



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 8th September 2020

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

STRATEGIC RESPONSIBILITY OF THE COUNTY ASSEMBLY

Hon. Speaker: Hon. Members, I have the following communications to convey. I trust that we are all aware and appreciate that the Assembly is creation of the Constitution and its mandate expressed vividly in the County Government Act, 2012. By having delegated powers and public trust from the people of Nairobi, much is expected from the Assembly in ensuring effective service delivery of service to the residents of Nairobi through prudent oversight, responsive representation and robust legislation.

Hon. Members, it is from that institutional vision that I humbly invite you for collaboration toward restoration of the public trust bestowed upon us, in making this city great to live and work in.

ON FACILITATING THE NAIROBI METROPOLITAN SERVICE

Hon. Members, as you may recall during the morning Sitting I underscore the need for concerted approach towards accomplishment of the triple role and the mandate of the county by extension. We therefore recognize that H.E the president is anxious to see Nairobi city restored to its **“City in the Sun”** status. This is evident in his joint initiative with H.E the Governor to bring the Nairobi Metropolitan Services (NMS) on board to enhance service delivery with the support from the National Government Ministries, Departments and Agencies (MDAs).

Accordingly, Hon. Member, the Public Finance, Management Act, 2012 places the responsibility of appropriation of funds for effective rolling out of funds of projects and programmes. In the present circumstance of the transferred functions, it will require adjustments in the normal functioning of structures and budget documents to reflect the new reality of multiplicity of entities.

However, Hon Members, in order to achieve the ultimate goals of service delivery through rolling out of projects, programs and intervention on the ground, I would urge that all the relevant committees to engage with their respective sectors, stakeholders with an aim of conducting a progress examination and stock taking on the deliverables, record challenges faced and table reports with recommendations therein for adoption by the Assembly.

Hon. Members, I trust you are also aware of the current stalemate at the Senate concerning the passage of the Division of Revenue Bill that has seen many programs and activities stall in counties. We therefore urge the national leadership and the Senate to expedite the negotiation on the revenue formula to **enable counties resume operations as trustee of people's power** and interests.

ON COMMITTEE BUSINESSES

Hon. Members, I understand that a number of committees are processing Bills, for instance the Gender Based Violence Bill currently under Second Reading, the Finance Bill and Appropriation Bill anticipating introduction and not forgetting over five other Bills currently under drafting stage. I thank you for the efforts. I trust that going forward, we will have Members sponsor more legislations geared towards transforming the city.

Hon. Members, the oversight role is at the heart of this Assembly and I want to encourage committees to be thorough in examining the respective sector operations and periodic reports on expenditure of the budgets. By doing so, the Assembly will hold the sectors to account on utilization of budget allocations. We will therefore expect reports outlining the challenges and proposed relevant interventions to improve sectoral performance.

ON SECURITY AND BUSINESS ENABLING ENVIRONMENT

Hon. Members on of the challenges that the county is facing is insecurity. We acknowledge the various initiatives by the County to curb crime including installation of CCTV cameras, control rooms and regulation of the public transport sector. However, Hon. Members, it is not enough to install, rather, it requires a deliberate effort to have a dedicated team to run the system and a constant upgrade of technologies. I therefore, call upon the sectoral committees on information Technology, Energy and Communication; and Justice and Legal Affairs to take up this mater ensure the city is secure for the most needed 24- hour economy status.

ON PENDING BILLS

Hon. Members, the county is grappling with settling the pending bills accruing from previous financial years, indeed these bills have contributed to the retardation of efforts of initiation of transformative new projects. Most of the said bills are debts that are owed to suppliers and contractors who delivered adequately on the respective assignments.

The Assembly, in plenary and committees, has made efforts to have this issue resolved. However, much more needs to be done to have this resolved. Hon. Members, we have done this in realization that Nairobi is a business city and by paying the contractors and suppliers, the county will be directly contributing towards good life for its enterprising citizens it will also facilitate growth of business that are at the heart of revenue in the County. I want to therefore to join you in urging the concerned entity to adopt an expeditious model of settling the bills and adopt remedial policies that will encourage non-accumulation of pending bills going forward.

SPEAKER'S KAMUKUNJI

Hon. Members, the office of the Speaker will be engaging all Members in a Speaker's *Kamukunji*, whose invitation, my office shall extend to you in due course. This will help in providing a platform for us as leaders to chat our way forwards and to address any issue that might affect the operations of the Assembly.

You will appreciate that the Speaker's Officer is and should always be blind to party politics in the Assembly, but as a leader, when such situations arises, my office would always provide for *Kamukunji* to arbitrate and enable us iron out our issues in a decorous manner.

Hon. Members, I call for unity of purpose amongst us and with our stakeholders. I thank you Hon. Members.

PAPERS LAID

NAIROBI CITY COUNTY ANNUAL DEVELOPMENT FUND FOR THE YEAR 2021/2022

Hon. Abdi Hassan: Thank you Mr. Speaker sir, pursuant to Section 126 (3) of the Public Finance Management Act 2012, I beg to lay the following Paper on the Table of the Assembly today Tuesday 8th September, 2020: The Nairobi City County Annual Development Fund for the year 2021/2022. Thank you.

NAIROBI CITY COUNTY REVENUE AND EXPENDITURE REPORT

Mr. Speaker Sir pursuant to Section 166 of the Public Finance Management Act 2012, I beg to lay the following Paper on the Table of the Assembly today Tuesday 8th September, 2020: The Nairobi City County Revenue and Expenditure report as at 30th June 2020. Thank you Mr. Speaker sir.

Hon. Speaker: I am guided that the Paper should be taken to the sectoral committee on Finance. Hon. Leader of Majority, are you done? The Third Report should be taken to the Procedures and Rules Committee. Sorry, I stand guided the next report to be tabled by the Chairperson.

Hon. John Kamangu: Thank you Mr. Speaker sir. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the assembly today Tuesday 8th September 2020; The Report of the Select Committee on Procedures and Rules on the amendment of the Standing Orders. Thank you Mr. Speaker.

Hon. Speaker: Next order!

NOTICE OF MOTION

Hon. John Kamangu: Thank you Mr. Speaker. I beg to give Notice of the following motion; That, this Assembly adopts the Report of the Committee on Procedures and Rules on amendment of Standing Orders laid on the Table of the Assembly on Tuesday 8th September 2020. Thank you Mr. Speaker sir.

STATEMENTS

Hon. Speaker: There are two Statements by the same Hon. Member and I believe he is here. Hon. Redson Otieno, you can proceed!

Hon. Redson Otieno: Hon. Speaker, pursuant to Standing order 45 (2) (c), I wish to request for a Statement from the chairperson of the Sectoral committee on Planning and Housing regarding the alleged in fighting for takeover of Sosian Estate in Embakasi by a group dubbed Kiambu Dandora that is said to be in cohort with the Deputy County Commissioner of Embakasi.

Hon. Speaker, Sossian Estate belongs to Group 27 Investment Company Limited, which allegedly purchased land/plots from Amboseli Court Limited in 2014 for Kshs. 14 million. The land/plots details are as follows: LR No. 1400/192, LR No. 15400/455, LR No. 15400/456, LR No. 15400/458, LR No. 15400/461, LR No. 15400/193, and Plot No. 161, 162, 163, 164, 166, 167, 168, 169, 170 and 171.

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

1. Who are the real owners of the said land/plots as per their records;
2. Whether the County Executive and Nairobi Metropolitan Services is aware of the group dubbed Kiambu Dandora that is said to be harassing the owners of Sossian Estate; and
3. Measures the County Executive and NMS are taking to restore order in the above-mentioned land/plots under contention.

Hon. Speaker, the second statement...

Hon. Speaker: You can proceed to read the second statement because both of them are going to the same sectoral committee.

Hon. Redson Otieno: Hon. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral committee on Planning and Housing regarding the encroachment by a private developer in Kayole South Ward.

Hon. Speaker, there have been invasion of public space on Plot No. 2/12 by a private developer in Kayole South Ward whose building accommodates a butchery and a bar that is referred to as Makuti 2000.

It is also alleged that the private developer has gone further to block the pedestrian walkways without consideration of building and zoning policies, which has continued to hinder free movement of people in the area. Hon. Speaker in the statement, the Chairperson should inquire into and report on:

1. Whether the County Executive and Nairobi Metropolitan Services is aware of the encroached piece of land: and
2. Measures that the County Executive is taking to reclaim the public space and ease movement of people.

Thank you.

Hon. Speaker: Thank you. Is the Chair of Planning and Housing in? How long do you think it will take to expedite on that issue?

Hon. Paul Kados: Hon. Speaker, since we are constituting the committee on Planning. I would request for three weeks.

Hon. Speaker: Is that in order, Member?

Hon. Redson Otieno: I was requesting if it can be done in two weeks please.

Hon. Speaker: Two weeks would be okay.

Hon. Paul Kados: Hon. Speaker, very well.

Hon. Speaker: Welcome. Next order!

MOTION

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON PROCEDURES AND RULES ON THE AMENDMENT OF STANDING ORDERS

Hon. John Kamangu: Thank you Mr. Speaker. That this assembly adopts the Report of the Select Committee on Procedures and Rules on the amendment of Standing Orders laid on the table of the assembly on Tuesday 8th September 2020.

Mr. Speaker, we had a meeting this morning and we passed all the amendments that we want to make and the committee made recommendations on what we want to be done. Thank you Mr. Speaker.

Hon. Speaker: Secunder?

Hon. John Kamangu: I request Hon. Nyangaresi to second the motion. Thank you.

Hon. Moses Ogeto: Thank you Hon. Speaker and the Deputy Speaker. I stand to second the Motion despite the fact that the report has not been tabled but I can pre-empt on the report. It is good that such reports should be tabled before the Hon. Members are in the House. I will be pre-empting this motion because it gives some resolutions of the rules and procedures. I want to congratulate the new members of the committee on Rules and Procedures led by you and the Leader of Majority for ensuring that this becomes the first business of the House.

Hon. Speaker, I believe that in these amendments there is an amendment of the County Government Taxation Section 11, which was done on 13th July 2020. I have seen it. It is on the ensuring that the Office of the Speaker and also the Office of the Deputy Speaker are protected widely according to Section 194 of the Constitution of the Republic of Kenya.

Hon. Speaker, the same amendment has the legislation of Standing Order No 247 (1) on a supplement gazette notice 119 of 2020 of Acts of Parliament. As I support this report, I indulge the chairperson who is moving this Motion and the Clerk to give copies to members who are sitting here and those who are on Zoom to know the report and what is amended in the Standing Orders.

Hon. Speaker, the amendments of the Standing Orders and the report, which has been tabled in this House, can be challenged in the court of law. As we pass these reports, there is need to be published in our websites. I have no problem; I am supporting this motion.

(The Speaker consulted the Clerk-at-Table)

Hon. Speaker: Hon. Member, I have been informed that the report is being uploaded.

Hon. Moses Ogeto: Thank you, Mr. Speaker. That is why I am saying that even those members who are following us on Zoom can be in a position to look at this report and be part of it.

As I second, this report will ensure that there is peace and tranquility in this Assembly. I believe that the men and women who are in this committee have sat down and made sure that the amendments will cater for every member who has been elected or specially elected in this Assembly. I believe the Deputy Speaker will ensure that everything works towards peace and reconciliation in this House. I beg to second.

(Question proposed)

Hon. Speaker: **Hon. Members who are on zoom and want to contribute, kindly click on the 'Raise Hand' on your gadget so that I may be able to see and give you an opportunity to contribute.**

Hon. Michael Ogada: Thanks a lot, Bwana Speaker for giving me time once again. I stand to support the Motion before us. One thing we need to appreciate is that the membership of that committee as

we agreed in the morning, are great men and women of this House. They know what is good for the county of Nairobi and what is good for all of us. I am in support of this document.

One, there have been issues with several members. The complaints have come because of many of them not having enough committees. Both sides of the House have always struggled to ensure every member of this House has at least three committees. However, at times it becomes a bit difficult to satisfy and place every member in the three committees. It was therefore in the wisdom of that committee that they felt as a House that we can always try to increase the number of each committee; that is both select and sectoral committee. Therefore, we propose that we improve on our Standing Orders so that we at least have a minimum of 23 members per committee. I think this will create room for most of our members who are not able to fit in other committees.

The other thing is that we appreciate we need peace. As I talked in the morning, I told you one thing we must focus on this time is peace in the County Assembly of Nairobi. I am happy with my counterpart the Majority Leader, we have been in consultation with him and we have realized that if it be that people are lacking committees and it is causing problems, then it is only important that we increase number of members in each and every committee so that people can be satisfied. Therefore, we agreed with and by extension the entire leadership under your guidance, Mr. Speaker.

We have also tried to look at many things which will bring peace in this House. We have said because of the improvement in the Standing Orders, and then we are able to enjoy the peace for the remainder of the term. It will be your business to make sure that there is peace in this House because we cannot afford--- I spoke sometime last year that when you come to my ward and you ask me to show you one thing that the County has done, I will just run away because I am not able to show you any.

Therefore, in other words I am saying we have been slow at the pace at which we are working particularly on the ground. Therefore, we have always assumed that because of the endless noise, squabbles and confusions that is what has made us not to perform well in the ground. Whatever can bring peace in this House will reflect on the ground because we will be able to assist our voters on the ground. If the increasing of the number of membership of committees will bring this peace, then so be it.

Mr. Speaker, because the complaints have been about membership, it is upon us now to go and see if somebody will complain then definitely we will say this is a demon. So, we can only invite pastors, preachers and sheikhs to come and pray. I think this is the time under your leadership that we must enjoy peace and do whatever it takes to ensure that we enjoy it. Thank you very much, Mr. Speaker.

Hon. Abdi Hassan: Thank you, Mr. Speaker Sir. I want to take this opportunity to thank the committee on Rules and Procedures which you chair, Mr. Speaker, by coming up with these amendments. The Standing Orders are rules which govern us in this House, and it needs improvement from time to time so that this House can be governed in a way that it solves issues, which are related to the said committee as my counterpart has said.

Mr. Speaker Sir, what I have seen in these amendments are just three things, first is the changes of committees both select and the sectoral from 19 to 23 and from 21 to 23. That means more Members will be accommodated in these committees and that is good work.

Second, which I have seen is coming up with members' Facilities Committee, which means now that committee will cater for the welfare of Members in this house. The third thing, which I have seen, is amendment on the chairperson who is going to chair the Liaison Committee. As you understand under the new amendment of County Government Amendment Act, we have a substantive office of the Deputy Speaker. Before we did not have a substantive office of a Deputy Speaker, now in order to share this responsibility, the chairing of Liaison has been delinked from the office of the Deputy Speaker and the first **Chairperson of Speakers' Panel will be the one who is going to chair that committee.**

Mr. Speaker Sir I have heard the concern of the Deputy Minority Whip about Members not having **reports, we have few Members in this house, I'll ask your indulgence. In the next coming week it is good to** allow Members to come to this chamber so that they can get an opportunity to discuss this matter on the floor of the House not through zoom so that the concern of my good friend here will be looked into. With those few remarks, I beg to support the report thank you.

Hon. Speaker: Thank you. Hon. Mary Mwami.

Hon. Mary Mwami: Thank you Sir. I take this great opportunity to welcome you. I have not met you personally, face to face and am very honored to have you here. Therefore, you are welcomed sir. I would like to support that amendment so that we can have many people being in committees and being **able to participate because when some people have, let us say, many committees and others don't have; it** has always brought problems.

I take this opportunity just to support that, however I suggest that it may be important for you to publish anything that is of importance and that will be debatable. It should be published so that we are aware of what is there, because we do not want to support and we have not seen anything. However, because of the discussion that has gone on I think if it is on committees it is very important for it to be going on. Therefore, I stand to support, thank you, sir.

Hon. Mellab Atema: Thank you Mr. Speaker. First, I take this opportunity to congratulate you on your election. I also want to take this opportunity to congratulate all the leaders, the current Leader of Majority with his office and I am happy to see a lady among the team. I also want to thank my party and my party leader for having trusted me to serve as the Deputy Minority Leader.

I also want to say peace is what we need in the House as has been mentioned by my colleagues. We want a conducive environment for us to deliver the best to Nairobi County. We also as women want to feel that we are in a secure place as we come to the Assembly and as we do our duties. I am very happy with the Motion because everybody stands to feel like he is accommodated and feel like he or she is representing his people well in the Assembly.

The addition of the committee is going to work very well because if everybody is contented then there will be no noise and people will always feel comfortable. In addition, as we are doing this with the committees I hope the consideration of the ability of where someone can serve well will also be considered so that you are not just given a committee that you do not feel you can really deliver well. We can look into that as leaders of this County Assembly to accept that so and so can do well here and I can do well in another area. As we do that, we are going to share these opportunities very well and we will give you ample time Mr. Speaker.

I want to thank you so much and my party again for my nomination. I promise to work with you well if possible and I pray to God to give me wisdom as we walk together in this journey. Let Nairobi come back **to its glory, because this is a House we've been admiring to come in when we were outside but when we stepped it changed everything but now we are going to have testimonies hopefully that this is the House to be and to deliver in 2020 till 2022.** Thank you very much Mr. Speaker for the opportunity.

Hon. Mark Mugambi: Thank you Mr. Speaker. Mine is also to congratulate you on being elected as the third Speaker of the Second Assembly. Also Mr. Speaker I would like to congratulate both leaderships, that is the Majority side and also the Minority side led by Hon. Guyo and Hon. Ogada.

And as I second the said Motion, I would like to bring to the attention of the Board leaders that we only have 583 days remaining as Members of the County Assembly for the Second Assembly. And mine is **just to let them use their wisdom in guiding us because we've lost two glorious years fighting each other;** and whether be it Members not being contented with whatever they got with the committees - where you have members having six committees and others having two committees. Mr. Speaker with your guidance and with the leadership kindly look into that so that we would not go back into wrangles.

Now you will find that most of us have received letters from the EACC for fights that that none of us participated and as one Member alluded to in the morning session, Hon Imwatok, that most of these fights have come from people outside the Assembly. Therefore, through your leadership Mr. Speaker, I am sure through communication with both the Majority and Minority Leaders, you are going to take us to greater heights. Let us not go back to where we were because we have lost many years and mind you, time waits for no man. So for the remaining few days let us try to grasp whatever we can so that Members of this **Assembly wouldn't go back to where we came from as miserable Members. So for the leadership and for you, kindly guide us diligently.** I second the Motion Mr. Speaker. Thank you very much.

Hon. Speaker: Thank you. May I call now the mover to reply!

Hon. John Kamangu: Thank you very much Mr. Speaker. I would like to take this opportunity to thank all the Members for supporting this important Motion as it was laid. Mr. Speaker I do not have much to say and therefore I beg to move Mr. Speaker. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, the Assembly stand adjourned to Thursday 10th September 2020 at 2.30 p.m. Thank you.

The House rose at 3.40 p.m.