out clearly that there is a situation in finance office where contractors who have been waiting for their payments for many years gave their information to the Akongo office. The office prepared

work plan and went to COB to get money there. When the money reaches their offices they end up paying garbage contractors who are their friends and they do not pay the poor Kenyans who worked for many years, some who took loans from the bank.

I asked a question here, can the Finance and Appropriation committee get to verify for us whether the names these people are paying are the names that the COB released funds for. That has not been answered for Madam Speaker, and now you see Kenyans are suffering and people are just enjoying and misallocating money that does not belong to them to some offices up here.

Madam Speaker as a House we need to find the lasting solution to this matter because we cannot keep to fellows who are holding the entire Nairobi business community at a ransom by doing their own business in their own offices and these are public offices. Even right now they have locked themselves inside there, we do not know what they are doing, and no supplier can go there to follow their payment. Those are public offices. They do not have business locking them and that is not a protected area for them. Therefore, it is high time this house should find a solution and a lasting one for this matter. Thank you Madam Speaker.

Hon. Mbugua Kabiro: Thank you very much Madam Speaker, I keep saying that time and again that we should get an IFMIS account that does not transact but an account that can view all the transactions that are happening in the executive. I think it is time that we applied and got such an account on behalf of the assembly so that the budget office down can be able to monitor all the payments and can wait again on against the approved list that is certified and whenever we are uncertified with the process of the payment we are then able to write to either the treasurer or to CBK not to release the funds.

If we continue this way, we are going to be a dog that is barking at nothing and we are never going to be heard whether we bark or not.

Therefore, let us get an IFMIS Account and let them know that we are in the same platform as they are and be able to double-check and see this is the Auditor General who audited the pending bills and these are payments that are been done. The Budget Office can constantly verify and say this has been paid outside the Auditor General's report, can you please investigate. We need to know what committee will then be investigating. Is it the Budget Committee or is it Public Accounts Committee? This will enable us know whether we are being taken for a ride or not. I keep insisting that we get a no transactional IFMIS account on behalf of the Assembly for oversight purposes. Thank you, Madam Speaker.

Hon. Frederick Okeyo: Thank you, Madam Speaker. When we were sworn in, some of the measures that were put in place were formation of pending Bills Committee which was headed by PLO Lumumba. This was done in good faith, and the end result was that the verification was to be done in a clear and precise way. After which the contractors and suppliers who had done business with the County of Nairobi, were to be paid. It is sad that even after the verification, payments were never done. The Pending Bills Committee's report was very huge book, one of the biggest books I have ever seen in this county. We expected the Treasury and the Finance Sector to act by making sure contractors and suppliers are paid.

In Nairobi County, purchasing power of the residents has gone down because there is no cash flow within the city. Only few people are benefiting. You pay lawyers hundreds of millions but leave small scale suppliers. When a tender is advertised, there is an open tender and reserved tender. A reserved tender is

meant for people living with disabilities, the youth and the women. They have never been prioritized when it comes to payment. The tycoons who get the open tenders are the ones benefitting. The people living with disabilities, the youth and the women have no money to even come and bribe the chief officers or the CECS so that they can be paid. Where will they get the money?

Madam Speaker, I am pleading with the Assembly and the leadership, we have seen from recent events that if it doesn't work, let us push it to the other side so that it can work. Why don't we sit down as leadership and consult with the Cabinet Secretary? This thing has happened. There is a time the CS for Finance wrote a letter that no money will be released to the Nairobi City County because they are not paying pending bills. The head of the Executive ran to the other side and pleaded with them to release the money. It is the same story; the Assembly has tried its best. We have discussed these things several times and we have had several budgets where we have allocated money for payment of pending bills. We have had several supplementary budgets where we have appropriated amounts to be given. Back to the point I was suggesting, if they cannot pay the pending bills, then let the pending bills be also transferred to the NMS.

(Applause)

I like the leadership who are here and you, Madam Speaker. Take this matter seriously and have a discussion, even if it means sitting down with the CS Finance and the President. We are in the 'Handshake' Government but people are suffering. Let us transfer these pending bills to the NMS so that they can be paid there. When we allocate, let us say 4 billion to pay pending bills, it will be utilized to pay the pending bills. 95% of Nairobians nowadays are on loans. Even in this House, I can tell you 98% of the members have mobile loans. It is so sad. Circulation of money within Nairobi is very low.

A person with disability takes mobile money to supply something worth Kshs. 7,000 so that he can get a profit of Kshs. 2,000. They are owed by the county Kshs. 9,000. He is already listed in the CRB because he cannot raise the money to pay. The next available option that these people do is to throw away the sim card and buy another one. It is alarming. Let it be a lesson that if you come to work with it, let it go.

We have changed chairmen here who don't perform, the same thing should be done to the pending bills. If they can't pay it here, let it go to NMS and be paid from there. Thank you.

Hon. Speaker: Thank you, Hon. Okeyo. Hon. Millicent Mugadi.

Hon. Millicent Mugadi: Thank you, Madam Speaker, I rise to support this motion. I think I am one of the few people who have first-hand experience on the issue of the pending bills. I have seen a contractor's property being auctioned because he borrowed money from a bank to come and do a county job but he was never paid. The guy actually died out of stress. It is sad because we are making Nairobians poor. We are giving people jobs yet we know we can't pay them; it is embarrassing. We are not being fair to these people. This county system is not fair to business people who are putting their money to do projects for the county.

I would like to ask the President take the pending bills to the National Government so that they can pay because that is the only place we run to nowadays. It looks like we Nairobi City County cannot make decisions. We don't think about ourselves. People are hurting, stressed and sick because life is difficult. As

much as we are talking about pending bills, we are forgetting about the current status of the finances that are being received in this county.

There is a habit of the Executive asking for money but when the money comes, they end up paying lawyers because they are going to get a kickback from the payment. Money that is supposed to pay insurance, medical covers or voluntary deductions, you realize that they don't use that money for what they ask. We are asking the government to intervene. We are not being fair to the people because few are only benefiting. How on earth do we owe someone Kshs9,000 since the year 2009 and we are in 2020. The person has used more bus fare coming to ask for the money. It is so embarrassing that you have to queue in the office asking to be paid. Unless you have someone who will push for you, you will not get. By the time you get paid, you will have been taxed by the people who pushed for you to be paid. We have seen people dying without getting the money.

Nairobi City County is the only place lawyers are the only ones benefiting because there is what we call in sheng *manusu*, which means half-half. A lawyer will be paid Kshs.100 million, he will take Kshs.50 million and the other half, he knows where he will take it. We can't operate like this. The economy is dry because there is no money which is circulating. We keep asking ourselves why there are no projects. Contractors only do foundations of projects, and when they produce their first certificates, they are not paid. They then leave the project. The cartelism in this county is too much and not making it easy for people to do business.

Madam Speaker, I support this motion. I support that it should be taken to the NMS. I ask Nairobians not to get any job in Nairobi County because they will be risking. You are likely not to be paid. Nairobi has a special clique that get to be paid. If you don't know anybody, please don't risk. This is my message for Nairobians. Please go and use your money for something else. You rather even gamble than give the money to Nairobi. You will be asking Nairobi City County in the year 2030 to pay you. Thank you, Madam Speaker.

Hon. Speaker: Hon. Minority Whip.

Hon. Peter Imwatok: First of all, Madam Speaker, let me thank your office for making me acquire a card that reflects my name. I promise this card will be kept safely by the Majority Whip in her office.

Secondly, I rise to support the motion. What Hon. Millicent Mugadi has said is true. We will advise Nairobians that between now and 2022, if you have money or aspirations to do business in this county, kindly there are many casinos in town. You can gamble your money than bring to this county. This County Executive doesn't have a heart. The Auditor General's report of pending bills has more than 1,000 people. Out of those, about 493 are small scale traders from Kshs70,000 to Kshs3 million.

Madam Speaker, I had an office in 680 Hotel Building. My neighbor next door was doing business in the County Government. As I am talking, that lady takes a matatu home. The Toyota Prado TX vehicle she bought during the then regime was auctioned by the auctioneers of Equity Bank. She has moved from Fedha Estate and now lives in Umoja. What a life! You can imagine the life the kids got used to. This is simply because she did business in Nairobi County.

In my ward, Bevaj Furniture, sorry to quote her, did a construction of a clinic. Up to date, the clinic has not been opened. She has not handed over because she has not been paid just less than Kshs4

million. People of Makongeni Ward have suffered because the contractor has refused to hand over the clinic three years down the line.

As believers of God, it is time we pray to God to assist this County Government including the Governor. The 10% kickback is killing this county. The 10% of Kshs. 4 million, which belongs to God biblically, now belongs to brokers. They don't have even an iota of shame. You will find a chief financial officer (CFO) telling you, "is it 10% or 15%? It is uncouth. I ask this House not only to discuss and go on Hansard, let us act. There is a person a voice of reason will settle to. We have to look at our Standing Orders so that we can start calling the CEC before this entire Assembly to answer some questions on behalf of the County Assembly and the people of Nairobi.

Madam Speaker, people from the other side are drunk from morning to evening. You meet them the following day, they are still drunk because there is money for drinking. When the President is busy inspecting what Nairobians want, people are somewhere in a bar celebrating and tossing whisky. This is a whisky county. You can only reason when you are drinking whisky and watching pornography on phones. These are things that should be told because we get this information. Sometimes Hon. Ogeto says, "tulikosea Mungu wapi?" Where did we go wrong in this County? I pity the Jubilee Party and my President because some people were just forced into Jubilee Party to be elected. It is true the 54 Cambridge Analytica thing is costing this country. Good people were not elected, and bad and rotten people were elected.

There was a time I said on Hansard that the County Executive has changed to be cash office. They are thinking of how much they are going to pay per day. For instance, this week, the County Government of Nairobi has to release Kshs.2.8 billion for salaries and payment of suppliers. If you see on internet banking (IB), there are Kshs.200 million, Kshs.78 million, Kshs.40 million, Kshs. 24 million and Kshs.85 million paid to lawyers. I am happy the Acting Treasury Accountant has changed even suits nowadays. He used to put on suits from Kaloleni where I have a friend of mine who does suits. Nowadays, he has upgraded because the 10% are coming in.

Madam Speaker, we are not only asking the CECs, but even the Ethics and Anti-Corruption Commission (EACC). I want address today the Director of Investigations, Abdi that it is time the EACC moves to the County Treasury and understand what exactly happens. Just last week, the County Treasury requested money from the Controller of Budget (COB) to pay electricity, statutory obligations of the county and retirees. There is a retiree who calls me on daily basis. He has not been paid his benefits of Kshs. 130,000. But when this money was requested last week – I want to address two people, Director of Investigations EACC and the Controller of Budget. Whenever Sonko Administration requests money from the COB, they lie to them that they want to pay electricity, NSSF, NHIF and retirement benefits, but when that money comes--- Even in the garbage collection, there are few companies like Kange Construction and Acacia who are paid every week. Out of more than 2,000 contractors and suppliers, what is unique about two or three companies that in every month they can be paid Kshs.100 million, but somebody who should be paid Kshs. 50,000 is not paid?

Madam Speaker, we want your ruling because you are the boss of this House. We want the CEC for Finance and the Controller of Budget to avail for us all form Ds that were requesting money from the

Controller of Budget, and also to see the IB. Who was paid after the requisition? If indeed the CFO and the Head of Treasury paid somebody contrary, we just have to do it for Nairobians.

Lastly Madam Speaker, maybe to put this point straight and as you say, we must seek the intervention of His Excellency the President, I pity the Jubilee side. On our side we are not businessmen. I can tell you for free we are professionals. But this side of Jubilee is where many businessmen are suffering. Look at Nderitu. A man who went and took a land, did an agreement, paid his Kshs 20 million, went to a bank, took a loan, constructed something of the state of the earth but it was demolished because he was not in the right history of giving Kshs 5 million. He gave the first Kshs 5 million, the second he was told 'no, add more'. It was demolished. That is a Kikuyu, not a Teso. He is not a Luo.

They are the ones suffering. And the business side of the Jubilee are quiet, and it is your government. The only thing we can do is *kipendiree, tumechora, nitaconfirm, nitapanga, tuma kwa whatsapp*. I am told every payment at executive must go through WhatsApp first. I don't know if the Governor of this city understands his role. Kindly Governor Mike Sonko you are not a cashier. You are the chief executive officer of this county. Ian is just there. From morning to evening people are just drunk. Who will read the budget? This is a confused institution.

Madam Speaker my request on behalf of our side is we need to look at our Standing Order when we come back after short recess, we get the CEC's to come full house to answer our questions. After that we put them in check. We sent them home. Madam Speaker a small county like Lamu, Taita Taveta are sending CEC s home. This county with educated minds like Jagero and we cannot do anything! We can't. I can tell you for free we can't. Today we are many because my team is busy. We can't! A CEC comes drunk; you see saliva coming from nowhere! He is still a CEC! History will judge us harshly.

Don't worry. You will be called. God in heaven who took you from wherever and you became the Speaker will protect you from jail, He will protect you from death. Some of us saw it and we are still there. And if you don't want to die who do you want to die? This narrative is sold to us that when you speak today you are told *tutakuweka kopa kwa kichwa*.

Madam Speaker the bible says a man born of a woman his life is kept at 70 years and it is full of troubles and tribulations. At my age I am left with a third of the years to get to 70 years. I am privileged. Madam Speaker this house must stand up and be counted. There is a problem.

Majority Whip, make a name. Martha Karua made a name form Kirinyaga. Let's put an advert inviting these businessmen in Charter Hall over a discussion with them so that the President sees. And I want to take that list and know who are these people. Upper Hill cannot call them. Even the land is not theirs. Everything is a fraud in executive, including the dress code and the fake gold. I am told you normally go and eat with spoons coated with gold. It is fake gold.

Madam Speaker we cannot sit here and wait for God to come and help us. We must show the way to help ourselves. I challenge Majority Whip and side of Jubilee that if you want us to contribute money let us do so to call the small scale traders to meet us at Charter Hall so that the media and President can also see the assembly is working to sort the mess of our people. We cannot continue. I am not a business man Madam Speaker, neither my wife, neither my relative but I feel for Nderitu.

The guy is now bankrupt. Just because someone somewhere is individualistic minded he just want to get money from other people without working hard. Then you walk with *bakora ya gold*, *sijui viatu ya gold*; everything is a fraud. And you are clapping just because you fear *ukifika hapo utapikwa risasi*. I can tell you for free – in campus there is a song we sung and we keep on singing with Ogeto: 'if I die in a battle field tell my mama I did the best'. It is time we had that call in our hearts. That if I have to die in this assembly you have done your best. If your mother is lucky is alive like my mother she knows! There is a time I tell my wife that any day you will hear in the morning at 6.30 a.m. from inspector so or so that 'are you the wife of one Imwatok?' I tell her there are two options she must have. One ask which mortuary it is. Two, what has he done this time around.

I believe what you do must be right. I have always said I have never spoken when I don't have evidence. There is problem in the county treasury. There is no autonomy of any officer to pay anything without sending to WhatsApp to the Governor. *Tukiongea sisi ni wabaya*. We will talk madam Speaker but my request is this, I know we don't have money, I don't have money, this clerks don't have money, members don't have money, even now the former Clerk is in Kiambu wanting to pay our salary from Kiambu. It is normal. Everything that the government of Sonko does is a fraud. Now that the former Clerk is a fraud they are in that fraud. We can sit down as members and leaders and contribute Kshs 30, Kshs 50 and put that advert so that people can share their predicament. When we listen to them the country will listen to them. From there we take a memorandum to the treasury. As leaders of this county we appropriate millions of money but we don't see these billions in people's hands.

I urge the Jubilee side that so far so good. I am happy those joining the leadership of Jubilee that this is the way to go. I was accused sometimes ago in church that I killed a lawyer whom I have never seen in my life. I wonder who I will kill next. Lawyers are finishing the county government of Nairobi. Just simply because if you are paid Kshs 100 million you take Kshs 70 million. It is a syndicate which has to be broken. I know tomorrow I will be arrested for saying this; it is fine but our hearts and spirits will always turn to be counted that we did the right thing.

Madam Speaker keep on fighting. The bible speaks about blessing from the first to the fourth generation. It is not about you and your immediate son and daughter. It is not about me and Sharleen and Andie. It is about grandchildren of Andie and Sharleen. That one day, history will be written when they read the HANSARD that this man said this but he was killed because he said this. If that gets to that level, then we will have to die. I am sure even in God in heaven knows what we are speaking is for humanity not for us. He will protect us. He will guide us but if the call comes to that time we will respond to the call.

Madam Speaker I urge that we make an advert as assembly, invite all this people- the CEC of Finance even if tomorrow so that they share their predicament. We ask the Director General to come there and listen to this women and men of this town. I repeat again: Jubilee history will judge us all but history will judge Jubilee harsher because the businessmen of this town belong to Jubilee. Thank you Madam Speaker.

Hon. Jeremiah Themndu: Thank you Madam Speaker for giving me this opportunity to say something today. I raise to support the motion. First I would like to say business people in our county fear

to work with this county because they are not going to be paid after completing the work. Some have even committed suicide because surety they gave the bank are being auctioned.

Hon Speaker some people outside there say they care for Nairobians particularly youth but I remember we have about 1400 youths who have done for this county fixing the drainage and that is the reason why the floods didn't happen and they have not been paid even a single cent for 8 months yet some people are paying lawyers but cannot care to pay the youths working for our county.

Hon Speaker I would like also to say that the functions handed over to NMS and have pending bills should be transferred to NMS so that they can be paid as the President advised. Lastly we should follow up to make sure the remaining functions and ancillaries left to the county are handed over to the NMS for our work to be easier. With those few remarks I support the motion.

Hon. Millicent Jagero: Thank you Madam Speaker, I rise to support this motion but before I do I Jagero Millicent I never took an oath for a drunk county. I never took an oath to support a drunk county but took an oath to diligently to serve this great county with honesty as per the constitution on the national values and principles.

I want to pick it up from where my fellow colleagues Hon. Mbugua said that we need an independent IFMIS for proper checks and balances. We need to monitor all the payments that are being paid by the executive. On 10th March in this house we as Budget committee passed a budget of Kshs 3.9 billion in order to pay the pending bills but to date we do not know who was paid and not paid. If you walk outside, you will find so many suppliers walking up and down in regard to their payments which are not being given.

It is very unfortunate that some of our members have taken up the task of going to the executive. You will ever find them at the executive following payments of 2017/2018/2019. They have even forgotten their roles of overseeing the executive and roles of representations the people who elected them. They opted to be moving up and down in the executive specifically in treasury to follow these payments in order for them to get the 10 per cent.

Nairobians did not elect us to be getting those 10 per cent. We are supposed to be overseeing this people so that they can be paid in order for service delivery of this great county. We have so many stalled projects. During our site visits when you met suppliers they tell you they cannot continue the work because they have not been paid anything or the amount they been paid is 20 per cent only leaving the projects to stall. When the reports are issued no payment is given. We have had three commissions- the Kidero commission, the Lumumba commission and the final report that was made by the Auditor General.

When we had a meeting as Budget committee at Windsor the report indicated the number of suppliers that were going to be paid. We do not know if they were really paid. We had suppliers with pending payments that their documents were yet to be submitted. We are not sure if they were paid. We request this house if we can be independent to be able to monitor if the payments made are genuine or 'air' payments. We need to heed the President as to the pending payment issue. It has to end because it is becoming a menace in this county. Thank you.

Hon. Speaker: Thank you much. This is a motion that does not have to be put a question therefore I will just give directions. I want to thank Hon majority whip June Ndegwa for bringing this motion and I will

give directions as follows: That the leadership both of minority and majority side with the chairman and vice chair of the Budget committee to sit down and put together all the small pending bills based on the report that we tabled in this assembly that came from the Auditor General and I also hereby direct that the officers of accounting in the executive side to present their invoices in that file to be presented to NMS and they will go and plead with the President to see if we can pay those pending bills before the end of this month. It is hereby directed.

(Applause)

I also want to give directions on the matter regarding the administration of oath. Hon members as the chair I am dismayed with what transpired in the plenary when the chair was about to administer the oath of Perpetua Mponjiwa in a bid to comply with Lady Justice Grace Nzioka's orders under Election Appeal no. 4 of 2018 delivered on Tuesday 23rd June 2020.

As the chair I am always blind to party issues and I have always advised that party issues, if any, should be addressed in political caucuses. On the foregoing, Hon Members, I direct that the Majority Leader, Majority whip and the counterparts- Minority Leader and Minority whip- to join me in my office for deliberations on way forward on the matter after this session, thank you.

PROCEDURAL MOTION

ADJOURNMENT OF THE ASSEMBLY (REGULAR SESSION)

Hon. June Ndegwa: That pursuant to the provision of Standing Order 29(3) this assembly stands adjourned until Tuesday 21st July 2020 in accordance with the calendar of county assembly regular sessions, thank you.

Hon. Speaker: Who seconds?

Hon. June Ndegwa: I ask Hon Jateseo to second.

Hon. Peter Imwatok: Madam Speaker I second

(Question proposed)

Hon. June Ndegwa: That pursuant to the provision of Standing Order 29(3) this assembly stands adjourned until Tuesday 21st July 2020 in accordance with the calendar of county assembly. Madam Speaker we are going on recess; I beg to reply.

(Question put and agreed to)

Hon. Speaker: Hon Members I request also the Sergeant-at-Arms to ensure we have what transpired in the assembly in under the video because it has to go to court tomorrow.

ADJOURNMENT

Hon. Speaker: The house now adjourns until Tuesday 21st July 2020 at 9.30 a.m.

The House rose at 4.20 p.m.

