



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Fifth Session

Tuesday 9th February 2021

The House met at 9.30 a.m.

(Hon. Deputy Speaker (Mr. Geoffrey Majiwa) in the Chair)

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk confirm whether we have the quorum.

(The Clerk- at- the Table confirmed there was a quorum)

There is quorum, therefore proceed.

COMMUNICATION FROM THE CHAIR

COMMENCEMENT OF THE FIFTH SESSION OF THIS SECOND ASSEMBLY

Hon. Deputy Speaker: Hon. Members, as you are all aware today marks the commencement of the Fifth Session of this Second Assembly. Accordingly, Hon. Members, I take this opportunity to welcome you all back from the long recess and festive season.

I trust you had all a wonderful and fruitful break together with your families and electorates. It is good to see you all back rejuvenated and ready to execute the duties bestowed upon you under public trust. It is unfortunate that this was happening at the backdrop of a revenging COVID19 pandemic.

However, I am grateful to the almighty God for keeping all of us safe even as we continue to uphold the Ministry of Health guidelines.

Hon. Members, the fifth session presents us with an opportunity to effectively carry out our mandate since I know most of us have now understood the required tools of transacting business in the House. It is also during this session that we have an opportunity to deliver on our promises to the electorate. Therefore, I call Members to adopt a bipartisan approach in considering this business that shall come before this Assembly, so that we can be able to achieve what is best of this great County.

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Hon. Members, as we commence our sittings today our in-tray is already full, as you all know we are in the middle of the budget-making process and we have documents that we need to approve as soon as possible. They include the Annual Development Plan for the year 2021/2022, the County Fiscal Strategic Paper for the year 2021/2022 and eventually for the Budget Estimate for the year 2021/2022. In addition, we have the Constitution Amendment Bill emanating from the Building Bridges Initiatives for consideration by the Assembly.

Therefore, I urge you, Hon. Members to continue working with diligence you have exhibited in executing your mandate for the benefit of Nairobi residents. Lastly, Hon. Members I employ upon all Chairpersons of Committees to fast track pending business before their committees especially proposed legislation, which were in various stages of the consideration, inquiries and statements requests so that our output as an Assembly can be felt.

With that, I wish you a good time as you exploit right your work to the best of your ability. God bless you I thank you, Hon. Members.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE.

Hon. Paul Kados: Thank you Hon. Speaker. That, pursuant to the provision of Standing Orders 163 (1), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business: -

1. The Hon. Benson Mutura, MCA – Speaker & Chairperson
2. The Hon. Geoffrey Majiwa, MCA – Deputy Speaker
3. The Hon. John Kamangu, MCA – Chairperson of Committees
4. The Hon. Hassan I. Abdi, MCA – Leader of the Majority Party
5. The Hon. Michael Ogada, MCA – Leader of the Minority Party
6. The Hon. Peter Gitau Wanyoike - Deputy Leader of the Majority Party.
7. The Hon. Paul Kados, MCA – Majority Party Whip
8. The Hon. Peter Imwatok, MCA – Minority Party Whip
9. The Hon. Esther Waithera Chege, MCA – Deputy Majority Whip
10. The Hon. Moses Ogeto, MCA – Deputy Minority Whip
11. The Hon. Jeremiah Themendu, MCA.
12. The Hon. June Julliet Ndegwa, MCA.
13. The Hon. Peter Muriithi Warutere, MCA
14. The Hon. Jacinta Wanjiru, MCA.
15. The Hon. Peter Wahinya Kimuhu, MCA
16. The Hon. Wilfred Odalo, MCA
17. The Hon. Rose Ogonda, MCA
18. The Hon. Emily Oduor, MCA
19. The Hon. Esther Nyangweso, MCA

Hon. Speaker, I call upon Hon. Imwatok to second.

Hon. Deputy Speaker: Hon. Imwatok

Hon. Peter Imwatok: Mr. Speaker, I rise to support the Motion. As you are aware, this is a very crucial committee that we need now that we are in the process of tabling and certifying the BBI report.

(Question proposed)

Hon. Deputy Speaker: Members? Yes, board Member

Hon. Charles Thuo: Thank you, Hon. Speaker. I want to welcome all Members back to the Assembly. The House Business committee is very important, as it is the backbone of the business of this Assembly and it cannot be run without it.

Just as the Minority whip has rightfully stated, we are entering a very important stage in the life of this Country as we seek to table and debate on the BBI report. Therefore, it is the work of this committee to give us the way forward and allocate the report enough time. We are glad that both sides of the House have come up with the committee and I ask Members to prepare for it so that this Assembly can go into record with the rest of Kenyans as we pass this important report. Thank you very much, Hon. Speaker.

(Point of information)

Hon. Fredrick Okeyo: Point of information, Mr. Speaker.

Hon. Deputy Speaker: Yes.

Hon. Fredrick Okeyo: Mr. Speaker I can see Members are not observing Covid rules in the House. You can see Hon. Suzie, Hon. Oti, Hon. Reki here and Hon. Ayot; you can see the Majority Whip and the Deputy Majority Leader are seated together. Can you kindly ask them to observe the Covid rules?

(Consultations and laughter in the background)

Hon. Deputy Speaker: Thank you, Hon. Members, proceed. Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Mr. Speaker. First and foremost, I want to also give my sincere welcoming to Hon. Members of this House because this is the Fifth Session of this Assembly and we have started with a very serious business by ensuring that we have men and women who have been appointed to the Committee of House Business to perform their duties diligently as we approach the BBI Memorandum Bill.

Hon. Speaker, as I proceed, I want to wish all the Hon. Members in the House and those watching on Zoom a happy New Year and God has ensured that we have reached this year, starting this session by ensuring that we move together as one united House this year.

Looking at the composition of the House Business Committee and also the report of the BBI, which I have had a privilege to look at, it has considered the gender rule, it has considered the youths and it has also considered the old men who will retire from this Assembly, as an example, Hon. Kados. This Committee has considered all stages which are also in the BBI report Hon. Speaker. Looking at this composition, my mind is very clear that I support it and being part of this House Business, I want to sincerely thank my party, Orange Democratic Movement, for ensuring that they believed in me being in this membership of the House Business Committee. With those few remarks I beg to support. Thank you.

Hon. Deputy Speaker: Hon. Kiragu.

Hon. Antony Kiragu: Thank you Hon. Speaker. I would like to commend the new Members of the House Business Committee, and from looking at the list, I think the reason why the Standing Orders are very clear about the composition and dissolution of this Committee, that Standing Order No. 163 and it is only formed within seven days of a new Assembly.

Hon. Speaker, I think this is the fourth or third time that we are re-constituting this committee and I would like to point out that as an outgoing Member of the previous committee, I do not want to speculate and believe that the only reason why there is a reshuffle is to make sure that some of us are not in this important committee.

However, Hon. Speaker, I would also like it to go on HANSARD that this is the second committee - I only had three committees - that this is the second committee I am losing in the last three weeks.

Hon. Speaker, this is not the first time; I went through the same early last year, I do not know what is either wrong with me or what is wrong with this Assembly.

But Hon. Speaker I think we are actually flouting the law - of our own Standing Orders 163. We are not supposed to [change] this Committee the number of times that we are doing because it requires experience, exposure and knowledge, not necessarily sycophancy and the who is who in this Committee.

Hon. Speaker, I would like to appeal to this Chair.

(Hon. Ogeto spoke off record)

I withdraw that Hon. Ogeto.

Hon. Moses Ogeto: Hon. Speaker, with due respect to the Standing Order he has read, I want to remind my colleague who has been a Mugabe in this committee that this is the Fifth Session and the composition of the House Business Committee is for 2021 and will run up to 2022. Then in 2022 at a time like this is when we will have a Sixth Session where again this committee will be reconstituted.

It is improper for Hon. Kiragu to mislead this House; the membership of the committee is for the Fifth Session. The formation of this committee is well articulated in the Standing Orders. I want to inform my colleague that whatever he is facing is not because of the House; he should consult the Jubilee party if he wants to be in this committee.

Hon. Anthony Karanja: Thank you Hon. Ogeto for your contribution. But I want to take him to Standing Order 163 Section (2) and it reads; *That, the County Assembly Business Committee shall be appointed within seven (7) days of assembly of a new County Assembly.*

Hon. Speaker, according to Standing order 163 (2), this is not a new county assembly. The Standing Orders do not speak about a session and I agree with him that I need to speak to the Jubilee party, I am going to do that because I still belong to the party.

Hon. Speaker, we need to start the year 2021 following the law. If I am wrong, I wish them well and tell them that this is the time that we need to redeem ourselves. This assembly had sunk low in the year 2020 with fights and a lot of confusion and I wish the House Business Committee - because it is a very important committee - should be a committee that sets the pace and defines this assembly and this county afresh.

Hon. Speaker like my colleague said, I still want to urge the Minority Deputy Whip to observe Covid 19 rules. Now he is seated with the Board Member and also the Minority Whip is not right. They are not

observing the Covid 19 rules and they will make this assembly a very dangerous place to be. Thank you Hon. Speaker.

Hon. Peter Imwatok: Hon. Speaker, allow me to clarify a few issues as the Whip. This assembly is endowed with the two gentlemen vested with powers by their respective parties. The senior most Member of this assembly *Mheshimiwa* Paul Kados, is the Whip of the Majority Party. It therefore translates that if any member of the party has an equivocally issue to raise on a Member appointed here credentials, and unless Hon Kiragu want to point out that people nominated by the honourable and experienced Chief Whip of the Jubilee Party are not competent enough to serve in this committee.

But looking at the composition of the list itself, I wonder if Hon. John Kamangu, an experienced Member of the County Assembly, is incompetent to conduct the business in this Committee. When a Member stands and say that this Committee is expected to exhibit experience, knowledge and understanding, does he want to say Hon. Themendu has no experience and understanding of House Business Committee procedures?

Hon. Speaker, I humbly request you to rule out the Member because he is trying to demean the standing of the Members of this House. Thank you.

Hon. Deputy Speaker: Thank you. I want to give direction. I believe Hon. Kiragu should be having his Standing Orders. As he quotes for us Standing Order 163, I want him to go to 163 (g). I will read.

“163 (g). Not more than thirteen members, who shall be nominated by the County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County.”

So, I think this gives us an opportunity to rest this matter. Mover!

Hon. Paul Kados: Thank you, Hon. Speaker. Let me first give thanks to everybody who contributed to this very important Motion because this is a Motion which the membership consists of Members who will be bringing ahead the business of this Assembly.

I want to correct the Hon. Member. Parties are given prerogative of giving directions in this August House. I think what my colleague was talking about experience, MCA's experience is guided by when one is elected in this Assembly. Does he want to imply that the people who elected these Members, from various wards, were incompetent in electing? I think that Member was out of order. Thank you, Hon. Speaker for having given directions on that matter. I beg to reply. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon Members, there being no any other agenda, the House stands adjourned to today 2.30 p.m. Members of House Business Committee to meet immediately after the Assembly at the Chamber's board room. Thank you.

The House rose at 10.42 a.m.