



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – First Session

Wednesday 26<sup>th</sup> October 2022

The House met at 9.30 a.m.

*[The Speaker (Mr. Kennedy Ng'ondi) in the Chair]*

#### PRAYER

**Hon. Speaker:** Honorable Members, you may be seated.

#### PROCEDURAL MOTIONS

##### LIMITATION ON DEBATE ON MOTIONS

**Hon. Peter Imwatok;** Pursuant to the provision of Standing Order No. 106 (1), this assembly orders that each speech in a debate on any Motion including special Motion be limited in the following manner; a maximum of three hours with not more than 20 minutes for the mover and 10 minutes each other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each and then 10 minutes before the expiry of the time. The mover shall be called upon to reply and the priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the chairpersons of the relevant sectoral committees in that order.

Mr. Speaker, I beg to move the Motion and ask *Mheshimiwa* Hashim Kamau to second.

**Hon. Hashim Kamau:** Mr. Speaker I second the Motion.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, any debate on this? I now call upon the mover of the Motion to reply.

**Hon. Peter Imwatok;** Hon. Speaker, I beg to reply the Motion.

*(Question put and agreed to)*

##### LIMITATION ON DEBATE SPONSORED BY PARTIES OR COMMITTEES

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**Hon. Peter Imwatok;** Pursuant to the provision of Standing Order No. 106 (1), this assembly orders that each speech in a debate on Bills sponsored by a committee, the Leader of the Majority Party and the Leader of the Minority Party be limited as follows; a maximum of 45 minutes for the mover in moving and 15 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant committee if the Bill is not sponsored by the relevant committee and a maximum of 10 minutes for any other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each if the Bill is not sponsored by either of them and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the chairperson of the relevant sectoral committee in that order.

I beg to move the Motion and ask Hon. Chege Mwaura to second.

**Hon. Chege Mwaura:** Thank you Mr. Speaker. I rise to second the procedural Motion. To put into context so that the new Members can understand what the procedural Motion is all about. These are Bills that are being sponsored by private Members as well as a Bill which is before the House courtesy by being pushed by a committee. If you are the mover of the Motion, you are given 45 minutes to move your Motion and the person who seconds is given 30 minutes. In replying, the mover will be given another 15 minutes just to finalize it. Any member of that committee is given 10 minutes to debate the motion.

It also provides for the hierarchy in the Assembly where the Leader of the Majority, the Leader of Minority and the Chairperson of the relevant committee gets the first priority before any other Member. The reason being that the chairperson of a particular committee has understanding with the issues that are being raised. Basically that is the context because this is the first session that things are being put into place, we must put all things in line so that the red, green and yellow buttons guide you on debates. Once you start it goes green and your minutes are lapsing it goes yellow and then red so that you are not out of order without noticing.

All the procedural Motions will give you the guidelines so that when you are doing the Motion, you utilize your time. When given ten minutes, you cannot go for 30 seconds and end your debate, you need to put meat into your debate. I hope I have expounded a bit and I beg to second. Thank you Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Chege for the elaborate speech.

*(Question proposed)*

**Hon. Speaker:** Honorable Members, I now call upon the mover of the Motion to reply.

**Hon. Peter Imwatok;** Hon. Speaker, I stand to reply.

*(Question put and agreed to)*

#### LIMITATION ON DEBATE ON INDIVIDUAL MEMBER'S BILLS

**Hon. Peter Imwatok;** Hon. Speaker, pursuant to the provisions of Standing Order 106, this Assembly orders that, each speech in a debate on Bills not sponsored by a committee, the Leader of the

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Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty 30 minutes for the Mover, in moving and ten 10 minutes in replying, a maximum of thirty 30 minutes for the Chairperson of the relevant Committee and a maximum of ten 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that order.

I beg to move the Motion and ask Hon. Samora Wachira to second.

**Hon. Samora Wachira:** Thank you Mr. Speaker, I second the Motion.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, I now call upon the mover of the Motion to reply.

**Hon. Peter Imwatok;** Hon. Speaker, as I stand to reply, Hon. Chege Mwaure contribution was good for the sake of the first time Members. This procedural Motion speaks to an individual's sponsored Bill. As the sponsor of the Bill, you will be given adequate time to present your Bill so that the Nairobians and the Members of the County Assembly will get the gist of it. When you have a Bill it is your day and you have enough time to present what you have it on HANSARD. The Assembly is a House of records; what you speak today will be there forever and can be used in other jurisdictions. Hon. Speaker, I beg to reply.

**Hon. Speaker:** Thank you Hon. Majority Leader.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON REPORTS

**Hon. Peter Imwatok;** Hon. Speaker, pursuant to the provisions of Standing Order 106(1), this Assembly orders that, each speech in a debate on a Report of a Committee, a Sessional Paper or any other report submitted to the Assembly, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and 30 minutes in replying, and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that sequence.

Hon. Members, this procedural Motion touches on the reports of relevant committees. An Assembly does its donkey work at the committee level and the only way a committee can share its findings, on any question raised during the plenary, is through a committee report through statements or any other inquiry ad-hoc committees and they must table reports before this House. Therefore, this Motion speaks to the chairperson mostly or the person designated to table the reports before this House. He will be given enough time to expound on the report.

As you are aware, some reports are so voluminous and requires enough time to be debated by the mover so that the entire House can understand the gist of it. I ask my counterpart, the Leader of the Minority Party to second.

**Hon. Anthony Kiragu:** Thank you, Hon. Speaker, I second and I would like to add that this is the section that has been given the most time for the reply by the chairperson of the committee because committees take time and they need that amount of time. Therefore, it is good for everybody to note that they take time and their input is always important in everything that is done. Thank you.

*(Question proposed)*

**Hon. Peter Imwatok:** I reply!

*(Question put and agreed to)*

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON THE MOTION ON THE ADDRESS BY THE GOVERNOR

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to the provisions of Standing Order 106(1), and in furtherance to the provisions of Standing Order 27(5), this Assembly orders that debate on the Motion on the Address by the Governor be limited to no more than five (5) minutes for each Member Speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

This is whereby we are heading after this - the debate of the Governor's Speech, and the guideline is that each Member will be only accorded 5 minutes and the red light will illuminate. The first blue light is to usher you to be given your debate, the yellow light is a warning and the red light is to tell you that you are out of time and automatically the speakers go off.

Therefore, Members, this is the gist of this procedural Motion, the Minority leader.

**Hon. Anthony Kiragu:** Thank you Majority Leader, I second this Motion and it is the order that we are going to follow up on, and we are proposing as an Assembly. Thank you.

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, I stand to reply.

*(Question put and agreed to)*

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON THE ADJOURNMENT MOTION

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to the provisions of Standing Order 106(1), this Assembly orders that the debate on any Motion for the Adjournment of the Assembly to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of Recess proposed by any such Motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment

Hon. Speaker, this procedural Motion speaks to what we had a debate about yesterday in the House Business committee for the new Members. In case of the adjournment of a Motion on extension of the calendar of the Assembly, it gives the mover the time to do so and the minutes to speak on how to proceed with it. Hon. Speaker, may I ask my counterpart to second the Motion.

**Hon. Anthony Kiragu:** Hon. Speaker, I second that Motion and to add to what the Majority leader has said, we can also decide to cut short the period, extend and we can decide to adjourn and bring it to a closure. I second.

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, I intend to reply and add to what has been said by my counterpart that this Motion speaks not only about extension but also the extension of the calendar of the Assembly. I beg to reply.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON SELECTION

**Hon. Peter Imwatok:** Hon. Speaker, allow me to proceed and move a procedural Motion on the appointment of Members to the select committee on Selection

That, pursuant to the provision of Standing Order 168 (1), this Assembly approves the appointment of the following Members to the Select Committee on Selection: -

- |   |                                      |
|---|--------------------------------------|
| 1. The Hon. Peter Imwatok Jateso, MCA   | – Majority Leader (Chairperson)      |
| 2. The Hon. Anthony Kiragu Karanja, MCA | – Minority Leader (Vice Chairperson) |
| 3. The Hon. Paul Kados Kiguathi, MCA    | – Deputy Speaker                     |
| 4. The Hon. Moses Ogeto Nyangaresi, MCA | – Majority Whip                      |
| 5. The Hon. Mark Mugambi Macharia, MCA  | – Minority Whip                      |
| 6. The Hon. Fuad Hussein, MCA           |                                      |
| 7. The Hon. Joyce Lugonzo, MCA          |                                      |
| 8. The Hon. Lily Kidenda, MCA           |                                      |
| 9. The Hon. Catherine Okoth, MCA        |                                      |
| 10. The Hon. John Ndile, MCA            |                                      |
| 11. The Hon. Simon Maina Mugo, MCA      |                                      |
| 12. The Hon. Aaron Kangara, MCA         |                                      |
| 13. The Hon. John Mwaniki Kwenye, MCA   |                                      |
| 14. The Hon. Virginia Kangethe, MCA     |                                      |
| 15. The Hon. Kame Adano, MCA            |                                      |

Hon. Speaker, as I move this procedural Motion this is the second committee to be formed in any new Assembly. Am aware that on our side of the coalition yesterday we had a very important Kamkunji. Our Majority Whip took our Members through what each committee is envisioned of doing in this House.

Hon. Speaker, I know the Minority whip and the Majority whip are under pressure on the issue of the placement of committees. However, the work of placing Members in committees is invested in the Selection committee. If you read Standing Order 58 (1) it speaks, about how a committee should be placed and it must consider gender, ethnicity, region, disability and independents. That this is the work of this committee on Selection chaired by the Majority Leader and deputized by Minority Leader.

Hon. Speaker, these men and women who have a chance to be in this committee must be at all-time pragmatic enough and do justice to all Members. As I say from the onset yesterday, this Assembly should be seen as a just Assembly across the aisle.

No Member should miss in two sectorial Committees and one select committee because the most active committee are sectorial committees and five other select Committees. Therefore, across the aisle I know the whip is under the instruction of myself and the Minority leader. No Member of this House will miss this committee as stipulated in the Standing Orders. These men and women must be up to task and be provided with committees as quickly as possible before next week. I beg to ask my counterpart to second.

**Hon. Anthony Kiragu:** Thank you Majority Leader, I second this Motion. I want to reiterate that we have taken time very carefully to select people and briefed them properly on the rules that are going to be followed from the Constitution and the Standing Order in this Assembly to make sure that all the committees are distributed fairly and openly. We are going to follow the statute of the constitution, gender, minorities, youths and everybody so that the team we are passing here today will be tasked to make sure that the Assembly has the committees that are required.

They are also tasked to look into Members' interests and capacity to be in those committees. I believe we have the best team at Kenya Kwanza and I want to believe you [Majority] have also done a good job in ensuring that you have the best people in this Committee. Thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, allow me to congratulate the two whips for the good job. I have gone through the names of the ten Members of the Committee, the first five is stipulated under the Standings Orders. The whips have considered women. Out of the ten Members, gender rule has been observed. Also, diversity as per our constituencies has been considered. I beg to reply.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON APPOINTMENTS


**Hon. Peter Imwatok:** Hon. Speaker, allow me present a Procedural Motion on appointment of Members to the Select Committee on Appointments.

THAT, pursuant to the provision of Standing Order 202(1), this Assembly approves the appointment of the following Members to the Select Committee on Appointments:

1. The Hon. Kennedy Okeyo Ngondi, Speaker – Chairperson
2. The Hon. Peter Imwatok Jateso, MCA – Majority Leader

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3. The Hon. Anthony Kiragu Karanja, MCA – Minority Leader
4. The Hon. Moses Ogeto Nyagaresi, MCA – Majority Whip
5. The Hon. Mark Mugambi Macharia, MCA – Minority Whip
6. The Hon. Wilfred Odalo, MCA
7. The Hon. Oscar Lore, MCA
8. The Hon. Emily Oduor, MCA
9. The Hon. Chege Mwaura, MCA
10. The Hon. Susan Kavaya Makungu, MCA

Hon. Speaker, this Committee is a seasonal committee that its work is one off. It dies naturally, unless we impeach a CEC or he/she dies, may God forbid. It is a committee that is tasked with the work of keeping the integrity of our County on who serves in the Executive as a minister. This Committee is limited in number. I know every Member would want to be in this Committee. The first five is stipulated under the Standings Orders; it leaves us with only a maximum of five other Members across the aisle.

So, Hon. Speaker, I ask for tolerance from our Members, we cannot fit everyone in the Appointment Committee. More committees will be availed and everyone will be placed. I ask my counterpart to second.

**Hon. Anthony Kiragu:** Thank you, Hon. Majority Leader. I want to add to---- I am seeking the attention of the Majority Leader.

*(An Honorable Member rose to his feet)*

**Hon. Speaker:** You are out of order, Hon. Member! The Minority Leader is on the floor

**Hon. Anthony Kiragu:** I would like to second this Motion and would like to bring to the attention of the Majority Leader that the two reasons he has given are not the only ones, a CEC can go mad.

*(Laughter)*

A CEC can also resign. So, it may force this Committee to reconvene. I support and say that this is the committee with the shortest lifespan, which I think is not more than two weeks. We believe that we have the right people with right experience in it. It is not possible to accommodate everybody's interests because as Kenya Kwanza, we only had two slots other than what is prescribed in the Standing Orders. I second.

*(Applause)*

**Hon. Speaker:** Thank you, Honorable Minority Leader.

*(Question proposed)*

**Hon. Speaker:** Hon. Members. May the mover reply.

**Hon. Peter Imwatok:** As I reply, I thank as House, we must now be busy. This side I understand is busy in a different perspective. This County has to start to work. As a County Assembly, may be in a few



hours or in few days, we will be imploring on the Governor to start forwarding the names of the CECs and the relevant chief officers before this House so that business can start. Who are these Nairobians who are qualified quantitatively and qualitatively to be the CECs of our great County? We want to give the Governor policy makers of this city. I believe in few weeks, we will be celebrating the swearing in of those who will have passed through the needle of this Assembly.

I beg to reply and urge the Governor to go with speed to forward your office, Mr. Speaker, the said men and women that he has seen in his wisdom worthy people to make this County work again.

**Hon. Speaker:** Hon. Members, you remember after proposing the question, I alerted the House if there was a debate on the said Motion but there was total silence. On my screen, there was no indication of a Member wanting to contribute to the Motion. For any Member who is interested, it has already been overtaken by events, given that the proposer of the Motion has replied.

*(Question put and agreed to)*

#### ADOPTION OF THE ASSEMBLY CALENDAR

**Hon. Speaker:** Hon. Majority Leader.

**Hon. Peter Imwatok:** Hon. Speaker, the Deputy Speaker is making me laugh. We went home yesterday very late from your good office. You know the Deputy Speaker has taken the entire floor. The office is as good as the person. His office is really---

**Hon. Speaker:** Hon. Member, you have the business to move the Motion, please.

**Hon. Peter Imwatok:** THAT, pursuant to the provision of Standing Order 31(1), this Assembly approves the Calendar of the County Assembly (Regular Sessions) for the First Session, 2022, as contained in the Schedule.

Hon. Speaker, as I move this calendar, we have no reconnected with our electorates since election, the long recess will enable us be with them. Without much ado, let me ask my counterpart to second the Procedural Motion

**Hon. Anthony Kiragu:** Thank you, Hon. Speaker. I second the Motion and remind the Assembly that the power to adjourn or alter the calendar lies within the walls of this Assembly and within the Speaker. So, I second.

**Hon. Speaker:** Hon. Members, before I propose the question, you know this House works under the Constitution and any other law, that is the County Governments Act. As you are aware, the Standing Orders is the guiding principle in this House. The Standing Orders No.1 and 2 dictates on the alteration of the calendar of the Assembly as prescribed in the County Governments Act. So, as we may pass the Motion, it will as well be subjected to the House Business Committee to slot in a day and time for the alteration. The same will appear in the Order Paper most probably next week.

*(Question proposed)*

Hon. Members, it is debate time. After proposing the question, you have all the time to debate. Hon. Kiragu Karanja, I can see you are on in the screen, put your mic off. I now call the mover to reply.



**Hon. Peter Imwatok:** Hon. Speaker, I must thank the House for being patient enough as we ran through these Procedural Motions. As for our brothers and sisters who joined the Assembly for the first time, thank you so much for being patient. These are Housekeeping procedures that we must do. Don't ask why the Majority Leader can't ask a Member of the Majority side to second, they are Housekeeping Procedural Motions which have to be done across the aisle to make sure each Member and each coalition or party is involved.

Therefore, Hon. Speaker, I thank you for the opportunity to start serving the Nairobians. Those who have been appointed to these committees, get to work as quick as possible to make sure our Members are starting to work.

Hon. Speaker, I must also say that the SRC has done us injustice in a manner that the plenary sittings are not payable. Therefore, these committees must go with ultimate speed to make sure all the relevant committees are constituted as quick as possible so that hon Members can start earning their sitting allowances in the committee stages. I beg to reply, Hon. Speaker.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Speaker:** Hon Members, the Assembly stands adjourned till 2.30 p.m. today. The Committee on Selection to meet immediately after this at the Chamber Boardroom.

**The House rose at 10.22 a.m.**