



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

SPECIAL SITTING

Wednesday 22nd June 2022

The House met at 3.30 p.m.

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

PRAYER

Hon. Speaker: Hon. Members, sorry for the delay, it was not intentional but due to technical issues. We do apologize.

QUORUM

Hon. Speaker: Clerk, do we have the quorum?

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

I understand that we have quorum, so, we can proceed.

PETITION

Hon. Speaker: Hon. Members, we have received a Petition pursuant to Standing Order No.208 by residents of Mathare 4 A in Utalii Ward on resettlement to Public Land L.R.No 18170 within Nairobi City County.

RESETTLEMENT TO PUBLIC LAND L.R.NO 18170 IN UTALII WARD

We, the undersigned citizens of Kenya who are residents of Utalii Ward, Ruaraka Sub County in Nairobi County;

DRAW the attention of the County Assembly of Nairobi to the following:

AWARE THAT Article 185 of the Constitution vests the legislative authority and oversight of the county governments in the county assembly:

THAT, Article 62 of the Constitution mandates the county government to hold in trust in public land on behalf of county residents;

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THAT, the Kenya National Land Use Policy, 2017 recognizes the need for social development that takes cognizance of provision of basic infrastructure and services;

THAT WHEREAS, Section 5(e) of The National Land Commission Act, 2012 requires the commission to initiate investigations into present or historic land injustices and recommend appropriate redress;

THAT WHEREAS, Section 116 of the County Governments Act, 2012 imposes an obligation area of jurisdiction, and Section 117 (1) (a) provides that the county government shall give priority to basic needs of the public to ensure that all members of public have access to basic services;

THAT WHEREAS, Mathare 4 A squatters were gifted L.R.No.209/12010 by Karsan Du Fathom Murji. The said parcel of land was formerly a quarry in which our fathers used to work under the aforementioned Karsan Murji, who later on decommissioned it and gifted it to us;

THAT WHEREAS, the then City Council of Nairobi attempted to evict us without offering alternative land. Consequently, we filed a case, HHC No. 1702 of 1989 and obtained orders restraining the then City Council of Nairobi from demolishing houses and requiring them to compensate and settle us;

THAT WHEREAS, in 2005, the Government of Kenya entered into bilateral partnership with the German Government for slum upgrading, and Mathare 4 A primary School was the plot on LR. No. 209/12010. The government agreed to relocate us to an alternative land availed by the then City Council of Nairobi at Ruai resettlement scheme and grand of Ksh 500m (5million Euro) was given;

THAT WHEREAS, we entered into an out of court settlement with the then City Council of Nairobi. The then City Council of Nairobi assured us that they would offer us alternative land in Ruai. Consequently, in 2006, the then City Council of Nairobi issued a letter of allotment to us for L.R. No. 12979/1 part. However, for some reasons we did not occupy the said parcel;

THAT WHEREAS, in 2016, the Nairobi City County, Government wrote to the National Land Commission proposing to settle us on part of L.R.No.13461, we have established that L.R. No. 11344, formerly L.R. No. 13461, was subdivided by the City Council of Nairobi into 2 parcels L. R. No. 181619 (844 ha) occupied by the Kenya Defense Forces Embakasi Barracks and L.R. No. 18170 (405.1 ha) belonging to the Nairobi City County Government and whose Deed Plan is in their custody; deed plan No. 172261 issued for L.R.No.18170 on 23rd April 1993 and released to Surveyor K Mugenyu for the County Government;

THAT WHEREAS, from the above, it is evident that the parcel of land meant to resettle us is L.R. No. 18170. We have established that there is consent between the Nairobi City County and the Kenya Defense Forces Embakasi Barracks to withdraw ELC Suit No. 282 of 2012;

THAT WHEREAS, we appreciate that the solutions offered in this petition are not exhaustive to totally take care of the situation in the area, in our humble opinion, these are the immediate measures that the County needs to start with;

THAT WHEREAS, we confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response therein;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body;

HEREFORE, your humble petitioners pray that the County Assembly of Nairobi County intervenes and ensure that; -

- a. The Nairobi City County Executive and/or the Nairobi Metropolitan Services furnishes the National Land Commission with the deed plan for L.R. No. 18170 to facilitate the resettlement;
- b. We are protected from any further resettlement by the Nairobi City County Executive and/or the Nairobi Metropolitan Services;
- c. The Nairobi City County Executive fulfills the consent it entered into with the Kenya Defense Forces Embakasi Barracks in ELC Suit No. 282 of 2012, to enable the resettlement;
- d. The parcel of land, L.R. No. 18170 is secured from potential land grabbers.

And we will forever pray.

This petition was done on behalf of the residents of Mathare 4 A, Utalii Ward, and by extension all residents of Nairobi. The Petition is committed to the Planning Committee.

PAPERS

Hon. Speaker: Select Committee on Budget on the Supplementary estimates. Who is laying the Paper?

Hon. Robert Mbatia: Hon. Speaker, pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of the Assembly today, Wednesday 22nd June 2022:

The 40th Report of the Select Committee on County Finance, Budget and Appropriations on the Supplementary Budget Estimates II for the for the financial year 2021/2022 for the Nairobi City County Government, the Nairobi Metropolitan Services and the Nairobi County Assembly Service Board.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, Chair. You have another Paper to lay?

Hon. Robert Mbatia: Hon. Speaker, pursuant to Section 134 of the Public Finance Management Act, 2012 and Standing Order 227 (a), I beg to lay the following Paper on the Table of the Assembly today, Wednesday 22nd June 2022:

The Vote of Account Schedule for the financial year 2022/2023 estimates.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Very well. Next Order!

NOTICES OF MOTION

ADOPTION OF THE 40TH REPORT ON THE SUPPLEMENTARY BUDGET ESTIMATES II FOR THE FOR THE FINANCIAL YEAR 2021/2022

Hon. Robert Mbatia: Hon. Speaker, I beg to give Notice of the following Motion:

THAT, this Assembly adopts the 40th Report of the Select Committee on the County Finance, Budget and Appropriations on the Supplementary Budget Estimates II for the for the financial year 2021/2022 for the Nairobi City County Government, the Nairobi Metropolitan Services and the Nairobi County Assembly Service Board, laid on the Table of the Assembly today, Wednesday 22nd June 2022.

Can I continue, Hon. Speaker?

Hon. Speaker: Yes, continue.

VOTE OF ACCOUNT SCHEDULE FOR THE FINANCIAL YEAR 2022/2023 ESTIMATES

Hon. Robert Mbatia: Hon. Speaker, I beg to give Notice of the following Motion:

THAT, pursuant to provisions of Section 134 of the Public Finance Management Act, 2012 and Standing Order No.227 (a), the withdrawal from the County Revenue Fund of the sum of Kshs. 13,489,237,246 made up in the manner set out in the Vote of Account Schedule laid before the County Assembly, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government during the financial year ending on the 30th June, 2023 until such a time as the Appropriations Act for the Financial year 2022/2023 comes into operation, laid on the Table of this Assembly today, Wednesday 22nd June 2022.

Thank you.

Hon. Speaker: Thank you, Chair.

MOTIONS

Hon. Speaker: Chair of Budget, I think you can move the Motion. We are waiting for another supplementary Order Paper so that we can be able to lay the other report you have mentioned.

(Point of Order)

What is the Point of Order about?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Mine is about decorum, which is occasioned by sitting arrangements. In line with the COVID 19 rules, I think it is not proper for Members to sit next to each while we have a spacious House.

(Applause)

Two, Hon. Obuya has displaced the Majority Whip, I think it is prudent that respect should prevail in the House.

(Laughter)

Hon. Speaker: I think the Hon. Member is alluding that he is very lonely. So, one gracious lady, if she doesn't mind, can sit next to him.

(Laughter)

Chair, proceed.

THE VOTE OF ACCOUNT SCHEDULE FOR THE FINANCIAL YEAR 2022/2023 ESTIMATES

Hon. Robert Mbatia: Hon. Speaker, I beg to move:

THAT, pursuant to provisions of Section 134 of the Public Finance Management Act, 2012 and Standing Order No. 227 (a), the withdrawal from the County Revenue Fund of the sum of Kshs. 13,489,237,246 made up in the manner set out in the Vote of Account Schedule laid before the County Assembly today, Wednesday 22nd June 2022, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government and the County Assembly during the financial year ending on the 30th June, 2023 until such a time as the Appropriations Act for the Financial year 2022-2023 comes into operation.

Mr. Speaker, Sir, it is noted that the Constitution gives circumstances under which funds may be withdrawn from the County Revenue Fund. These include through an Appropriation Act; by the authority of Vote on Account during the transition between fiscal years where the County Assembly approves withdrawal of not more than half of approved amount for a vote through supplementary appropriation, and finally through authority by the constitution or County legislation. The last method is a case where a law is passed, which occasions expenditure of public funds that shall then impose a direct charge on the County Revenue Fund and not the regular appropriation

In line with the second withdrawal method above, and so as to ensure that the County does not grind to a financial halt from July 2022, the Finance, Budget and Appropriations Committee urges this Assembly to approve the withdrawal out of the County Revenue Fund total amounts as tabulated in the tabled schedule.

Hon. Speaker, as I continue, I want the Minority Whip to prepare to second me.

The provisions of Section 134 anticipated this scenario and indeed state that *"If the County Appropriations Bill has not been assented to or is not likely to be assented to by the beginning of the financial year, a County Assembly may authorize withdrawal of money from the County Revenue Fund"*

As was pointed out during the approval of budget estimates this morning, the impending general election scheduled for 9 August 2022, shall result into a new government which is poised to come up with development priorities and policies some of them so divergent from the current government's. In so doing, the County Government shall gain comfort in the provisions of Section 108 (2) of the Public Finance Management Act, 2012, which provides that, *"If there is a change of county government, the new county government may deviate from the financial objectives in a County Fiscal Strategy Paper but may not deviate from the fiscal responsibility objectives"*. Therefore, an approval of Vote on Account would provide the County Government with enough latitude to accommodate her development priorities.

Mr. Speaker, Sir, just to underscore the importance of this process, it is important for Members to note that without this authority, the County Government will not have any legal backing to pay County employees and Members their salaries from July as well as ensure seamless delivery of services in critical sectors like Health, Education and others.

As a Committee, we would once again like to thank all Members of this House for the support they have rendered to the Budget Committee during this entire budget process that has seen the Committee have forty reports approved. Our consideration and approval of various budget documents has been devoid of acrimony mostly due to your untiring desire to see to it that Nairobians get nothing but services from their elected representatives.

Mr. Speaker Sir, I beg to move and request Hon. Imwatok to second me.

Hon. Speaker: Thank you, Chair. Secunder?

Hon. Peter Imwatok: Hon. Speaker, I stand to second the appropriation on Vote on Account simply because it is the right thing to do being the transition period. I believe the Budget Committee has done a good job. Congratulations Chair and the entire team and also the Hon. Speaker for accepting that this particular appropriation on Vote on Account is placed before this House. Without wasting time, I beg to second.

(Question proposed)

(Hon. Member spoke off the record)

Hon. Speaker: This is an orderly House, and you don't have to prompt the Chair on how to act in either way. I may rule you out of order and you may find yourself yelling outside this Assembly. Hon. Ogeto

Hon. Moses Ogeto: This is a serious Motion which is going to take care of Members and staff. The Chair of Budget has a lot of wisdom; he has ensured that there will be no vacuum in budget making process. The majority of Members sitting in this House are saying the mover to reply. Thank you.

Hon. Speaker: There being no nay other request, the mover can reply.

Hon. Robert Mbatia: Thank you, Hon. Speaker. I want to thank this honorable House for the support they have given. Just to indicate once again because of the members of the fourth estate present, by us providing the Vote on Account, we are giving an open door or safe landing for the next Governor, who will be elected by the Nairobian, to come and start on a clean slate. The safe landing also assures this Assembly and the Members of this Second Assembly that whatever they had planned from the two CIDPs that we have had plus the several documents we have had during this period and the proposals that have been made plus the public participations that have been made and proposals made, is that we have clearly indicated that the first charge to the budget considerations would be those projects that are ongoing or anything that has not started and needs to be done.

So, Mr. Speaker, as much as we open the gates for the next Governor, who definitely is a Nairobian, we allow for transition and continuity.

Hon. Speaker, I want to thank this House, your office and even the members of the Executive for what they have been able to do and most notably, the Budget Office, our secretariat and ever hardworking Members of my Finance, Budget and Appropriation Committee.

I beg to reply. Thank you, Hon. Speaker.

(Question put and agreed to)

ADOPTION OF THE 40TH REPORT ON THE SUPPLEMENTARY BUDGET ESTIMATES II FOR THE FOR THE FINANCIAL YEAR 2021/2022

Hon. Robert Mbatia: Hon. Speaker, as I move for the adoption of the Supplementary Budget Estimates report, I want to request my Member, Hon. Oyugi, to prepare himself to second me.

THAT, this Assembly adopts the 40th Report of the Select Committee on the County Finance, Budget and Appropriations on the Supplementary Budget Estimates II for the for the financial year 2021/2022 for the Nairobi City County Government, the Nairobi Metropolitan Services and the Nairobi County Assembly Service Board.

Hon. Speaker, the building blocks to a good budget process are like revolving doors being hinged around an effective plan which stands the test of time and ensures that the priorities contained therein are implemented to the latter without any alterations by the end of the financial year. The real measure of the level of robustness and realism of the planning stage is the extinction of any supplementary estimates throughout the financial year. That has it may, governments are matured in some unpredictable ecosystems where many factors cannot be forecasted without the accuracy of the Jewish prophets, hence the reason why the provisions of Section 135 of the PFM Act, 2012 came into fruition.

It is based on the quoted provisions of the law that these second supplementary estimates were submitted to the County Assembly for consideration and approval.

In the annual estimates for the FY2021-22, Hon. Speaker, the County Assembly had approved a total budget of Kshs.39.6billion out of which Kshs.26.6billion was meant for recurrent expenses while Kshs.12.9billion was earmarked for development programmes. To cater for the various transferred functions emanating from the signing of the Deed of Transfer of functions, the Nairobi Metropolitan Services was allocated Kshs.20.1billion.

Hon. Speaker, in order to provide the basis for payment of pending bills and debt obligations the County Assembly, approved Supplementary Estimates 1 in December 2021 which saw the overall County Budget retained at Kshs.39.6billion with NMS share also remaining untouched at Kshs.20.1billion being Kshs. 12.1 billion for recurrent expenditure and Kshs.8.0billion for development initiatives for the transferred functions. There was however reallocation of funds, which saw the County Assembly's Development, budget rationalized by over Kshs.1.4billion to Kshs.93million while that of the County Executive rose by Kshs.200million from Kshs.3.3billion to Kshs.3.5billion. The supplementary budget also saw the recurrent expenditure of the County Executive reviewed upwards by Kshs.1.2billions from Kshs.12.8billion to Kshs.14.0billion. Overall, the new recurrent and development ceilings were Kshs27.9billion and Kshs.11.6billion respectively. This revision represented a decrease of Kshs.1.3billion in the development budget and an equivalent increase in recurrent expenditure.

Hon. Speaker, on the circumstances that would necessitate the preparation of supplementary estimates, there has been a meeting of minds with a consensus that supplementary budgets can only be brought forth to take care of matters that were unforeseen during the preparing of annual budget estimates and which must remain unavoidable during the time of the preparation of the supplementary budget. The golden thread that flows from the above provision is that poor fiscal planning and discretionary spending are discouraged.

Hon. Speaker, the rationale for submission of these second supplementary estimates is to align the conditional grants for Health and Roads Maintenance Levy (RML) to the donor requirements. Further, the estimates have been submitted as an avenue for updating the payroll figures for the various sectors to reflect reality. Concerning the RML for the two financial years 2019-2020 and 2020-2021 through the County Allocation of Revenue Acts. Nairobi City was allocated a total of Kshs. 927million as conditional grants, funds which were, however not disbursed to the County due to late compliance with attendant disbursement conditions. The narrative provided indicates that the Nairobi Metropolitan Services (NMS) have been following up on this matter with Kenya Road Board and have since received a confirmation some of the funds are still available for disbursement subject to compliance with grant conditions and inclusions in an approved supplementary budget. The funds are proposed to be released and utilized under the Public Works and Transport Sector (Vote D5317) in conjunction with the Transport Department of NMS. Further, the estimates intend to put to use the Kshs.154million that has remained idle in the special purpose account due to the inability of the NMS to utilize the funds directly owing to the grant conditions.

Hon. Speaker, on the World Bank Health Funds (DANIDA), the estimates intend to reallocate and make usable the amount of Kshs 114million that has remained unspent at the Health Special Purpose

Account where NMS was unable to utilize the funds due to the donor conditions and therefore the funds proposed for allocation and use under Health Sector (Vote R5315) in liaison with the Health Department at NMS.

However, Hon. Speaker, during the consideration of these estimates the Committee was informed that there was still a lack of daylight clarity on whether the entire outstanding amount for RML is available for allocation. The Committee shall therefore be making recommendations to reflect this position.

Hon. Speaker, the Finance, Budget and Appropriations Committee has scrutinized the Supplementary Estimates and is satisfied that the proposed adjustments and reallocations will result in value addition to the citizens considering that conditional grants funds once released will impact seamless operations, offering key services and infrastructural improvements across the County. In general, to make resources available for the anticipated spending in this supplementary budget, reallocation has been done across various votes in line with the provisions of sections 135 and 154 of the PFM Act 2012.

Arising for the foregoing, the Committee, therefore, requests that this House approves the second Supplementary Estimates for the FY2021-22 to enable the spending of the funds before 30th June 2022 subject to the following: -

- a) That the resources available for RMLF be rationalized in line with the amounts available in the Special Purposes Account and that the amounts be utilized in the Public Works sector.
- b) That the budget rationalization in line with Sections 135 and 154 of the PFM Act, 2012 be approved.

Hon. Speaker, in conclusion, and pursuant to the provisions of section 135 (2) and (4) of the Public Finance Management Act 2012 and Standing Order 228 the Select Committee on County Finance, Budget and Appropriations recommends that:

“This County Assembly adopts the 39th reports of the Select Committee on County Finance, Budget and Appropriations on the Second Supplementary Budget Estimates for the Nairobi City County Government, Nairobi Metropolitan Services and County Assembly for the FY 2021-22”.

Hon. Speaker, I beg to move and request Hon. Oyugi to second me. Thank you.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker, for the opportunity to support this Motion and at the same time I want to declare that I do second. Thank you.

(Question proposed)

Hon. Speaker: It seems that Members are not in the spirit of debating, may I call the mover to reply.

Hon. Robert Mbatia: Hon. Speaker, I beg with a lot of respect to correct you that they [Members] are not in the mood of debating but they are in the mood of supporting me in the spirit that this document has been well prepared and this is to allow the executive and the County Assembly Service Board to proceed very first in the next eight days to finalize on the many pending bills and many issues that have been pending because of lack of finances.

Hon. Speaker, we are aware that garbage is laying all over for just one reason: the garbage collectors have not been paid and we know that county vehicles have not been moving around and giving services because of lack of payments for the insurance covers. I know that salary was just paid yesterday, and that was an agreement between the Controller of Budget to release and we pass this supplementary budget.

There are also pending bills for these Hon. Members for the per diem allowances and the members of this Assembly and Members of the Executives. Therefore, Hon. Speaker, I beg to plead with the County Assembly Service Board and the Executive together and including the NMS to move with speed to make sure that they commit the released fund to the very necessary utilities so that we can have the Nairobi benefit from this.

Therefore, Hon. Speaker, I want to thank this House and thank you, Hon. Speaker.

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

Hon. Robert Mbatia: Hon. Speaker, I want to appreciate that this is a Motion that should be prosecuted by the Majority leader and if I have been given this opportunity then I pray that it becomes to be. Therefore, Hon. Speaker on the Procedural Motion I wish to request that the publication period for this Bill be reduced from seven days to one day. I beg to move. I wish to request Hon. Imwatok to come and second.

Hon. Peter Imwatok: Hon. Speaker, I second.

(Question proposed)

Hon. Robert Mbatia: Hon. Speaker, I wish to thank this Assembly and I reply. Thank you.

(Question put agreed to)

BILL

First Reading

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL (II), 2020 (ASSEMBLY BILL No.4 OF 2022)

(Supplementary II Appropriation Bill 2022 Is A Bill for an Act of the Nairobi City County Assembly to Authorize the Issue of a Sum of Money Out of the County Revenue Fund and Its Application Towards the Services of the Year Ending On The 30th June 2022 And to appropriate That Sum and A Sum Voted On Account by The Nairobi City County Assembly for Certain Public Services and Purposes).

BILL

Second Reading

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL (II), 2022 (ASSEMBLY BILL NO. 4 OF 2022)

Hon. Robert Mbatia: Thank you, Hon. Speaker, I wish to beg to move that the Nairobi City County Supplementary Appropriation Bill of 2022 be read a Second Time.

Hon. Speaker, a while back in this Assembly we have just adopted the report of the Finance, Budget and Appropriation Committee on the consideration of the second supplementary budget estimates for the FY 2021/22.

In the adopted report, the County Assembly has granted authority for sorting out several challenges that have continued to bedevil the smooth rolling out of condition grants. The County Government does not

have the pleasure to continue employing a wait-and-see attitude as millions of shillings remain unutilized in various special purpose accounts. It is expected that the approval shall also continue to ensure that issue of pending bills remains sorted.

The nod granted has also guaranteed that the County's fiscal issues on budget rationalization and reallocation anticipated in sections 135 and 154 of the PFM Act 2012 are put into action. We urge the County actors to implement this budget with a view of putting to rest the unending nightmare of businessmen following up on their payments for decades. The approved budget has authorized the Nairobi Metropolitan Services to continue with the good work that they are doing in ensuring that the County is clean, the health care system is fixed, the planning network is geo-fenced and the transport infrastructure lives up to the internationally accepted norms and standards.

The approved budget, Hon. Speaker shall also offer timely payment of salaries, efficient operations of the County Executive/NMS and adequate facilitation for the County Assembly to perform its functions.

Hon. Speaker, I would like to request my Member Hon. Nyambura to prepare herself to second me. This Supplementary Appropriation Bill, therefore, aims to provide a legal basis for the utilization of the funds approved by the County Assembly.

Hon. Speaker, the Budget Committee has scrutinized the submitted Bill and confirmed that it is consistent with the figures approved in the Supplementary estimates report. The recommendations have been incorporated as resolved by the Assembly.

Hon. Speaker, I wish to urge Members to support this Bill and give the County the go-ahead to utilize the funds for the completion of the development project and other lines of expenditures outline herein before the end of the current financial year.

Hon. Speaker, I beg to move and request Hon. Nyambura to second me.

Hon. Elizabeth Nyambura: Thank you, Mr. Speaker, I second.

(Question proposed)

Hon. Robert Mbatia: Hon. Speaker, I reply. Thank you.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole Assembly today by leave of the Assembly)

COMMITTEE OF THE WHOLE ASSEMBLY

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Temporary Chair (Ms. Immapet Kemunto) took the Chair]

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL (II), 2022 (ASSEMBLY BILL NO. 4 OF 2022)

Clause 2

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(Question proposed)

(Question put and agreed to)

Clause 3

(Question proposed)

(Question put and agreed to)

First Schedule

(Question proposed)

(Question put and agreed to)

Title

(Question proposed)

(Question put and agreed to)

Clause 1

(Question proposed)

(Question put and agreed to)

Hon. Robert Mbatia: Madam Chair I beg to move that the Committee report to the Assembly its consideration of the Nairobi City County Supplementary Appropriation Bill II of 2022 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House Resumed)

[Mr. Speaker in the Chair]

REPORT AND THIRD READING

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL (II), 2022 (ASSEMBLY BILL NO. 4 OF 2022)

Hon. Temporary Chairperson: Hon. Speaker, I beg to report that the Committee of the whole Assembly has considered the Nairobi City County Supplementary Appropriation Bill 2022 Assembly Bill No. 4 of 2022 and approved the same without amendments.

Hon. Robert Mbatia: Hon. Speaker, I beg to move that the Assembly do agree with Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Robert Mbatia: Hon. Speaker, I beg to move that the Nairobi City County Supplementary Appropriation Bill II of 2022 that is Assembly Bill No. 4 of 2022 be now read a Third Time.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members I had mentioned that we have a Supplementary Order Paper which I believe has been circulated to you. Pursuant to Standing Order No. 39 (2), we shall now switch to the supplementary order paper. For avoidance of doubt, I need to read Standing Order No. 39 (2); *'The order paper shall be published in the County Assembly website and shall be made available to the members at least 12 hours before the County Assembly meets, but a supplementary order paper shall be made available to members at least one hour before the county assembly meets'*. I believe that was done, I believe we are in order.

PAPERS

Hon. Peter Wanyoike: Thank you Mr. Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the assembly today Wednesday 22nd June 2022: The report of the Sectoral Committee On Labour and Social Welfare on the vetting of nominee for the position of the Chairperson of the County Public Service Board. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, next order.

NOTICES OF MOTION

Hon. Peter Wanyoike: Thank you Hon. Speaker. I beg to give notice of the following Motion: That this assembly adopts the report of the Sectoral Committee On Labour and Social Welfare on the vetting of nominee for the position of the Chairperson of the County Public Service Board laid on the table of the assembly today Wednesday 22nd June 2022. I beg to move.

MOTION

ADOPTION OF THE REPORT ON VETTING OF NOMINEES FOR POSITION OF CHAIRPERSON AND MEMBERS OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Peter Wanyoike: Thank you Mr. Speaker. I beg to move that this assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of nominee for the position of the Chairperson of the Nairobi County Public Service Board laid on the table of the assembly today Wednesday

Hon. Speaker: Order Hon. Member! You are reading a report on the vetting of the nominees not nominee.

Hon. Peter Wanyoike: Yes.

Hon. Speaker: Make that correction.

Hon. Peter Wanyoike: Thank you Mr. Speaker for that correction. I beg to move that this assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of nominees for the position of the Chairperson and the members of the Nairobi County Public Service Board laid on the table of the assembly today Wednesday 22nd June 2022 at 9.30 a.m. Thank you Mr. Speaker.

I call upon Hon. Jateso to second.

(Point of order)

Hon. Speaker: What is the point of order?

Hon. Mary Mwami: I would like you to inform us who are the other nominees because I think in the morning we had only the Chairperson and---

Hon. Speaker: Be closer to the mike Hon. Member.

Hon. Mary Mwami: I am requesting that you help us know who are the other nominees because in the morning only the Chairperson, Mr. Kasoa was mentioned and now we are hearing nominees. Who are the other nominees who I presume are going to be members of the service board? Thank you.

Hon. Speaker: Thank you Hon. Member. Your issue is premature because first we need a seconder then from there you will have---

(Point of Information)

Hon. Kennedy Oyugi: Point of clarity Mr. Speaker! We are in a special sitting which was gazetted for three purposes. On this particular subject we only had the approval of the Chair of the County Public Service Board. If you call for the seconder and there is no clarity, can the mover come clear and tell us what was in the Kenya Gazette? Is it exactly what he is reading or it is diluted and it is, from where and when, and in whose interests?

Hon. Speaker: Chair, I have told you that this is a supplementary Order Paper and there is already a laid report which is a property of this house. The best thing for you to do is to wait for the Motion to be seconded and then you are at liberty to ventilate whichever way. This is a debating chamber and we are all at liberty; it is either this way or the other, the powers are within you.

Hon. Members, let me make a ruling on this one because these are procedural matters. Once a Motion has been moved, it has to be seconded. You cannot interject in between. Can we have the seconder?

Hon. Peter Imwatok: Hon. Speaker, allow me to stand and second the Motion proposed by the Deputy Majority Leader. I agree with you that it is a matter of procedure and the people who can defend the position of the report is the Committee of Labour which has done the report. This house begs us to debate the report as forwarded by the committee and then we make a resolution which can be either be nay aye.

I believe that this county needs stability which can only come when we have institutions that are guided by people who are substantively in office. It is so uncouth that for more than a year, the County Public Service Board has been operating like a kitchen. Anybody else can conduct business in the name of the Chairperson and I must give kudos to the board led by this young man from Machakos. For those who do not know Kasoa, he has been an MCA like us. In life when your colleague gets an opportunity, support his cause because you never know.

Assume those who are here today were not nominated as party candidates, I am happy for my sister Ariviza because I saw her name somewhere. You may be shocked that she may be the next member of parliament, and I pray to see her there. We want progress for everyone. May be on 9th of August I will not win elections; God forbid, I will come to this House and be vetted as a member of the board. I do not think that this House will refuse to vet me, right? You never know.

Hon. Speaker as I second this motion, I propose and request for the stability of this board. Allow this report to go through, thank you so much.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Kennedy Oyugi: Thank you Mr. Speaker. Allow me to begin by understanding you and the mover of this motion well. Going by the communique we got from you, it was very clear that you got a request from the Governor on the subject matter of the Chairman County Public Service Board. Personally, I have got no problem. At what point did the others get into the order of business for today? Bearing in mind that we are on a special sitting where we are supposed to be specific.

If indeed we have to approve other names, why can't you feel free to convene another special sitting for the same purpose? Otherwise, I support Mr. Kasoa as the Chairman of the board but I vehemently oppose this monkey business of sneaking in things that are not in the order paper.

Hon. Speaker: Hon. Member, you have to address the house in decorum. There is no monkey business here and we don't know where it is being transacted.

Hon. Kennedy Oyugi: Mr. Speaker---

Hon. Speaker: Let me clarify on this issue. There was a communication from the Governor and I made a mistake when I was reading it. It was supposed to be the Chairperson, Secretary and the board members but may be you did not get it correctly. The letter is in my office and there is nothing fishy in this matter. The same communication was forwarded to the Committee of Labour and they prepared the report based on the report forwarded from my office.

Hon. Kennedy Oyugi: I had not completed Mr. Speaker. Unless I am reading from a different communication, but allow me to quote part of what I got as communication. *'Consequently, pursuant to the provisions of Standing Order No. 30 (3) of the Nairobi City County Assembly Standing orders, I have approved the convening of a special sitting on Wednesday 22nd June 2022, Morning and afternoon commencing at 9.30 a.m. and 2.30 p.m. respectfully in the assembly chambers, City Hall building.'*

Let me go to the specific---

Hon. Speaker: Hon. Member, let me guide you.

Hon. Kennedy Oyugi: Mr. Speaker, I have gotten what I wanted to---

Hon. Speaker: Hon. Member, you don't need to belabor much on that report. I have told you that I authorized, right now we are debating. You are at liberty to debate either in agreement with the report or reject it. It is as simple as that.

Hon. Kennedy Oyugi: That is where---

Hon. Speaker: What is your stand? Are you supporting or opposing? You need to be clear.

Hon. Kennedy Oyugi: Mr. Speaker, for purposes of clarity, according to the communication I got from your office, I supported the appointment of the Chairman, Mr. Kasoa.

Hon. Speaker: I said that there was a problem with the communication and we do not want to go back to that. You either support the report or oppose it.

Hon. Kennedy Oyugi: Mr. Speaker, if it true there was a problem with the communication, you ought to have corrected because we are dealing with a serious matter. This is not a simple matter that we—

Hon. Speaker: Hon. Member, I am going to rule you out of order because you cannot challenge the Chair. I have already said that there was a mistake, you should believe that so that we can move forward. But do not question why I did that.

Hon. Kennedy Oyugi: Mr. Speaker, you would rather rule me out of order but my voice has to be heard. If this is the case, then I oppose.

Hon. Speaker: Very well, Hon. Obuya! You are not on mike.

Hon. Kennedy Oyugi: Thank you Hon. Speaker. I heard you say that this is a House of rules and procedures. I want to loud and concur with Oyugi with a lot of respect. Hon. Speaker I need your attention. You have accepted on HANSARD that possibly there were some errors on your end. Because of the errors, don't you think that this should be redone by gazetting he other names Mr. Speaker? Rather than--- Hon. Speaker, kindly allow me to finish, I need protection from yourself.

Hon. Speaker: Listen Hon. Members, you cannot request for a point of order from the Chair. You have to follow the rules and procedures of the House. There was a report that was tabled here and you have it. Clerk, do you have the report? I do not want to be informed.

I understand the report is already published in the website.

(Hon. Mary Mwami spoke off the record)

Hon. Speaker: Listen I will give you an opportunity Hon. Ariviza. I want to make it clear that there is a report already tabled by the committee and signed by Hon. Members, it is not that we are debating out of the blues. Are you questioning the committee?

Hon. Mary Mwami: No.

Hon. Speaker: What is your point of order Hon. Ariviza?

Hon. Mary Mwami: Thank you Mr. Speaker sir. I read the notice that you sent to us from H.E the Governor and it states very clearly - I will read the last part – Hon. members, in regards to the nomination of Mr. Thomas Mweu Kasoa to the position of the Chairperson Nairobi County Public Service Board; accordingly, members then you say, the message having ben received while the assembly is on *sine die*, I hereby in pursuant to standing order and now you called us for this sitting.

This is a very serious issue and I stand here as a member of this county assembly who had to take the Service Board to court in order for them to employ teachers whom they had not employed for 20 years. It is very important for us to know who are the people who have been appointed to the Service Board. We cannot put people in the board who we do not have their names because H.E the Governor did not give us the names of the other people.

For me, while I do not oppose because we should not have a vacuum even as we go for *sine die*, but it is very important and I concur with Hon. Oyugi that we have the names of the others. Before we went

for sine die you communicated that you would gazette for a special meeting. I am wondering, was this one also gazette? Because we need another gazette for us to come back and discuss the Service Board Chair and members. This communication does not have the Service Board members. I cannot be privy to a service board membership because we have had problems with them and I took them to court and they employed teachers after 20 years.

The point that I am putting across is; it is very important for us to put people in the service board who will serve Nairobian. We also depend on them. There are some issues which have not been solved and we have passed motions here which have never been enacted. For example, we passed a motion on PWDs and has never been enacted. The point is; the Chairperson Mr. Kasoa, I have nothing against him. But we need to know the members of the service board and was this gazette so that we debate about them and know about their personalities and their characters. Thank you Mr. Speaker. otherwise I will not support if I do not know who they are.

Hon. Speaker: I was very gracious to allow you to continue because at one time I could have ruled you out of order on the issue of relevance to the motion. Members, you should refer to the report which has already been laid in the assembly. This is an official document and you should argue basing on the report.

Hon. Peter Imwatok: Hon. Speaker, I want to say you are right. We have been here for the last five years and are aware that there is office known as the Table office. At any given time that the Speaker gives a communique to the parliament, it proceeds to the Table Office for verification and authenticity to a relevant committee that it being forwarded the same communication.

In many occasions the Speaker has authority to expunge any communication or to correct any communication that is given before the assembly, more importantly at any given time any gazette notice, we cannot as members correct it on the floor of the House. The only person who has authority to correct it is the Speaker and the PS for Internal Security under what is called in law a corrigendum.

Therefore, I am pleading with my colleagues that we go to the nitty gritty of the report. In a parliament you have the right to vote for yes or no. If you want to amend a report which is before parliament, you must be able to marshal a certain percentage of people to stand and move that amendment before that report is tabled. I am also aware that the gazette of this sitting was approval of the nominee for the Chairperson of the County Public Service Board.

I wish under Standing Order No. 1 that the Speaker has express authority on anything that is transacted inside this House. Hon. Members I plead with you because I do not want to be the person to leave this county in a limbo. You will be shocked that before the new government comes in, and the board is incomplete, more than 5,000 people who have been employed in the corridors. No one should be held responsible for that employment.

Hon. Members I plead with you, that we leave this county stable in every sector. Hon. Speaker I think we are correct, thank you.

Hon. Robert Mbatia: Thank you Hon. Speaker. I wish also to support the report. First, I want to declare that I have no interests on any of the nominees but indicators are Nairobian this assembly will go down in history as having not cured a problem that we have been complaining about; the unconstitutional County Public Service Board.

Hon. Speaker, this is a board that was not properly constituted after several members left. I wish that as we are leaving, we sure most of the issued that have been there. I just recalled that two weekends away during our presentations of sectoral reports on the budget estimates, the County Public Service Board presented that they had inadequacies especially on the constitution of the board. The acting Chair and the vice Chair had to vacate being members so that the members who had earlier been proposed are confirmed.

Hon. Speaker, by passing this report I believe that we shall be curing the issue of the unconstitutionality of the County Public Service Board which has a lot of work cut out for them especially on the promotion of staff members. They have been severally taken to court and one of the prayers is that it is unconstitutional because of the membership. Hon. Speaker, they are confirming the ECDE diploma holders and we have been asking them because of the wage bill, they have a lot of work yet there are few members in the board.

Hon. Speaker, I support and request that Hon. Members we do not throw away the baby just because of the details that were missing in your communication. I beg to support.

Hon. Jared Akama: Thank you Hon. Speaker. I rise to support this motion. Before I support Mr. Speaker, I want to bring to your attention that some of these members who have been contributing---

Hon. Speaker: Hon. Akama, for the record, proceed.

Hon. Jared Akama: Thank you very much. Some of these members who have been contributing are not members of the Labour Committee and it was procedural that first we give inputs---

Hon. Speaker: Hon. Akama, do not take that route because Hon. Members are at liberty and the issue---

Hon. Jared Akama: Thank you, I stand guided. This is not the first time that the Labour Committee has done such kind of work. From the reports that we have brought in this House they are always above board in terms of perfection. It is a very serious committee. I want to give Hon. Members assurance that we were given a very clear communication. Other than the mistake you made Mr. Speaker when you were making your pronouncement in regards to the communication, I want to bring to the attention of this House that you rectified that as you were forwarding the communication to the committee.

Therefore, it's an assurance that we have a clear communication in particular, what the report is supposed to bring to this House.

Therefore Mr. Speaker, I want to first of all tell this Honorable House that since this Board came in place, for the first time in Nairobi we have seen our youths being employed, teachers being employed and it's a good thing. And therefore, out of the spirit of the good work of this Committee, we did a vetting and for this case it's an assurance that what was brought to our attention in terms of documentation, more so the chairman, he's a man of repute, a man who has a lot of experience, at the same time a man who has the spirit of what a Board is supposed to do.

I just wanted to assure my colleagues that we have done our work perfectly, the members who have been brought to this honorable house, we have done due diligence as per what we were supposed to do as a committee. Therefore, before they give stories, it's good that they read, that's why the Minority Whip has advised that Members get used to the table office. Read the report first, we have a report of almost 200 pages Mr. Speaker, we burnt the midnight oil to ensure that we bring a very credible report to this House.

I therefore urge Members to support this report and this motion for the purpose of giving the Board strength so that now they can continue serving Nairobians. They are serving Nairobians, in fact for the first time Mr. Speaker, even when you go to the Executive, the staffs there are very happy, for the first time they have gotten promotion courtesy of the Acting Chairman who we are now approving in this honorable house. So, I don't expect any Member to oppose this serious report which has been committed in this house. Thank you very much.

Hon. Speaker: Thank you Hon. Akama. May I have Hon. Rose.

Hon. Rose Ogonda: Thank you Mr. Speaker. I stand to support as a senior member and the Vice Chair of Labour Committee. It has taken decades Mr. Speaker to have a permanent Chairman of the County Public Service Board. Since the others vacated to NMS, we don't have secretary, chairman and other two members, and while you walk to committee, you can see the two members of Public Service Board discussing the whole problem of public service board recruitment. So Mr. Speaker, for the chairman of the board, I know some of us have benefited because the youths have been recruited, even during the first recruitment I was in city stadium looking for the youths from Nairobi.

Hon. Speaker: Chair, can I get a clarification, are you supporting him because you benefited?

Hon. Rose Ogonda: Am supporting because am a Member of Labour Committee.

Hon. Speaker: As a Member?

Hon. Rose Ogonda: Yes

Hon. Speaker: Okay

Hon. Rose Ogonda: So, Mr. Speaker, I would like to ask Members, since we are going for campaign, and being we are outside and when you heard that--- (*silence*)

Hon. Speaker: Proceed, proceed Hon. Member. Sorry.

Hon. Rose Ogonda: I just ask for you Mr. Speaker to lend me your ears. What am asking Mr. Speaker is, we are going for campaign. (*silence*)

Hon. Speaker: Sorry Hon. Member

Hon. Rose Ogonda: You are not the Chair. Mr. Speaker protect me from Bishop. Mr. Speaker am just urging the Members that we are going for campaign and if you hear that there is recruitment being done, you can just come in and ask anything from the board. So am requesting Members of this County Assembly to support because now we have a Chair and a Secretary. Thank you, I beg to support.

Hon. Speaker: Thank you. Hon. Oyugi. But Hon. Obuya, you had made a contribution?

(*Consultations*)

Hon. Kennedy Obuya: Hon. Speaker, am not on mic.

Hon. Speaker: Use the one for Chair of Budget, that one.

Hon. Kennedy Obuya: Thank you. Hon. Speaker, this is a very important moment for me, because this is the last time am making a remark in this beautiful Assembly. Kindly accord me that moment Sir. I am rising because I have been advised---- (*Interruption*)

Hon. Speaker: You're not on mic

Hon. Kennedy Obuya: Thank you. Hon. Speaker, I am rising to support---

Hon. Speaker: Hon. Obuya, I am getting lost. Initially you were opposing.

Hon. Kennedy Obuya: I was not opposing, I was questioning. I didn't oppose because I did not know what I was supposed to support or oppose. Hon. Speaker, after consultations and after I have heard from my senior members, and in the interest of Nairobi County and the people of Nairobi, I rise to support the motion of the speaker and also kindly Hon. Speaker allow me to make my final remarks and contribution in this Assembly.

Hon. Speaker: Hon. Member, you will do that one, but in order for the report to be tidy, let us clear about the report, but I'll give Members some few minutes for closure.

Hon. Kennedy Obuya: Thank you. Now Hon. Speaker, I pray that the members of the Public Service Board, I know quite a number of them, most of them are good people, but I pray that they serve Nairobian well, not like a few officers who are holding key positions and they never report to their public offices. Thank you. I support.

Hon. Speaker: Thank you, can I have Hon. Kiragu.

Hon. Antony Kiragu: Hon. Speaker, I would like to support the report but with a rider that I would want some assurance from the Chair that they followed the law in terms of membership, which says that it should not be less than three but not more than five. From what I have heard, I think we are going to surpass the threshold that is given by the County Government Act.

Secondly, I would like assurance from the Chair that they have actually vetted, and passed the new members through public participation, whereby the public were actually requested to send memoranda or to give any information on the members. If that is the case, I will support the motion, but I want to hear that from the report and may know that it is done in the right way. Thank you.

Hon. Speaker: Can I have Hon. Nyangweso. I believe the mover will take in notes of the concern of Members as you reply. Hon. Nyangweso.

Hon. Esther Nyangweso: Thank you very much Mr. Speaker for giving me this opportunity. As a Member of Labour Committee I rise to support this report. We were able to vet Mr. Kasoa, he has a wealth of experience he's coming with to the Board, and it would be proper for us that when we are leaving, we leave a Board that is functional instead of leaving one that is not functioning so that there's a vacuum in Nairobi. So, with that I beg to support the report. Thank you Mr. Speaker.

Hon. Speaker: Sorry am not able to see you without specs Hon. Clarence Munga.

Hon. Clarence Munga: Thank you Speaker. I rise to support the report of the Labour Committee for finding it fit to make recommendations for the Chairperson. I think based on the performance of the vice chair, him being the vice chair and the track record of his performance as the vice chair, I highly recommend as a friend of Labour Committee, and based on his track record, I want to propose that we adopt that report as it is to ensure that he performs his duties as the Chair. Thank you Mr. Speaker.

Hon. Speaker: Thank you. There being no other request may I call the mover to reply.

Hon. Peter Wanyoike: Thank you Mr. Speaker. Let me take this opportunity to thank each and every Member for the support of this motion and let me say that the second County Public Service Board has done a lot to this county. They have rendered promotions to the workers, our staff and also they have recruited many that you cannot compare it with the first County Public Service Board which was there before, and

remember that that Board was being headed by a professor. So, having this Acting Chairman, Mr. Thomas Kasoa, I think he will do a very good job given this opportunity.

Mr. Speaker, I want to respond to Hon. Kiragu who has requested to know whether after passing these names, the Board will surpass its membership since the Board needs to have seven members to be well constituted. Bearing in mind that one of these members whom we are passing will be the secretary to the Board and the other two will be Board members and also we are having the Chairman. So the Board will be well constituted, that means even after this Assembly, the Board will continue with its mandate as it's required. With that Mr. Speaker, let me thank the whole House for the support and let us continue giving this Board support so that they can have that goodwill to serve Nairobians. Thank you very much, Mr. Speaker, I beg to reply.

(Question put and agreed to)

MEMBERS CLOSING STATEMENTS AS ASSEMBLY ADJOURNS SINE DIE

Hon. Speaker: Hon. Members, may I now give Obuya and any other Member who may want to give parting shots. I think this will be the last session.

Hon. Kennedy Obuya: Thank you, Hon. Speaker. I just beg to make a clarification that there's Kennedy Oyugi and Kennedy Obuya. The one speaking, Hon. Speaker, is Kennedy Obuya.

Hon. Speaker: Sorry for not mentioning your name correctly. I do apologize.

Hon. Kennedy Obuya: Thank you. Hon. Speaker I wanted, one, to thank God and the people of Imara Daima for giving me the opportunity to serve in the Second Assembly of Nairobi. Personally I worked under challenges which I believe most of us underwent. There was Covid, there were chaos in the Nairobi County, but still we did our best.

I am happy that even though there were a lot of challenges within the Assembly, we managed through most of our colleagues, like senior my good neighbor here Waithera, who has pushed a number of Bills. I want to laud all the Members who worked hard to represent Nairobi. I want to specifically, Hon. Members, allow me to appreciate a few Members. I want to appreciate Hon. Elias Otieno Okumu, Hon. Guyo, I want to appreciate Hon. Elachi, Hon. Chege Mwaura, I want to appreciate you Hon. Speaker because you've brought sanity to this Assembly.

There are also senior honorable members, everybody, all honorable members who have been serving in this Second Assembly, it was an opportunity and a privilege to serve with them. We began 122 of us Hon. Speaker, and we thank God that two of us rested, it was by God's choice, we do not question that, and may the souls of our two departed friends, that is Hon. Mellab and Hon. Naftaly to rest in peace. I thank God for giving an opportunity to the rest of the 120 Members, others became sick but they are ending this Second Assembly today alive, we thank God for that.

Hon. Speaker, I want to congratulate everybody who participated for various party primaries, those who won I congratulate them, let them work hard and I pray that they will join the Third Assembly. Those who are going for various positions like me, who is running for Karachuonyo Member of Parliament on an Independent ticket; Hon. Speaker in my area it is not very easy to become a party leader like myself, but with God everything is possible.

I'm looking forward to meeting Members, let us remain friends, let us look after each other, let the mentorship and the bond we had here together prevail. Those who would become Governors, those who will become MPs, Women Reps and Senators and those who will retain, and those who will be elected for the first time, those who are special elect and now to be elected by the people, let us remain family, because I believe we were family, even though we had differences like my brother Hon. Sandile Bishop Karanja, we once physically fought so hard Mr. Speaker, we mended fences and became brothers but I believe in the next Assembly, I pray that my senior brother here, Hon Kados, will not let the Members of the Third Assembly to undergo the challenges that we went through as Members of the Second Assembly.

Thank you Hon. Speaker, I laud the honorable people of Imara Daima for giving me the opportunity to serve them as their second MCA. Thank you. God bless Nairobi County; God bless Imara Daima. Thank you.

Hon. Speaker: Hon. Doris. This is a freelance session. Hon. Doris if am not wrong, you had made your closing remarks, you have something to add on the closing, you want to open the remarks and ...

Hon. Doris Kanario: Mine is total appreciation. First, mine is to thank God who made it possible for me to come to this Second Assembly and secondly is to thank my Jubilee Party that found me a worthy Member in the Second Assembly as a member of Jubilee Party.

I wish to thank H.E. Uhuru Muigai Kenyatta for that opportunity and to thank all Members, especially the leadership of this Assembly, some things would not have been possible were it not for them. We have earned our happy days and fights as well, we have learned, I would say my stay in the Nairobi Assembly was a school, I have learnt and I can say am improving every day.

Lastly is to wish all the Members who made it after nomination, I wish you well. I hope we shall meet here again because personally am running for California Ward and am running to win so help me God, and thank you Mr. Speaker for being a good Speaker to all of us, for listening, sometimes we have been disturbing but we came to your office but we also never left without help. And even the former Speakers who have been there, and also the leadership, especially Jubilee leadership, the Majority Leader Hon. Guyo in absentia, my Majority Whip here, Hon. Kados, the Deputy Waithera Chege and everyone else. Thank you so much, may God bless us all and I pray when the Members of the Third Assembly are counted, I will be one of them. Amen.

Hon. Speaker: Thank you. Hon. Jairus Omayo. Hon. Peter Imwatak, Minority Whip.

Hon. Peter Imwatak: Thank you for allowing me to give my few remarks in one minute or so. As other honorable members have said, it's a great pleasure to thank God for what He has done to us, as we pay respects to our two fallen brothers, Hon. Mellab Atema and Hon. MCA for Korogocho who passed on, I call him Mr. Landman.

I served in this Assembly in 2013-2017 and we were privileged, none of us passed on, but in this Second Assembly we lost our two colleagues, may God rest their souls in peace. Second to that Hon. Speaker is to thank you, as my constituent, my predecessor in terms of leadership and my immediate MP and now the Speaker of this Honorable House. It's a pleasure serving with you, we may not have time again to put this on HANSARD.

I served with you very well as a Member of Parliament for Makadara and I have served with you again as a Speaker of Nairobi City County, and you've never let me down, we believe in you, especially when it comes to listening to people under you. We must celebrate you as Makadara people and we thank you. For your next endeavours, may God Almighty guide you, protect you and lead your family as you pursue other goals as you spoke with me.

Thirdly, to the great leadership of this House, I know we've had issues which are ideological, they are not personal, I want to believe so on HANSARD, that what I believe sometimes is not the same thing my senior Kados could believe. It was never personal, it was about ideology on behalf of my party, and he has ideology on behalf of his party. And no wonder is this how God works, that now we are swimming from the same stream of Azimio. Initially it was how dare he dare our government, now I wonder how dare he will dare our government. *(Laughter)*

So Hon. Speaker, I must thank the leadership of this House, from the Majority Leader who is now vying for the Governor of Isiolo, as I said, there's nothing personal, it was ideological, we pray for him. Mheshimiwa Kados, our Mugabe of our time, we pray for you, on your next term, our Deputy Majority Leader, our Deputy Whip, Majority, our Chair for Budget, our Minority Leader Michael Ogada, we pray for him, we are colleagues. It's upon us to respect each other's decisions but we remain friends, brothers and colleagues.

And to the staffs of this County Assembly, I know Speaker, at some point they have gone through a lot of challenges but am happy that you have brought sanity and now the in-coming of the Clerk, I believe that prayer of sanity will prevail in this County Assembly, and for those who God will grant an opportunity to come back beyond 9th, we ask that spirit to continue, that there will be tranquility, there'll be peace, there'll be that cohesion in this County Assembly.

The laws that we've passed, for those who may not like them, for those who will make change in this County, we say thank you, and we believe Nairobians have seen what Mr. Speaker you did on that seat, it brought back Nairobi to light. Some may not agree with it but one day as Kanario has said we'll be counted that we did something which was not imaginable; to make sure Nairobi goes back to its feet.

I want to thank my ODM party, my Prime Minister, the 5th President to be, for standing by the entire Assembly not only ODM *(Applause)* and Mheshimiwa Kados and Speaker can attest to that. When we could fail to make some consensus, our feet could only rush to his office and say this is where we are stuck and he was always ready to give us guidance on how to run this City.

To H.E. the President, Uhuru Kenyatta, we owe you as a country, that what you have done to bring peace in Kenya, *(Applause)* we'll celebrate for the rest of our lives and our children's children to come. And more importantly, to pray for our country to have a peaceful election on 9th of August 2022. Our kids just want to go to school, our businesses just want to thrive, our children just want to be happy playing without knowing which tribe you are, exemplified by myself, being a Teso, leading a Majority of the Luo MCAs, Luhyas, Kisii's, being a single Teso, it's a privilege Speaker, interacting with a majority of Jubilee Kikuyus without mentioning my tribe, is a great pleasure.

To the media team that we've been with here for the last five years, you've been so good. Without them, Speaker, maybe some of the stories we are saying here, many people could have not supported our cause outside here. As they report what we do here, they make the people out there support our cause. The

Fourth Estate, thank you so much for your job, you've done a good job for the last five years, we pray for your families too, whatever you do, God will grant you that peace. And to all the Chairs, Vice Chairs of the Committees, the Committee Members, whichever you belonged to, just by attending that Committee you played a role to make a difference in Nairobi. Speaker, thank you so much my brother, thank you so much, God grants you another opportunity to serve us, I'll be the happiest man. Thank you and God bless Nairobi, God bless Nairobi County Assembly.

Hon. Speaker: Hon. Members, I believe we are done. I had also made some remarks as we are closing the last time on 9th, but I may also say thank you so much Hon. Members for giving me the opportunity to serve you, and I'll be forever indebted to you people. I came here, I knew a few of you, but am leaving, as a big family, knowing so many other members and am grateful.

I wish them all well in their endeavours. It has not been easy but I believe, challenges are there in any institution, those are some of the moments that make life sweet for you, but you remember there were some hiccups, we had issues but as the Minority Whip has said, there's nothing personal. Mine is to wish you all the very best, this being our last session, and I believe you've been doing well despite the challenges that were there, you've done extremely well, and also pleading with the electorate, that they can give you another term. Thank you so much and God bless you.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, the House stand adjourned *Sine die*.

The House rose at 6.05 p.m.