



REPUBLIC OF KENYA

## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

First County Assembly – First Session

#### Special Sitting

Tuesday, 18<sup>th</sup> June 2013

The House met at 2.30 p.m

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### PAPERS LAID

The following papers were laid on table:

- a) The report on nominees for appointment as the County Executive Members
- b) The report on nominees for appointment to the County Public Service Board

**Hon. Speaker** (Mr. Alex Sanaika Ole Magelo): Hon members, Hon Karega Mboku of Nairobi South ward requires a statement with regard- Okay Members, let's continue a little bit so that we can handle this, later.

#### PAPERS

**Hon. Leader of Majority** (Mr. Elias Otieno): Yes, Mr. Speaker, I beg to lay the following papers on the table of the house today, Tuesday, 18<sup>th</sup> June 2013; the report of the County Assembly Committee on Appointment on the vetting of nominees to the County Executive Committee of the Nairobi City County Government. Thank you

**Hon. Utalii Ward** (Mr. Wilson Ochola): Mr Speaker sir, I beg to lay the following papers on the table of the house today, Tuesday 18<sup>th</sup> June 2013; the report on the County Assembly Committee on Labour

and Social, Welfare on the vetting of nominees to the County Service Board of the Nairobi City County Government.

**NOTICE OF MOTION**  
**NOTICE – MOTION ON ADOPTION OF REPORT ON VETTING OF COUNTY EXECUTIVE**  
**COMMITTEE MEMBERS**

**Hon. Leader of Majority:** Yes, Mr. Speaker, I beg to move the following motion that this Assembly adopts the report of the County Assembly Committee on Appointment on the vetting of nominees to the County Executive Committee of the Nairobi City County Government, laid on the table of the house today, Tuesday, 18<sup>th</sup> June 2013

**Hon. Wilson Ochola:** Mr Speaker sir, I wish to move the following motion; that this Assembly adopts the report of the County Assembly Sectoral Committee on Labour and Social Welfare on the vetting of nominees to the Nairobi County Public Service Board laid on the table of the House today, Tuesday 18<sup>th</sup> June 2013.

**NOTICE – MOTION ON LASDAP BURSARY KITTY**

**Hon. Member for Korogocho (Mr. Maxwell Ochar):** Mr. Speaker sir, I wish to read this statement to this honourable House; **WHEREAS** the defunct Nairobi City Council, through the LASDAP kitty, allocated one million Kenya shillings per ward every financial year as bursary towards secondary school education for the students from poor backgrounds; **WHEREAS** the establishment of the county government has abolished the LASDAP bursary kitty, thus negatively affecting the destitute secondary school students; **AWARE** of the structures and development of primary and secondary schools has since been delinked from the County government; the consequences of introduction of free primary education; **CONCERNED** that the number of public secondary schools available is less than primary schools, compared to the number of students graduating from primary schools; **AWARE** that many students are compelled to learn in private secondary schools which do not have the benefit of free education facilities thereby making it impossible for the needy students to access basic education; this house urges the County Government to urgently establish a county bursary programme and allocate Kshs 1 million per term per every ward for this financial year 2013/2014 totaling to 3 million per year per ward and 1 billion and 5,000 million shillings per term for subsequent years which will total to 4.5 billion per year per ward. I hereby table my statement.

**Hon. Speaker:** Hon. Mboku

**REQUEST FOR STATEMENTS**

**REQUEST – STATEMENT ON OXFLAM ALIAS UMANDE TRUST**

**Hon. Member for Nairobi South Ward (Mr. Manoah Mboku):** Mr. Speaker, I stand on Standing Order No. 41. We have a body called Oxflam that at one time invited Council officers at Thika Road at a place called Roasters. The meeting never materialized due to some technicalities. Recently they visited my

Ward and the message they had for my people was that Hon. Manoah has been given 120 million shillings for development projects in his Ward.

Since then, I had been receiving numerous calls regarding the allegations. The same group, from reliable sources, it is confirmed that they are going around Nairobi inciting Nairobians that the money is with the County representatives of this County and that the wananchi should approach their County representatives for development projects. Mr. Speaker, under what authority are these people moving around our Wards and trying to confuse wananchi to come up with projects that are to be funded by County representatives? Who is funding this Umande and Oxflam? May this house be furnished in detail as pertaining to this animal called Umande Trust alias Oxflam. Thank you

**Hon. Speaker:** Order members! Order! I now call upon the Hon. Elias Otieno to read order No. 8.

**Hon. Leader of Majority:** Thank you, Mr. Speaker

*(A phone rings)*

**Hon. Speaker:** Order members! Order! Hon. Members, here in this Assembly, I would kindly ask you to switch off your phones. We are in serious business and it can only be fair if the Members are not disturbed by the show cause. The Hon. Elias

#### **MOTION – REPORT ON VETTING OF THE EXECUTIVE COMMITTEE NOMINEES**

**Hon. Leader of the Majority:** Thank you Mr. Speaker sir, I rise to move motion number eight on behalf of the members of the Committee on Appointment; that pursuant to provision of Standing Order No. 185, it is my pleasure and duty to present to the Assembly the Committee's Report on the vetting of the Executive Committee nominees:

#### **Committee Membership**

The Committee on Appointment was constituted by the Assembly on Thursday 30<sup>th</sup> May 2013 constituting the following members:

1. Hon. Alex Ole Magelo (Speaker of the Nairobi City County Assembly) - Chairperson
2. Hon. Elias Otieno, MCA, Leader of Majority Party,
3. Hon. Abdi I Hassan, MCA, Leader of Minority Party.
4. Hon. David Mberia, MCA
5. Hon. Hashim Kamau, MCA
6. Hon. Elizabeth Manyala, MCA
7. Hon. Ronald M. Milare, MCA
8. Hon. Beatrice Kwamboka, MCA
9. Hon. Samuel K.Mwangi, MCA
10. Hon. Daniel Mbugua Mari, MCA

The Committee on Appointment is one of the Select Committees established under Standing order No. 185 which provides that the Committee on Appointment shall consider for the approval by the Assembly, appointments under Article 179(b) of the Constitution (County Executive Committee).

### **Nomination of the Members of County Executive Committee**

Pursuant to Article 179(b) of the Constitution, His Excellency the Governor through the Interim County Secretary and the Speaker of the Nairobi City County Assembly forwarded to the Clerk of the Nairobi City County Assembly the names of the following ten (10) nominees vide a letter dated 30<sup>th</sup> April 2013, for vetting by the Committee on Appointment and for consideration for approval by the Nairobi City County Assembly for appointment as County Executive Committee Members;

The nominees:-

1. Mr. Mohammed Abudlahi – Information, Communication and E-Government
2. Mr. John Kennedy Wanyama – Education, Youth Affairs, Culture, Children and Social Services
3. Mr. Erick Mokuu Arita – Public Works, Roads & Transport
4. Mr. John Gakuo – Water, Energy, Environment and Natural Resources
5. Ms Anne Kamaisa Lokidor – Agriculture, Livestock Development and Fisheries
6. Mr. Gregory Silvanus Mwakonongo – Finance and Economic Planning
7. Ms. Mercy Wambui Kamau – Public Service Management
8. Dr. Timothy Moki Kingondu – Health services
9. Ms. Anne M. R. Othoro – Trade, Industrialization, Co-operative Development and Tourism
10. Mr. Tom Patrick Odongo – Lands, Housing and Physical Planning

On Thursday 30<sup>th</sup> May 2013, the Hon. Speaker, in a communication to the Assembly, informed the Assembly that the Clerk of the Nairobi County Assembly had received the names of the said ten (10) nominees and directed that the names and Curriculum Vitae of the said nominees be referred to the Committee on Appointments for vetting and reporting to the assembly within 14 days.

### **Committee Meetings**

The Committee held five (5) sittings during which the said ten (10) nominees appeared before the Committee on Appointments and were vetted for appointment as County Executive members. On behalf of the Committee on Appointment, I have the honour and pleasure to present the Committee's Report on the nominees for appointment as County Executive Committee Members. May I take this opportunity to thank all the Members of the committee for their input and valuable contributions during the deliberations and vetting of the County Executive Members.

### **Committee's Observations**

#### **1. County Executive nominee for Lands Housing and Physical Planning, Mr. Patrick Tom Odongo**

The Committee found that the nominee is suitable for the position and recommends that he be nominated as County Executive Member for the County Lands, Housing and Physical Planning

**2. County Executive nominee Department of Public Service Management – Ms. Mercy Wambui Kamau**

The Committee having considered her Curriculum Vitae and heard her oral submission during the interview/exercise made the following observations;-

The committee found the nominee suitable for the job and recommends that she be nominated the Executive Committee Member for the Public Service Management.

**3. County Executive Committee Nominee member for the Department of Health Services – Mr. Timothy Moki Kingodu**

The Committee found the nominee suitable for the position and recommends that his nomination as the County Executive Member for the Department of Health Services be approved.

**4. Ms Anne Mourine Riaga Othoro – County Executive Committee Member Nominee for Trade, Industrialization, Co-operative Development, Tourism and Wildlife Department**

The Committee found the nominee suitable for the position and recommends that her nomination as the County Executive member for the Department of trade, Industrialization, Tourism and Wildlife be approved.

**5. County Executive Nominee member for the Department of Finance and Economic Planning – Mr. Gregory Silvanus Mwakanongo**

The Committee found the nominee suitable for the position and recommends that his nomination as the County Executive Member for the Department of Finance and Economic Planning be approved.

**6. County Executive Committee Nominee member for the Department of Water, Environment, Energy and Natural Resources – Mr. John Gakuo**

The Committee found the nominee suitable for the position and recommends that his nomination as the County Executive member for the Department of Water Environment, Energy and Natural Resources be approved.

**7. County Executive Committee Nominee Member for the Department of Education, Youth Affairs, Culture, Children and Social Services – Mr. John Kennedy Wanyama**

In view of the foregoing, the Committee found the nominee is not suitable for appointment as the County Executive Member for the Department of Education, Youth Affairs, Culture, Children and Social Services.

**8. County Executive Committee Nominee member for the Department of Information, Communication and E-Government – Mr. Mohammed Abudllahi**

The Committee found the nominee suitable for the position and recommends that his nomination as the County Executive Member for the Department of Information, Communication and E-Government be approved.

**9. County Executive Committee Nominee Member for the Department of Agriculture, Livestock Development and Fisheries – Ms Anne Kamaisa Lokidor**

The Committee having considered her Curriculum Vitae and heard her oral submission during the interview/exercise made the following observations;-

The Committee found the nominee suitable for the position and recommends that her nomination as the County Executive member for the Department of Agriculture, Livestock Development and Fisheries be approved.

**10. County Executive Committee Nominee Member for the Department of Public Works, Roads and Transport – Mr. Erick Mokuu Arita**

The Committee having considered his Curriculum Vitae and heard his oral submission during the interview/exercise made the following observations;-

In view of the foregoing, the Committee found the nominee is not suitable for appointment as the County Executive Member for the Department of Public Works, Roads and Transport.

After the Committee scrutinized the Curriculum Vitae and the documents presented, the Committee found the following members eligible for the respective positions. The Committee recommends that; this Assembly approves the following eight (8) nominees for appointment by H.E the Governor as County Executive Committee Members in their respective departments.

1. Mr. Tom Patrick Odongo
2. Ms. Mercy Wambui Kamau
3. Dr. Timothy Moki Kingondu
4. Ms Anne M. R. Othoro
5. Mr. Gregory Silvanus Mwakanongo
6. Mr. John Gakuo
7. Mr. Mohammed Abudllahi
8. Ms Anne Kamaisa Lokidor

The Committee recommends that; this Assembly approves the above eight (8) nominees for appointment by H.E the Governor as County Executive Committee members in their respective departments.

The Committee rejects the nomination of the following members of the County Executive Committee and recommends that the appointing authority submits the names of other persons for consideration:-

1. Mr. John Kennedy Wanyama

2. Mr. Erick Mokua Arita

I call upon the Leader of Minority to second the report.

**Hon Leader of Minority (Mr. Abdi Ibrahim Hassan):** Mr. Speaker sir, I beg to support this motion on the nomination of the following County Executive officers; Mr. Tom Patrick Odongo, Mercy W. Kamau, Timothy Omondi, Anne Othoro, Mr. Gregory Mwakanongo, Mr. John Gakuo, Ms Anne Lokidor, Mr. Muhammed Abudullahi, Mr Kennedy Wanyama and Mr. Erick Mokua. The Nairobi County has lagged behind since the formation of this County Government. No bill has been passed in this house because of lack of these County Executive officers. It is high time that the Nairobi City County Assembly approves these nominees so that the people of Nairobi can have service delivered.

Since we were elected, no service has been delivered to our Wards. I'm sure every one of the members sitting in this house has received many questions from the people who elected them since there is still no services which have been delivered to the ground. No policy can be communicated in this county without this County Executive Committee and I'm urging this house to approve the nominees. This House gave us this mandate as the County Appointment Committee and I think we did a thorough job. We did a good job. We went through all these nominees and we found them suitable to serve as County Executives for the County of Nairobi.

Mr Speaker sir, all the County Executive nominees had the required qualifications. But for the two nominees; Mr. Mokua and Mr. Kennedy Wanyama a number of issues came to the fore. Mr. Wanyama agreed with the panel of the vetting committee that he had canvassed and as you are aware canvassing is against the law. The public did not raise any integrity issues with regard to the two. Their qualifications are good but they canvassed which is against the law. That's the reason why the Committee on Appointment disqualified them.

We ask the Governor, with regard to these two members, to bring qualified people from the same community to replace them because we want the diversity of this city to be captured. There are no other nominees among the approved eight from the communities represented by the rejected duo. It is their communities' right according to the Constitution requirement.

We want to tell the Governor that if he brings another two names which is not in tandem with the Constitution, that means they are not coming from these same communities, we are going to reject them. With those remarks I support the motion and urge the House to approve the motion as it is. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Members I now propose the question that the Assembly adopts the report.  
Hon. Hashim.

**Hon. Chief Whip of the Minority (Mr. Hashim Kamau):** Thank you, Mr. Speaker. We interviewed the ten persons for the County Executive Committee and the persons recommended were persons of high qualifications, high experience and deserve these positions. For example, Mr. Tom Odongo who through his service in the defunct Nairobi City Council has moved through different ranks from a messenger, draughtsman, all the way to the Town Clerk. This has been accredited to his good work and devoted commitment to his duty. Secondly, Mr. Gakuo is a hard working fellow who many hold in high esteem. Mr. Speaker, I support the motion.

**Hon Speaker:** Hon. Nyang'wara.

**Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara):** Mr. Speaker, I stand to oppose this motion on very strong grounds. In due time I am going to give reasons as to why I oppose the motion. The Appointment Committee, that we mandated to vet these Executive Members of the Government they did dismal work. The allegation they have given us here, is just mere hearsay; that the two gentlemen canvassed. It could have been of good help if the Leader of the Majority and the Leader of Minority could table documents to prove that these two gentlemen did canvass.

Secondly, we actually feel ambushed, because I just want to draw the attention of this house that these particular motions were to be discussed in the House Business Committee so that they can lay a foundation for them to be tabled in this house. But nothing so far happened. It is un-procedural and actually we have to uphold the dignity of this house the way it is supposed to be.

**Hon Speaker:** Point of order, Member.

**Hon Hashim Kamau:** Mr Speaker, the Member has put it that when canvassing we need a document to be tabled. Can he elaborate further which document is supposed to be tabled when a member is canvassing?

**Hon. Samwel Nyang'wara:** Thank you, Chief Whip of Minority; I hope that when you say canvassing you know what it means. Actually what I meant is this, normally there must be an evidence in this case what I mean is that you should have told me that there is a video of such kind of thing or somebody who can come and testify. We.....(*Interruption*)

**Hon. Speaker:** Order member!

**Hon. Samwel Nyang'wara:** Thank you Mr. Speaker for protecting me. The Hon. Leader of Minority has stated here that these two gentlemen were found canvassing. What if we say that these two gentlemen are the ones who remained adamant refusing to give a token of appreciation for the good job to the Committee of .....(*Interruption*)

**Hon. Speaker:** Order! Order member! Hon. Member, you are using a language that cannot be accepted in the Assembly. Go to the point so that we can deliberate on the issues at hand but I'm not going to let rumour mongering be the call of this Assembly.

**Hon. Samwel Nyang'wara:** Thank you, Mr. Speaker. With due respect I just want to request for evidence because the document, which has been tabled in this House, does not give the proper reasons why these two gentlemen were disqualified. These two gentlemen are known to us. They are hardworking Kenyans in this County of Nairobi and they did their level best. His Excellency the Governor, when he was nominating these same guys and ladies, must have done a thorough scrutiny so that he did select the two names and then we say that the eight names are.....

**Hon. Speaker:** Order Member!



**Hon. Samwel Nyang'wara:** Thank you, Mr Speaker. I have never worn a watch, but today I did wear a watch because I knew I had 15 minutes to contribute.

**Hon Speaker:** Okay.

**Hon. Samwel Nyang'wara:** Allow me, Mr. Speaker, to just say whatever I want to say and then I go and rest on my seat.

**Hon. Speaker:** You are allowed.

**Hon. Samwel Nyang'wara:** Mr. Speaker, I am remaining with 10 minutes. Your Hon. Minority leader, coming here to order His Excellency, the Governor, from the floor of this house that to bring two other names from the same communities is misplaced authority. He does not have that extra authority to instruct the Governor on whom to appoint and from which community. It is clearly stated here.....

**Hon. Speaker:** Order, point of order Hon. Nyang'wara

**Hon. Leader of Minority:** Mr. Speaker sir, I think my good friend, 'Mheshimiwa' Nyang'wara didn't get me very clearly. I was pleading with the Governor to go by the Constitutional requirements because this city needs diversity, I was not authorizing the Governor. So Mr. Nyang'wara should use proper language.

**Hon. Samwel Nyangwara:** Thank you, Mr. Speaker. I think that you have now used proper language, Hon Leader of Minority. But I wanted to put it clear that we cannot request His Excellency the Governor from this floor to give us the kind of names we want. It is in his own authority to appoint whomever he wants to appoint. The kind of words that have been used in this house, are a pointer that some Members are trying to please the Hon. Members who come from these particular communities so that they can know they will be considered and so that they can vote for this particular motion. With these few remarks I wish to oppose this motion.

**Hon Speaker:** Hon. Kagiri.

**Hon. Member for Member for Pipeline Ward (Mr. Samuel Kagiri):** Thank you, Mr. Speaker for giving me this opportunity to contribute to this motion of adapting the report of the Executive Members vetted by the Committee on Appointment and I stand here to support the motion. I was a member of the Committee on Appointment that vetted the Executive Members and there were backgrounds and guidelines as seen on the page eight of the report and we followed the same guidelines that were required to vet these people.

Item number one was; academic qualifications, employment records, political affiliations, potential conflict of interest, relevant subjects, overall suitability, and integrity. I want to say this before this honorable House, that each and every Executive Member was evaluated using the same guidelines and I am sure that the Hon Members were able to come and visit and see how we were vetting these people.

What I want to say is this; we supported these people because they were qualified or they met the criteria according to the vetting procedures that were supposed to be followed. The eight that we supported were qualified in all these stages and the Committee recommended them for appointment. The

two that were rejected, were rejected with critical reasons. If you look at the list of the appointees, the Constitution requires that they have university education and this was catered for plus the other requirements that had to be considered.

The marginalized group and the youth were catered for. These people are qualified and experienced. There is no person who was victimized against with regard to any of the issues. Because if this house had requested that each and every person brings their own person to be nominated, I am sure each and every member could have brought his own person. But this committee did not do anything personal against anyone. We vetted them equally and in fact there were some people who were vetted for the second time based on public complaints and also qualifications. There is no grudge against anyone.

So, Mr. Speaker, I would like to request this House to pass this motion, as the Leader of Majority has said, we may be running against time. We need to do something as the County of Nairobi. At the end of the day we will be judged by the delivery of services. Our activities which are lagging behind need be given a kick start. So it's my humble request to this honourable House that we support this report as it is. Thank you.

**Hon Speaker:** Hon. Ken Ng'ondi

**Hon. Chairman of Chairmen (Mr. Kennedy Ng'ondi):** Thank you, Mr. Speaker. I stand to support this motion. Mr. Speaker with due respect for this honorable House, I think the list is long overdue for approval. The bill by which the Nairobi County stands is by way of giving the Executive Committee a chance to make this county what we desire it to be and also to implement the policies generated by this House.

On the question of the two gentlemen nominated by the Governor, I think we had in place the Appointment Committee who were mandated to do a job not only for this house but for the entire Nairobi County. I do believe that the report they have placed before this house is well placed and without any ill motive. For that reason Mr. Speaker, I beg to support the motion.

**Hon Speaker:** Order Members!

**Hon. Member for Dandora Area II (Mr. Stephen Murathi Kambi):** Thank you, Mr. Speaker sir, I beg to support the report tabled in this honourable House by the Appointment Committee bearing in mind that the Members of this honourable committee are honourable Members of this house. We as members of this house are the ones who proposed the honourable Members who constitute the Appointment Committee. I have been present in the vetting committee severally and I do have trust that the Members of the Appointment Committee executed their mandate without any ill motives and to the best of their capacity. So, I want this honourable House to adapt the report by the Appointment Committee bearing in mind that, if we still have the interest of Nairobians at heart, we should also not waste time. Time is not on our side and I do believe that the men and women who had been vetted by the Appointment Committee to take positions in these offices are qualified. Mr. Speaker sir, I support as I sit down.

**Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno):** Thank you, Mr. Speaker for the opportunity you have given me. I rise to give a notice of amendment, but before I give the notice, I want to give the old maxim which says, 'He who seeks equity, must come with clean hands.' Mr. Speaker my hands are clean and that's why I am moving this amendment; that this House, deletes the word 'eight' on page 47

section five and insert the word 'ten'. 'That this Assembly approves the following;' we delete the word 'eight' and we replace it with 'ten'. Another one is section five again that we delete the words, 'that the committee rejects the nomination of the following nominees' and we replace it with, 'the house recommends the nomination of one, Mr John Kennedy Wanyama. Two, Mr Erick Mokuia Arita as members of the County Executive Committee' as their positions have been shown in this report.

**Hon. Speaker:** Order Hon. Member!

**Hon. Leader of Minority:** Is it in order for the Hon. Member for Sarang'ombe Ward to bring an amendment without a notice of amendment?

**Hon. Pius Otieno:** Thank you, Leader of Minority. In deed the office of the Speaker has been furnished and .....(Interruption)

**Hon Speaker:** No! No! Order Hon. Member! The office of the Speaker, where I have been all morning, has not been served with the amendment. I have only found the amendment on my table and the fact is that I have not read the amendment. So it has not come to my office, Hon. Member. Who stamped it? No, no, but there is a difference between the office of the Speaker and the Speaker himself. For all the motions, Hon. Members, which were brought and the statement that was brought by Hon. Manoah, they must have an approval by the Speaker for tabling. Hon. Member, the only way you can move on this is to oppose the motion, it is not by an amendment, because your amendment is time barred.

**Hon. Pius Otieno:** Mr. Speaker, what you are saying is very serious, because it has been rubber stamped by the office of the Speaker which I'm not contesting or overruling. But it is important that the persons who authorized understand it when you say that it is time barred. The Standing Orders section 51 gives us the room for an amendment and I even consulted with the Clerk from your office and she authorized the same.

**Hon. Speaker:** Hon. Member, the Standing Order says, I must sign not only stamp, but it must be signed by the Speaker.

**Hon. Pius Otieno:** Thank you, Mr. Speaker. I'm blessed with the height. I am standing on Standing Order No. 51 on amendment to the motion.

**Hon. Speaker:** Order Member! Order! We cannot continue arguing on the point that you have brought an amendment which has not been signed by the Speaker. Order Member!

**Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya):** Thank you, Mr. Speaker. I rise here not to support or oppose the motion. But I rise here on the basis that I believe that Nairobi should always be leading while others follow. We Hon. Members of Nairobi City County, cannot be lagging behind especially when it comes to issues of great importance like this one.

**Hon. Speaker:** Hon. Member order! Are you making a statement or an observation? Sit down. Hon. Kitavi.

**Hon. Member for Laini Saba Ward (Mr. Bonface David Kitavi):** Thank you, Mr. Speaker, for giving me this chance. I stand here to support with two reasons. One; the people of Nairobi are looking upon this

Assembly and the Members for delivery of services. The committee that was constituted by this House is made up of capable men and women. They have done a thorough job and they have given recommendations on the direction that this House should take.

The people who have been selected are Kenyans of high integrity, people who are qualified. And for these two gentlemen, I have great interest in the reasons why this house should reject them. Some of the reasons in the report is that, some of their qualifications are not in tandem with the post that they have applied for which means we shall have problems when it comes to implementing all the activities. Nairobians are waiting for us to deliver services and as we speak, right now time is of essence. We need to move forward and give services to the people of Nairobi and work together with the executives.

The more we keep delaying thinking that we are going to get people who are perfect, we may never ever have that time. So I want to urge this house, that we support the names that have been put across and that this report that has been tabled to us, goes through. Simply because if we are not going to pass this report today, it may take us another one month and we may never get the people who are perfect to deliver those jobs. The people who are in the list on appointment; I want to say, having done various reviews, they are qualified; they are up to the task. I want to congratulate that team which has come up with that report. So, Mr. Speaker sir, I stand to support the list.

**Hon. Speaker:** Order member! Hon. Members as you continue on deliberating the issues of the City County of Nairobi, I want to ask you Members to understand that it is your responsibility to get what is best for this city. As for the Members of the Appointment Committee, I want to say that the committee did its best. I am saddened to note from the tone of some Members; it's as if the committee went on a honeymoon or to collect money from their produce.

I want to say that I am saddened and I have taken note of that. I am saddened because you cannot buy the Speaker, and the Appointment Committee Members are men and women of high integrity. I personally know no one from the group that was being vetted. I take some comments very seriously and I would wish Members would take that kind of language outside there or I will take you to court. Hon. Members, I now call the mover of the motion to reply. Order members!

**Hon. Leader of Majority:** Thank you, Mr. Speaker for giving me this opportunity to come and reply. But before I reply, I want your attention. I must bring to your attention that one Member of this house was beaten by.....

**Hon. Speaker:** Order Member! That's why I want you to finish your business so that I can go and remove him from the cell and take him to hospital.

**Hon. Leader of Majority:** Okay. Thank you, Mr. Speaker. May I take this opportunity to thank members .....

**Hon. Speaker:** Order Member! Sit down. Hon. Members, I am sorry I need to conclude because we need to go and attend to the Hon. Clarence Munga of Kabiro Ward who has been assaulted by City 'Askaris' and he could be in serious danger. He was assaulted because of parking a car that does not have a parking sticker. So Hon. Members, move the motion. Order Members!

**Hon. Leader of Majority:** Okay. Thank you, Mr. Speaker. I thank all members for supporting this important motion and I also thank the Hon. Member for Karura for supporting me. I don't think this committee was just appointed by these Hon. Members just to rubberstamp, approving every member subjected to it for vetting and bring a report. In any case, we did what you wanted. So, I thank all Members and I request you people just to give these gentlemen who have been approved the opportunity to continue giving services to this City County of Nairobi. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Members, I now put the question that the Assembly adopts the report of the County Assembly Committee on Appointment on vetting of nominees for the County Executive Committee of the Nairobi City Government, laid on the table of the Assembly on Tuesday 18<sup>th</sup> June 2013. As many as are of the same opinion say 'aye', as many as of the contrary opinion say 'nay'. The 'ayes' have it.

*(The motion on the County Executive nominees was approved)*

Order! Hon. Members motion No. 9, the Hon. Wilson Ochola

### **MOTION- NOMINEES TO THE COUNTY SERVICE BOARD OF NAIROBI CITY COUNTY GOVERNMENT**

**Hon. Wilson Ochola:** Thank you Mr Speaker sir. I would like to read to you the following report but before I read that I'm sorry for what has happened. I think the Director of Inspectorate should be dismissed for that reason. I think as a Minister for Labour.....

**Hon. Speaker:** Order Member! The Chairman of Labour not the minister.

**Hon. Wilson Ochola:** Mr. Speaker, thank you. On behalf of the Members of the Labour and Social Welfare Committee, according to the devolution, section 58 (1) of the County Government Act and the Standing order No. 191, it is my pleasure and duty to present to the House the committee's report on the vetting of the chairperson and Members of the County Public Service Board.

#### **Committee Members**

The committee members of the Labour and Social Welfare Committee were constituted by the house on Tuesday 7<sup>th</sup> May 2013 and comprise the following:-

1. Hon. Wilson Ochola – Chairman
2. Hon. Elizabeth Manyala – MCA
3. Hon. Peter Gikumbi – MCA
4. Hon. Dan Mutiso – MCA
5. Hon. Waweru Kinuthia – MCA
6. Hon. Peter Wanyoike – MCA
7. Hon. Fredrick N. Ngugi – MCA
8. Hon. Anthony Kiragu Karanja – MCA

The Committee on Labour and Social Welfare is one of the sectoral committees that discharge its duties under Standing Order No 191/5 which provide that the function of a sectoral committee shall be to, report and to vet all appointments where the constitution or any other law requires. I urge the County Assembly to approve and accept those nominees under Standing Order No. 195.....

**Hon. Speaker:** Order Member! The Chief Whip of the Majority, take your sit!

**Hon. Wilson Ochola:** Mr. Speaker, with regard to nomination of the members of the County Public Service Board; according to the section 58 of the County Government Act, His Excellency the Governor forwarded to the Speaker of the County Assembly the following four nominees vide the letters dated 6<sup>th</sup> and 7<sup>th</sup> May 2013 for vetting by the Committee on Labour and Social Welfare:-

1. Architect Philip Kungu – Chairman
2. Mr. Chomba Munyi – Member
3. Ms Mercy W. Gichui – Member
4. Mr. Morris Wambua Mutinda – Member

On 28<sup>th</sup> June 2013, the Hon. Speaker in a message to the Assembly informed Members that the Speaker of the County Assembly had received the names of the said nominees and directed that the names should be forwarded to the Committee on Labour and Social Welfare for vetting and re-vetting in the house within 14 days.

### **Committee meetings**

The Committee held a meeting in which the nominees were to appear and be vetted in accordance with the provision of the County Government Act for appointment as the chairperson and Members of the County Public Service Board. On behalf of the Committee on Labour and Social Welfare, may I have the honour and pleasure to present the committee's report on the nominees for appointment as the Members of the County Public Service Board. May I take this opportunity to thank all Members of the committee for their input and contributions on the vetting of the members of the Nairobi County Public Service Board.

### **Background**

I have a very brief pamphlet, so you don't have to worry. We are still on this issue.

**Hon. Speaker:** I beg your pardon. We cannot hear you. You are not audible.

**Hon. Wilson Ochola:** Mr. Speaker sir,

### **Background**

The establishment of the Committee on Labour and Social Welfare; the Committee on Labour and Social Welfare is one of the sectoral committees established under Standing Order No. 191 with the mandate to vet and report the appointments where the Constitution or any law requires the County

Assembly to approve and accept these nominees under Standing Order number 185 on committee on appointment.

Mr. Speaker, according to the process of appointing the County Public service Board nominees under section 58 of the County Government Act, His Excellency the Governor forwarded to the Speaker of the County Assembly the names of four nominees vide letters dated 6<sup>th</sup> and 7<sup>th</sup> May 2013 for vetting by the Committee on Labour and Social Welfare for consideration on 28<sup>th</sup> April 2013. The Hon. Speaker in a message to the Assembly informed the house that he had received the names of the four nominees. I think I am repeating.....

**Hon. Speaker:** Go on Member.

**Hon. Wilson Ochola:** Yes, Mr. Speaker. The names of the said nominees were referred to the Committee on Labour and Social welfare for vetting and reporting to the house within 14 days. The public were expected to participate in the vetting process through submission of the memorandum and prove on the suitability or otherwise for the nominees on Wednesday 22<sup>nd</sup> June 2013.

**Hon. Speaker:** Hon. Member, we would like to hear you. You are not speaking your native language.

**Hon. Wilson Ochola:** Well, Mr Speaker, you can hear me? This is a pamphlet, so just give me time to read Mr. Speaker sir. I beg you, to give me time.

**Hon. Speaker:** Go ahead

**Hon. Wilson Ochola:** Understand me, Mr. Speaker, this is a pamphlet. The public were expected to participate in the vetting process in submission of the suitability or otherwise of the nominees. Notice on the same was given on Wednesday 22<sup>nd</sup> and 23<sup>rd</sup> May 2013 in the print media inviting the public to submit their memorandums by 30<sup>th</sup> May 2013 on the suitability or otherwise of the said four nominees. It is a big one, Mr. Speaker.

### **Vetting of the County Public Service Board**

In conducting the vetting process, the County Labour and Social Welfare Committee examined the nominees against the following criteria among others:-

1. Academic qualifications
2. Employment record
3. Potential conflict of interest
4. Knowledge of the relevant subject
5. Holder of stability of the person for the person
6. Tax compliance
7. Integrity

During this.....'hii ni kubwa sana'.....

**Hon Speaker:** Order Members!

**Hon. Wilson Ochola:** Thank you, Members. Thank you, Mr. Speaker sir, for giving me this opportunity. I will move to the Committee's recommendations. Pursuant to section 58 of the County Government Act and the Standing order No. 191(5f), the committee recommends the Assembly to approve the following four nominees for appointment by His Excellency the Governor, as the Chairperson and Members of the County Public service Board respectively:-

1. Architect Philip Kungu – Chairman
2. Mr. Chomba Munyi – Member
3. Ms Mercy W. Gichui – Member
4. Mr. Morris Wambua Mutinda – Member

Thank you, Mr Speaker. I now call upon Hon. Waweru to second the motion.

**Hon. Member for Uthiru/Ruthimitu Ward (Mr. John Kinuthia Waweru):** Thank you, Mr. Speaker sir. I want to second this motion by the Chairman of Labour and Social Welfare. After vetting the nominees of the County Public Service Board, we the Committee members of Labour have confirmed that they are qualified and capable of taking the Nairobi City County to the next level. We urge you Hon. Members, without amendments, to adopt the list of nominees the way it is. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Members, I now propose the question that this Assembly adopts the report of the County Assembly Sectoral Committee on Labour and Social Welfare on the vetting of nominees to the County Public Service Board of the Nairobi City County Government tabled in the Assembly on Tuesday, 18<sup>th</sup> June 2013.

**Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru Nyarumba):** Thank you, Mr. Speaker sir. Hon. Members, today I am in support of the motion. The reasons being, this has been long awaited because we would like Nairobi County government to move ahead. Without the service Board members, we can't move ahead, especially in our various Wards; where we have got various problems. For instance in my ward, I don't have even people to support me in working yet there is plenty of work that needs to be done. So, I am really in support of this motion. Thank you, Mr. Speaker.

**Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo):** Thank you, Mr. Speaker. I rise to support this motion and say that the County Public Service Board will make the work of the Governor much easier and we also understand that the workers of the County have issues and through this board the issues will be addressed. I also urge the Members of this house, that we support this motion so that we can move to do other businesses. Thank you.

**Hon. Member for Ngando Ward (Peter Wahinya Kimuhu):** Mr Speaker sir, I would like to first of all register my support for this motion and specifically state two reasons why I am supporting. Reason number one; is that I, personally, as a Member of this Assembly have high regards and respect to this Committee of Labour which is currently being chaired by Mr. Ochola. 'Bwana' Ochola as far as I am concerned, together with his team are men and women who have actually done a great job. I would like to congratulate them for the manner and spirit in which they did their job. The second reason why I am supporting this motion is



that it is necessary and imperative that we are reminded that in the next five years, and I stand to be corrected if I'm wrong, this house is going to be perform 80% of its work through the Committees.

From the little knowledge which I acquired from my reading the past and the education that we acquired from Naivasha and so forth, 80% of the work of this house shall be undertaken by these committees. It is therefore completely necessary that we respect the committees which have been constituted and have faith in them.

As far as I am concerned, it is completely illogical for me to be awaiting for a report from the committee only to come here and oppose it whereas I have the opportunity ladies and gentlemen, to go and sit during their deliberations and be able to give my views at that particular time. I am suggesting.....

**Hon. Speaker:** Order Members! Hon. Nyang'wara we gave you time, so just be prudent and give the other Members the chance, you will have another chance later. Hon. Members, I am not going to remind you about your responsibilities, but I am going to ask you to bear with each other because we have all the day. Hon. Members, let us respect each other, it is democracy. Hon. Wahinya.

**Hon. Peter Wahinya Kimuhu:** Thank you, Mr. Speaker, for that protection. I will only say one more thing and then I will sit down. I was actually emphasizing more critically on the need to be able to take into consideration the fact that in these five years, the work will be done by committees. I will only like to make recommendations that in future, so as to be able to avoid this sort of situation. I call on my dear Members of this Assembly to participate more aggressively in these committees so that we can iron out issues before they are presented by the committees. Finally as I sit down, I would like to wish 'Bwana' Ochola, a future in which he becomes a Minister. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, the Chairman of the Chairmen is on the floor and it calls for the rest of the Members to be seated.

**Hon. Chairman of Chairmen (Mr. Kennedy Ngondi):** Mr. Speaker, I must say here before this honourable House that I was privileged to work as a Councilor in the defunct City Council of Nairobi and I am able to know and understand better the difference between the City Council of Nairobi and Nairobi City County. The responsibility to be carried out by the County Public Service Board, is very vital and for that reason I rise to support the motion based on the responsibility bestowed upon the board. On the roles of the board, you can see one of the key areas is Human Resource. We really had difficult times when it came to the issues of the staff. We used to have a lot of problems due to understaffing within the Nairobi City Council. For that reason, I'm really in support of the motion and I would urge my fellow Hon. Members to support the motion for the approval of Nairobi County Public Service Board. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Mbatia

**Hon. Member for Kariobangi South Ward (Mr. Robert Mbatia):** Thank you, Mr Speaker sir. I rise to support the motion and I am persuaded by a few issues. One, is the time factor, which the Hon. Members have been concerned about. It is true that it is long overdue and we need to serve the people of Nairobi. The Executive is now chained as the Governor and the few officers that are here are serving the entire Nairobi. We know there are issues of garbage, traffic jams and insecurity in Nairobi. So once we aid

the Executive with the Members of the County Public Service Board and the previous appointed committee; where the appointees have just been passed.

I know we will be able to serve the people of Nairobi and meet our pledges that we made when we sought their support. Two; I would like to say that the Hon. Members who were here before me said that the Service Board's mandate includes staff issues. We know that at the moment we have unrests as the staff of the County has not been paid. So we know that once the board is in place, it will look into such issues. So, Mr. Speaker, I beg to support.

**Hon. Member for Eastleigh North Ward (Mr. Adow Osman):** Thank you, Mr. Speaker, for giving me this opportunity.....

**Hon. Speaker:** Order Member! This is not audible, could we.....

**Hon. Adow Osman:** I stand to support this motion and I think we are behind in service delivery to the people. Once we pass this motion and the one which has been passed before, the work will start and people will see the difference. I can't wait for these people to take office. I didn't see any member of the minority in this team and the Constitution of Kenya stipulates that in any public office, there must be the face of Kenya and with this team I hope they will put this into practice and have all visible minorities in every office that they will be staffing. With that, I want to say thank you very much.

**Hon. Speaker:** Hon. Leader of Minority take note of what the member has just said for the benefit of the minority. Is it Hon. Otieno or MakOtieno? Order Members! Sit down! Hon. Member let him finish and then you will come.

**Hon. Pius Otieno:** Thank you, Mr. Speaker. Actually now I am not moving an amendment but I am standing to support this motion.

*(Applause)*

I get moved when you stamp your feet on behalf of the President of the poor. Mr. Speaker I am standing to support this motion simply because the functions of the County Public Service Board are enormous and they are in line with the administrative duties and if we go by the administrative duties or administrative laws, it simply means those laws which have been put in place to control the exercise of Government power. This County Public Service Board could be very important in terms of providing checks and balances over the office of the Governor or the Executive itself.

Secondly, I am supporting this motion because I'm appealing for the said persons that with this motion we shall be recommending their names for selection today because if you look at Article 10 of our Constitution that talks about principles and the values of governance and you also reflect on Article 232 of this Constitution, that deals with the Chapter of Public Service; there are a number of values that have been encapsulated in this Constitution.

I am looking forward for that day when County Public Service Board will streamline these values so that people living in the County of Nairobi will actually identify themselves with these values. Values are those ideals that people cherish and are ready to die for. It is even important that in our day to day work or

profession, we must articulate these ideals and even philosophy that members of the public and employees in those departments can actually identify themselves with.

Mr Speaker I was given five minutes and I am challenging the County Assembly of Nairobi to provide an hour glass because I have 15 minutes to support this motion and I want to utilize them properly. Thirdly, Mr. Speaker, another function of this County Public Service Board would be to ensure that we have a very efficient, effective, strong and competent County Public Service Board that would respond to the needs, to the wishes and the aspirations of employees of not only the Nairobi County but extend its services to other parastatals that report directly to this County government.

It is in this regard that I want to implore the Members and even urge them that we pass it. But we are not only passing this County Public Service Board to be performing some duties in our Wards, they won't be coming in to our Wards. Their work is strictly about Human Resource Management; that is planning, selection, compensation and rewards and any other duty that pertains to Human Resource Management. Thank you, Mr. Speaker, I rest my case.

**Hon. Speaker:** And Hon. Members let us not repeat each other in whatever we have said.

**Hon. Samwel Nyang'wara:** Mr. Speaker, I stand to oppose this motion. I want to go on record, Mr. Speaker. I want to request that my grievances be captured in the Hansard. Mr. Speaker, I want to say it once again that this house is being ambushed. Simply because the agenda of the business of this House for today's meeting is not proper. The members of the House Business Committee did not meet so that they can set the agenda for this particular meeting. Mr. Speaker, I am not opposing this.....

**Hon. Speaker:** Order Member! Hon. Member, sit down. Hon. Members, I want to correct Hon. Nyang'wara because he has repeated twice that the House Business Committee didn't meet. But I want to tell you and you know it as a fact, unless you want to refuse a fact, that most of the Members are aware that before these names were taken to the respective committees, the House Business Committee met at the old Committee Chambers, if I am not wrong. So I would like to correct you because the House Business Committee is the one that gave these names to the Speaker's office for tabling in this Assembly. Go on Mr. Nyang'wara.

**Hon. Samwel Nyang'wara:** Thank you, Mr. Speaker. I happen to sit in that particular committee you are talking about Mr. Speaker and at no given time ever, did the Hon. Members, who sit in this committee come back to submit this report neither did they give back this report to the House Business Committee so that it can be forwarded to your office as the agenda for this particular meeting.

Mr. Speaker, I am not opposing these names simply because the Members who have been appointed for this Executive Committee are not capable to perform their duties, but at the same time I want to oppose this motion for another reason, Mr. Speaker; that this particular committee which was supposed to vet the names that were tabled before the floor of this House, has one name of a Member missing from this report.

Mr. Speaker, during our Kamukunji, we had our grievances concerning that particular name, simply, because there was a letter that was written from the office of the Clerk that this House has approved or agreed with the letter that had come from the office of the Governor. The letter requested that we return that particular name to this House, Mr. Speaker. We all know that from the names that we tabled

in this house, there is a name that is missing from this report and we want to know why that particular name is not in this list, Mr. Speaker.

**Hon. Speaker:** Hon. Members as you are aware, a few minutes ago here, it was reported that one of our Members was behind bars and he needs the attention of the Speaker. Unless this is contrary to what you are saying, I would like to call the mover of the motion.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker. I would like to thank all Members, both CORD and Jubilee for what you have just done for my committee members at large and for supporting the motion. I think we are going to move the Nairobi City County forward. Members, thank you very much. God bless you all.

**Hon. Speaker:** Hon. Members, I now put the question that the Assembly adopts the report of the County Assembly Sectoral Committee on Labour and Social Welfare on vetting of nominees to the County Public Service Board of the Nairobi City County laid on the table of the Assembly on Tuesday 18<sup>th</sup> June 2013. As many as are of that opinion say 'yes', as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

*(The motion was passed)*

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members, I forgot to tell you that the order of today was a special sitting under Standing Order No. 26(1). I want to thank you most sincerely for your efforts. I now call upon the Governor of Nairobi to roll the wheels of development as the County Assembly has given him the tools. Hon. Members, once again I want to tell you, I have seen your faces and your language and there is nothing personal against anyone. I want to thank you for your contributions, criticisms which are healthy in any developing institution. However, we shall move only on one agenda as long as we are in this Assembly. Ours is the development agenda for the people whom we represent in this Assembly. Anybody with anything personal, you don't belong here. Members, I thank you most sincerely.

Members, I am also saddened this afternoon, to sit here and one of our Members is behind bars, because of a situation which could have been avoided. I indeed, a few minutes ago, summoned the Director of City Inspectorate. I would also like to, immediately after this, see, Hon. Ken Ngondi, Hon. Elias Otieno, Hon. David Mberia, Hon. Hassan Abdi and Hon. Clerk of this Assembly for further action in regards to that incident where a member has actually been assaulted and indeed put behind bars.

I want to say it's an offense. Order Member! Hon. Ochola, Order! Hon. Members, I want to thank you very much. We will be notifying you of our next sitting but as for now, the house remains adjourned *sine die*. Hon. Members sit down! Hon. Members order! We are in trouble today. I am sorry I am just being notified that another Member is behind bars, Hon. Chege. Hon. Members the house is adjourned *sine die*.

*(The House rose at 4.35pm)]*