



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Wednesday 8th May, 2013

The House met at 2.30pm

(Mr Speaker in the Chair)

PRAYERS

PAPERS LAID

The following documents were laid on table:

- a) The Revenue, Recurrent and Development estimates projection for the financial year 2013/2014 for Nairobi City County
- b) The estimates of the Recurrent and probable expenditure of the Nairobi City County Assembly Service Board for the year ending 30th June 2014 and projection for the year 2014/2015

Hon. Speaker (Mr. Alex Sanaika Ole Magelo): Good afternoon Hon. Members

Leader of Majority (Mr. Elias Otieno): Mr. Speaker sir, the following Paper will be laid on the table of the House today Wednesday 8th May 2013: The Revenue, Recurrent and Development estimates projections for the financial year 2013/2014 for Nairobi City County.

Hon. Speaker: Hon. Leader of Minority

Leader of Minority (Mr. Abdi Ibrahim Hassan): Mr. Speaker sir, I wish to lay on the table of the House a Paper on the estimates of Recurrent and probable expenditure of the Nairobi City County Assembly Board for the year ending 30th June 2014 and projection for the year 2014/2015.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon Hon. Members. I have this communication to make with respect to the estimates of expenditure which have been tabled. I wish to bring to the attention of the Hon. Members to provisions of Standing Order No. 207(3) which provides that:

“Upon being laid before the County Assembly the Estimates shall be deemed to have been committed to each Sectoral Committee without question put, for each such committee to deliberate upon according to their respective mandates. (4) Each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and recommendations to the Budget and Appropriations Committee within twenty-one days, after being laid before the County Assembly”.

That is twenty-one days after today. Hon. Members the above provisions are very clear and I therefore direct the various sectoral committees to move with speed and discharge their mandate.

I further wish to inform you that the Assembly has organized a two days workshop in Naivasha on Monday 13th to Tuesday 14th May 2013 for Members to be sensitized on budget and financial procedures. The logistic details will be communicated to you in due course by the office of the Clerk. Thank you.

NOTICE OF MOTION ON ADJOURNMENT

Leader of Minority: Mr. Speaker sir, I wish to move a motion on adjournment that pursuant to Standing Orders numbers 25(4), 28(1), 49(b) and notwithstanding provisions of Standing Order number 27; following the adjournment of all County Assemblies today, due to the issue of remuneration and benefits paid to the Members of the County Assembly and further cognizance that the Salaries and Remuneration Commission (SRC) gazetted the remuneration and benefits payable to Members of the County Government on 1st March 2013. However, the said gazette notice has severely discriminated against the Members of the County Assembly and the County Government as a whole. The Assembly wishes to adjourn *sine die* until the issue of the remuneration and benefits payable to Members of the County Assembly is resolved.

Hon. Speaker: Hon. Members that adjournment motion will be discussed immediately we dispose off with the motion, numeral eight.

NOTICE OF MOTION ON APPOINTMENTS

Leader of Majority: Mr. Speaker sir I beg to move the following motion, but I think there is a problem with the list. Before I move this motion, we must make some amendments and we would like to notify the Clerk. Pursuant to Standing Order number 156, this Assembly approves appointment of the following members nominated by the Committee on selection to be members of the following Select Committee. So this is the Committee on which we want to carry out some amendments, numbers 2 and 3. We recommend the motion to be passed with amendments.

Leader of Minority: Mr. Speaker I wish to second the motion as proposed by the Leader of Majority. On my part I have no problem with my nominee. So I wish to second the motion with the amendments he is referring to.

Hon. Speaker: Hon. Members I now propose the question that pursuant to the provisions of Standing Order number 156 this Assembly approves appointment of the following members nominated by the Committee on selection to be members of the following Select Committee, the Committee on Appointments;

1. Hon. Athman K. Hashim
2. Hon. David Mberia
3. Hon. Dianah Kapeen

Hon. Chief Whip of Majority can you move the amendments?

Hon. Chief Whip of Majority (Mr. David Mberia): Mr. Speaker I think the list will go through with amendments on the name of Dianah Kapeen.

Hon. Speaker: Order Member! Hon. Chief Whip of the Majority you need to propose the amendments and indeed amend the name you are targeting. You have to propose it on the floor of the House.

Hon. Chief Whip of the Majority: Mr. Speaker I apologise because I did not consult with the Leader of Majority. We are proposing the name of Elizabeth Manyala to replace Dianah Kapeen. I call on 'Mheshimiwa' David Kitavi to second. A moment.....

Hon. Speaker: Hon David Kitavi

Hon. Member for Laini Saba Ward (Mr. David Bonface Kitavi): Mr. Speaker sir with all due respect I beg that we consult further before I second the amendment. We are still consulting.

Hon. Speaker: Order Members! Hon. Members I want to remind you that there will be no consultation. Order Members! There is no consultation and please the motion has been moved and the amendment has been seconded. Order Members! Hon. Chief Whip, approach.

Hon. Chief Whip of Majority: Mr. Speaker, I moved the amendment but I had not consulted with the Leader of Majority. That is why there is confusion in the House. I beg my Members, if they would like, to second the amendment, please. The Leader of Majority to second this amendment. Thank you.

Hon. Speaker: Order Hon. Member! The Leader of Majority moved the motion and cannot second his motion. Hon. Members we are in the honorable House and I expect us to move with speed on some of these items. There was a point of order from Hon. Akuk.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Omondi Akuk): Good Afternoon, Mr. Speaker. Thank you for allowing me to stand on a point of order number 185. I would like the Hon. Members and my colleagues to please have a look at order number 185 because there is confusion in the House. And referring back to order paper, I don't know if there is any colleague who has the order paper number 8.

If Mr. Speaker you do not have one I give you this one (*Hands over a copy*). With reference to order number 8, we were before this house debating on the same Committee on Appointments. On that

particular day Mr. Speaker, and if other Hon. Members will agree with me, we disagreed on the membership of that Committee because the list was not complete. Going back to Standing Order number 185, and this is also a point of information to my Hon. colleagues, I believe that Parliamentary procedures do indicate that this is our bible and being our bible.....

Hon. Speaker: Order Member! The Hon. Member, please go to the gist of the matter so that we can understand and Hon. Member I would like to remind you that there is no confusion in this House. The confusion is among a few Members. I also want to refer you to what you have just said, that we were done with the motion on the appointment of the Committee on Appointments. It was resolved that the list of the 3 members be tabled, and this, if I am not wrong, we did here in this House. That is done and dispensed with. So what we are handling now is the amendment by the Leader of Majority, where you are supposed to second your amendment. There is neither confusion in the House nor confusion with regard to the Standing Orders.

Hon. Maurice Akuk: Thank you Mr. Speaker for your information. Probably I am the one who is confused. But my point of order is that the Committee on Appointments is going to be vetting the newly appointed Executive Committee that, if I am not wrong, two days ago His Excellency the Governor said, needs to start work soon. I do agree with you probably that 3 of the members were agreed upon then, but with reference to the Committee on Appointments, Standing Order number 185, I believe that we need a total of 9 members and I would like also.....

Hon. Speaker: Order Members! I notice that we don't want to keep repeating ourselves here. If we dispense with an item, it is done with. We were all present in this House when the item was proposed and seconded. Hon. Members, what we are seeking here today, and this is the last time I am going to ask you; pursuant to the provisions of Standing Order number 126, this assembly approves the appointment of the following members nominated by the Committee on Selection to be members of the following Select Committee with amendments as proposed by the Leader of Majority, who has tabled the motion and this is where we are. Hon. Akuk, I remind you that, what the Governor did the other day is still rumours to us until the list of appointees is handed over to us. For now it is the property of H.E. the Governor. It is not yet your property. So, do not discuss items that are not your property. I therefore, ask the Chief Whip to move the amendment. Hon. Chief Whip of Majority

Hon. Chief Whip of Majority: Mr. Speaker I moved the amendment and I will move it once again, Mr. Speaker, that we replaced the name of Dianah Kapeen with that of Elizabeth Manyala because her name was on the original list when we agreed that we add six members of the Committee on Appointments. But then we agreed to get back to the original list of three members and I don't think there is a reason why we should not revert back to the original team.

Hon. Speaker: Order Members! Hon. Chief Whip of Majority you have the last chance

Hon. Chief Whip of Majority: Mr. Speaker, I would like to call upon Hon. Kwamboka to second my amendment, please.

Hon. Member for Mountain View Ward (Ms Beatrice Kwamboka Makori): Mr. Speaker, because there were no comprehensive consultations in my team, I decline

(Applause)

Mr. Speaker: Hon. Leader of Minority

Hon. Leader of Minority: Mr. Speaker, is it in order for Members of the majority to come and oppose a motion which they have sponsored? Is it in order Mr. Speaker?

Hon. Speaker: Hon. Members I now rule, pursuant to the Standing Order number 156, this Assembly approves the appointment of the following members nominated by the Committee on Selection to be members of the following select committee; the Committee on Appointments:

1. Hon. Asman K. Hashim
2. Hon. David Mberia
3. Hon. Dianah Kapeen

Forthwith Hon. Members I now call upon the mover of the motion to reply.*(Consultations)* Okay, Hon. Members I want to make it a little easier for you. I now propose the question that pursuant to Standing Order number 156, this Assembly approves the appointment of the following members nominated by the Committee on Selection to be members of the following select committee; the Committee on Appointments:

Hon. Asman K. Hashim

Hon. David Mberia

Hon. Dianah Kapeen

The floor is yours Hon. Members. Hon. Imwatok

Hon. Member for Makongeni Ward (Mr. Peter Anyule Imwatok): Mr. Speaker, Standing Order number 185, we agreed that due to numerical strength in the Assembly, the CORD side gets 2 members while the Jubilee side which is the minority gets one. Unfortunately the side of CORD did not carry out consultations as per the rules, that is why our members are on one side while our Chief Whip and the Leader of the Majority are on the other. So Mr. Speaker we request that this motion on the confirmation of the Committee on appointments be deferred.

Hon. Speaker: Order Members! I would like to remind our Hon. Member who is also a member of the House Business Committee that this was agreed on yesterday and it cannot be deferred. Order Members! Hon.....

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Mr. Speaker sir, according to Standing Order number 156 the list of Hon. Members mentioned here does not represent the youth who are also in this House. *(Laughter)* And according to this article.....

Hon. Speaker: Order Members! Order Member! Hon. Members, when you go through your Standing Orders with regard to these committees, you have been asked to accommodate each other as per

your strength in the House. So the strength of the House indeed includes the youth. That is left to the individual parties to consider not the House. I am afraid the County Assembly of Nairobi cannot assist the Hon. Member at this particular moment. Hon. Imwatak

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker with all due respect yesterday I was a member of the Business Committee and I don't remember anywhere in our meeting where you sanctioned the names of the team to be presented to this House.

Hon. Member for Ngando Ward (Mr. Wahinya Kimuhu): Thank you very much Mr. Speaker unfortunately we are being treated to a circus this afternoon and yet in my opinion the problem is very simple. The Standing Orders that govern the way we conduct our business in this House are very clear and they provide very clear guidelines on consultations among members of a party and really if you look at the climate in the House right now, it is obvious that our colleagues on the other side of the political divide have actually not consulted among themselves adequately.

Rather than waste valuable time of this House, it is my submission that we pass the motion with an amendment as it has been suggested. However the amendment would be the withdrawal of the two names therein until further consultations are made upon which the names can be presented again at another sitting of the House. The amendment therefore is only the withdrawal of the two names, rather than subject this Assembly to looking for a name which might not be found in this particular sitting, Mr. Speaker sir.

Hon. Member (Sarang'ombe): Thank you Mr. Speaker, what I want to say before this House is quite simple. We are not wasting time. What we need to do is to move the amendment on the floor so that the motion can again be properly constituted because from the look of things it is not properly before the House. Members are not in agreement and what they are trying to raise is fundamental as it touches on the right of people to participate. Members are asking questions too. If an individual is allowed to speak about three or four times in one sitting what time is he leaving for others to be properly involved and to participate. I am asking Members, is it proper that the motion sees the light of day?

Hon. Speaker: Hon. Manyala

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala Akinyi): Mr. Speaker I rise on a point of order number 156(2) which says "whenever a motion for approval of a list under paragraph (1) is moved in the County Assembly, no objection against the proposed membership of a Member in a select committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole." I therefore propose that we reject it and it goes back to the Chief Whip and Leader of the Majority to constitute the list of names again.

(Applause)

Hon. Speaker: Hon. Leader of Majority

Hon. Leader of Majority: Thank you Mr. Speaker sir. Standing Order number 48: because there is a lot of confusion on our side, I beg to withdraw this motion for further consultation.

(Applause)

Hon. Speaker: Hon. Members as informed by the Leader of Majority, Article 48; the motion withdrawn may be moved again. The notice of the motion may be obtained by the same Member who gave the motion but the notice of the motion may be given again by either the same member or another. I therefore declare the motion withdrawn. Order Members! I now call upon the Leader of Minority to move the motion. Order Members! Chief Whip order!

Hon. Leader of Minority: Mr. speaker I want to move a motion that pursuant to Standing Order numbers 25(4), 28(1), 49(b) and notwithstanding provisions of Standing Order number 27; following the adjournment of all County Assemblies today, due to the issue of remuneration and benefits paid to the Members of the County Assembly and further cognizance that the Salaries and Remuneration Commission (SRC) gazette the remuneration and benefits payable to Members of the County Government on 1st March 2013. However, the said gazette notice has severely discriminated against the Members of the County Assembly and the County Government as a whole. The Assembly wishes to adjourn *sine die* until the issue of the remuneration and benefits payable to Members of the County assembly is resolved.

Mr. Speaker, with regard to the decision of the Chair of the Salaries and Remuneration Commission (SRC), members of the County Assembly are being paid Ksh 79,000 and after taxation the salary goes down to Ksh 52,000. The salary I earn cannot maintain the car I own, cannot allow me to feed my children and pay their school fees, let alone pay rent. The Constitution guarantees my children's education and basic human rights. The SRC has deprived members of the County Assembly of that Constitutional right. I wish Mr. Thuo to second the motion

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker sir. I second the motion for adjournment.

Hon. Speaker: Hon. Members, I now propose the question pursuant to the Standing Orders numbers 25(4), 28(1), 49(b) and notwithstanding provisions of Standing Order number 27. Hon. Members

Hon. Member for Sarang'ombe Ward (Mr. Pius Owino Otieno): Thank you Mr. Speaker, it seems the mover of this motion has the interest of Hon. Members at heart. I find it prudent to side with the leader of the Minority, who cares for us. Most of us come from slums, where poor people live. These poor people look up to us and most of them expect us to support them even financially.

Mr. Speaker, the salary that is being paid to the County Assembly Members countrywide is not in tandem with the duties that have been bestowed upon us. It should be noted that it is us the County Assembly Members, who are in touch with the electorate day in day out. In the world of election politics in Kenya, it is only the County Representative who resides within the Wards of the electorate.

Mr. Speaker sir, Members of Parliament are pushing for an increment in their salaries, yet they are earning half a million. Nobody is talking about the County Assembly Members. All Members of this House should support this motion and we should adjourn and in fact, Mr. Speaker sir, it is unfortunate that we are going to adjourn this House, but we have to, since we have already constituted all House committees and much of the Assembly work is accomplished at Committee level. I urge Members of this County Assembly to support this motion. Let us adjourn until our matter is addressed because we are also meeting on matters of the electorate. Thank you, Mr. Speaker.

Hon Akuk: Mr. Speaker sir, I stand here to support the motion of adjournment. We as the County Assembly Members are suffering. During the general elections there were six election ballot boxes, ours was number six. When salaries of other elected members are discussed, nothing about County Assembly Members is discussed. As I stand here speaking, I am supposed to attend about eight funerals in my Ward. I can't even attend one because I don't have money.

Mr. Speaker, my monthly expenditure is about Ksh 120,000, I don't know what to do with the Ksh 52,000, I am being given by the SRC. We are finding it difficult. Even walking in the streets is difficult because when you meet someone in need from your ward, you are unable to help. If the individual is stranded, you can't even give him fare to go back home. I support the adjournment of this House until our demands are met. Thank you.

Hon. Member for Umoja II Ward (Mr. Kingsley Odida Obonyo): Mr. Speaker, mine is just to take into cognizance the mover of the motion, the Hon. Abdi Hassan who has the Member's interest at heart. I want to add on what has been said. I would like to ask; where is the honour of being called Hon. Members when indeed we are paupers for lack of a better word? We have been given the work of legislators for the County of Nairobi but the empowerment that goes with it in monetary terms does not apply.

Take me for an example, my family got recently extended and when I am in the Ward I am called Hon. Member, yet my salary does not reflect this. The little salary the SRC is giving us is like a slap to our faces. Our constituents are asking us to attend burials and a lot of functions but we cannot do so because of the peanuts we are being paid. On my part, I concur with the mover of the motion. We have to adjourn till our demands are met. Thank you, Mr. Speaker.

Hon. Pius Owino: Thank you Mr. Speaker, once again. First, I support the adjournment of this House until further notice. I want to go down in the Hansard as saying that the SRC, notwithstanding its being a constitutionally crafted structure, overstepped its mandate. The reason why I say so is; first the function of SRC is not to revise the salaries of State Officers downwards but to harmonize the salaries state officers are getting.

The County Assembly representatives are among the six officers voted into office. If you look at the remuneration package of the County Assembly representatives there is a big disparity between a County Assembly representative and the Governor whom actually they are in the same County Assembly with. When the Governor is earning about Ksh 600,000, an allowance for over six cooks, entertainment and airtime allowances, then we ask ourselves why we were voted in as County Assembly representatives yet there is no equity between what the Governor is getting and what we are getting.

I am not advocating for equal pay with the Governor. There is what we call equal pay for equal work done. Our jobs are quite different. While we are here to make legislation and provide oversight the Governor has his own mandate. It is quite important that the SRC reviews this. That is why I am asking for adjournment of this House.

Secondly, if you look at the best practices of the International Labour Organization (ILO), it is clearly stated that an employer shall not unilaterally reduce the salary of an employee without the involvement of the employee. If Kenya is a signatory to ILO, why are we not domesticating the ILO best practices? Why are we not walking the talk as far as best practices of ILO are concerned? That is why I am

pushing for adjournment of this House so that SRC can call us to the table for negotiations and so that they can take into consideration our input.

Thirdly, Mr. Speaker, if you look at today's paper, inflation is actually skyrocketing. If you give Hon. Members Ksh 79,200 gross then you make deductions of over Ksh 28,000 plus NHIF and NSSF, this guy goes home with about Ksh 61,000. If you look at the political culture or beliefs of this country, people tend to associate Hon. Members with wealth, so immediately they see you they see money but in actual sense you have no money.

When they call you for harambees you have to give, yet the people who are being paid handsomely are not even available in this circumstances; they are not in touch with the common people. It is important we adjourn so that the SRC can meet us and we will tell them that the nature of our duties cannot allow us to take home Ksh 61,000. Thank you Mr. Speaker I support adjournment.

Hon. Member for Parklands/Highridge Ward (Mr. Jeffer Hassan): Thank you Mr. Speaker for giving me this opportunity. I concur with my colleague Mheshimiwa Owino here that SRC decided our salaries in our absence. The salary was reduced because when we were working at the City Council as Councilors, we earned about Ksh128,000. From Councilors we were promoted to Legislators with oversight authority but the salary was cut down by almost half. I think that is very serious and I support adjournment of our August House.

Secondly the people in SRC are against devolution, because when they are not looking at the welfare of the Hon. Members of the County Assembly they are actually fighting devolution and the Constitution which we passed. By all means I support even the Members of Parliament that this Commission should be done away with because they are against the Constitution and in any sense they have even no little sense of humanity. With regard to job evaluation, they have never looked at the type of jobs we do, the places we move and where we reside. I support adjournment.

Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara): Mr. Speaker, I stand in this House to support this motion. First I would like to thank the Member who came up with this motion. We have a problem even in our own Parliament where laws are made. We all understand that even before we were elected we had an Appropriation Bill that was brought to the August House and was passed into a law of its own by the tenth Parliament. The Appropriation Bill provided a salary of Ksh 350,000 for Members of the County Assembly. I recommend we adjourn until this issue is resolved.

Secondly, we are all aware that the SRC was not properly constituted when it was deciding on whatever amount or what kind of salary to be paid. We were supposed to have somebody from the Senate representing us as County Assembly Members countrywide at the deliberations. That particular person was not present at that particular time. We all know there is a case in court regarding the same but because of the speed of the court in handling such cases it is of paramount importance that we adjourn to send a signal to the Commission and the country at large that there is something serious that needs to be attended to. Thank you Mr. Speaker, I support.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri Mwangi): Thank you Mr. Speaker sir, I want to support the motion on adjournment. I want to raise some issues. My Hon. colleague has raised issues of salaries of Governors compared to ours. But I want us to do some calculations. First, they say that we are Hon. Members of the County Assembly, but to be called Hon. Members is expensive. I don't know why I am

called a Hon. Member, yet my pockets are empty. I remember when I was elected in my Ward my people were very happy, even back at my home, to learn that somebody from their area could have a say in Nairobi. This people value you for what you have and when I go home with empty pockets, the value of the term honourable is eroded the moment they realize I have no money.

Let's do some simple calculations: Members of Parliament are being paid Ksh 532,000 gross whereas we are getting Ksh 79,000; they have been allowed to get a grant of Ksh 7.1 million whereas we have zero; they have also been allowed to get a mortgage of Ksh 20 million while we have none; and they have other monthly allowances whereas our allowances are so low. Calculate the salary of an MP at the end of the month, each MP would have over Ksh1.2 million to take home. Yet the Parliamentary Assembly is fighting so much to have their salaries increased. Who are we not to talk but keep quiet when we are earning Ksh 79,000 gross and after taxation we get Ksh 60,000?

In percentages we are ranked at 10% lower than what a Member of Parliament (MP) is earning. When a Member of Parliament is earning over a million we are getting a meager pay. We don't fit in that class. We held a meeting with the press a month ago and I have realized that nobody is listening to us. Nobody seems to be taking action. Please, something needs to be done.

The County Assembly did some calculations on what the Member of Parliament is earning vis-a-viz the President of this country, MPs are getting 33% of what the President is earning but we are earning 12% of what our Governor is earning! So I don't know how we can compare it. I therefore second the motion and I say let us adjourn until we are listened to.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya Chege): Thank you Mr. Speaker for giving me this opportunity. I stand here, to support the motion and I believe even my fellow Hon. Members are in agreement that we adjourn this House. Mr. Speaker it is a shame. This is the impunity of the highest order. You cannot subject a person or Hon. Members to the kind of questioning I saw yesterday. Mr. Speaker, I was working with the Government before I resigned. Someone asked me yesterday why I resigned from a well paying job and vied for this seat where remuneration was supposed to be higher, just like you remember, Mr. Dida aspired for the Presidency, yet it is not.

I was working with the Teachers' Service Commission as a teacher; I had a job group, a salary, gross salary, house allowance, commuter allowance and medical allowance. Mr. Speaker when you look at the allowances we are getting here, they are not commensurate with the work we are doing. It is high time the County Assembly Members are treated with equal consideration to the job they have been given.

Hon. Members are tied to the electorate. When you go back to the village, the electorate look up to you, to assist and solve whatever problems they have in the Ward. It is high time the SRC listened to us. The only problem with this commission is that, it is not giving ear to us. It is very sad that we, County Assembly Members, are really suffering. Thank you Mr. Speaker

Hon. Speaker: Hon. Members I think we are now repeating ourselves. Let us have two members from each side. Hon. Imwatok

Hon. Peter Imwatok: Mr. Speaker thank you for giving me the opportunity to contribute to this motion. I just want to give a different perspective. Yesterday I was having a Community Development Fund (CDF) committee nomination in my Ward and I had a lot of challenges. Even today, I was called to a

secondary school; the Principal came with a parent whose children were to be send home for school fees. I had to send Ksh 14,000 via M-pesa to the Principal.

Subject to that Mr. Speaker, I appreciate the work of the SRC very much but as my colleague said; I had two leaders in the current Makongeni-Mbotela Ward who shared the workload of the Ward. They were; the mayor of the City and the Social Services Leader. The two leaders were earning Ksh 128,000 that is Ksh 256,000 plus a few allowances here and there, and mileage payments from the City Council.

As I said earlier at the press conference, it is not about the greed of the County Assembly but it is about the tasks that await us every now and then as we wake up in our houses. Each day we have to handle issues with regard to cases which come to our doorsteps. Members of the Assembly are always in touch with members of the public who elected them.

It is so unfortunate that even the public is in haste to use this clause without understanding the parameters as to which this clause has to be used simply because of the bad precedence which was set to the public by the former regimes before we got the new Constitution. That's why one Member of Parliament said "I will accuse the public as thieves who elected thieves to Parliament". In the real sense it is not right to call the public thieves because we are demanding our rights as Members of the Assembly.

I can give you a simple arithmetic; yesterday I spend Ksh 38,000, today I spend Ksh 14,000, I have not even prepared my account for my salary to be paid. You can imagine in a month how much I will spend from my pocket. It means I am going down deep into my pocket if I am privileged to supplement to serve my people.

We would want to understand why the SRC has members representing the Public Service Commission, the Police Commission and the Parliamentary Service Commission but none representing the devolution system which is the backbone of our economy currently. I remember some of my friends quoting the Chair of SRC as saying that they were waiting because they were not sure the devolved system was going to be applicable in Kenya.

I remember in January there was a salary of Ksh 300,000 which was published in one of the daily newspapers, then the salary came down to Ksh 250,000 and all of a sudden it dropped to Ksh 79,000. We have not been given any explanation as to the parameters or guidelines used by the SRC in determining the salaries.

Allow me to recognize the paradigm shift and topography of the country. Nairobi is a unique county. For you to live in Nairobi as a honorable member, you must live in a two or three bed-roomed house. According to the evaluation of the current economic situation, a two bed-roomed house goes for a maximum of Ksh 20,000 per month. The cost of feeding a family of three per day amounts to about Ksh 15,000 monthly.

How much is your transport? Forget about the special cars like the ones for the Minority and Majority Leaders. Assume you are not the one who is packing a sleek car in the parking lot. When you come to the stage you have to pay your fare; like Waititu, I see the leader coming in everyday. He pays for the entire 'matatu'. How much will he spend on a 'matatu'? That brings the monthly expenditure to over Ksh 61,000.

Mr. Speaker, just to bring the Clerk up to speed, I want to understand, are my rights violated or not? Is the Constitution going to tilt the members of the public to one side only and one side is ignored? So Mr. Speaker, I support the motion and I say that we adjourn this House possibly for one year. The struggle continues.

Hon. Leader of Majority: Thank you Mr. Speaker. I support the motion. I think we should not dwell so much on the issue because all of us are in agreement that we are adjourning this House until further notice. I hope we have the media houses present here because I want to put it clear to them that they should know that we do not have medical cover or insurance. Our medical cover is just like two thirds, the Members of Parliament have 10 million as medical cover, Senators 10 million and the Governor 10 million. But if you can remember what happened during the elections, you will appreciate that we are all elected members. The qualifications between the Member of Parliament, the women representative, the Senator and I are the same.

I don't see the reason why these people should subject us to these conditions. Let us just adjourn. We are going to paralyze the business of this House until we are heard. I think we are just overworking ourselves for nothing.

Today, I saw something in the office; the Chief of Staff earns, Ksh300,000 inclusive of allowances, the Secretary Ksh 332,000. Those small people appointed by the Governor 'juzi' the Legal Advisor, Economic Advisor and Political Advisor, get Ksh 250,000 plus allowances of over Ksh 50,000 adding up to over Ksh 300,000 every month. I, as the Leader of the Majority of this House, whenever I attend a committee meeting, I get Ksh 3,000 on top of my salary. Surely, am I a human being?

Let us not laugh with these people. Let us say enough is enough. The Speaker of the County Assembly is earning, after taxation, about Ksh 150,000 yet people who are just sitting in the offices are getting over Ksh 300,000. Let us propose this; we as Nairobian, forget about those rural reserve areas, we Nairobian, we want a sitting allowance minimum of Ksh 3,000 then our salaries must be about Ksh 350,000. Then you know, I am the Leader of Majority so I need a car plus a body guard and total attention. Thank you sir.

Hon. Peter Wahinya Kimuhu: Mr. Speaker sir I will be very brief. I apologize to my colleague who stood up at the same time as I. I am not going to repeat what has been already said. This House has already heard enough and everybody here is frustrated with equal measure and we are all clamoring for an increment in our remuneration etcetera.

The area I personally want to touch, so that I can sit down, is what has been touched on by the Leader of Majority. The motion that has been passed clearly states we are going to adjourn until the issue is resolved. It is important Ladies and Gentlemen, Members of the Assembly, that we actually listen to what the Leader of Majority has proposed. Moreover with an amendment to the same that when we say until the matter is resolved we must have a measure of what 'resolved' means. Meaning that, at what juncture or what event or what parameters are going to govern the same thing that says 'until it is resolved'?

That's why I say we need to set up what it is that we are expecting, so that when we achieve that thing we are expecting then we can categorically state that it has been resolved and Mr. Speaker from then you can comfortably call us back to the Assembly. If we leave it open-ended then it means we shall have no guidance as to when or what will happen so that we can conclude and agree that it has been resolved.

The other point I want to mention is with regard to the act of adjourning this House indefinitely and as one of my colleagues has suggested that we can even adjourn for a year. We may have some legal implications. I don't want to stand over here and be chained through this. I would like to ask your office and our good Clerk here, to investigate the matter some more so that as we adjourn indefinitely we are not subjecting ourselves to a complication which is of a legal nature. In other words, protect us against the law because at the moment it is quite difficult for us to indulge in the laws of the land to be able to understand what it means by an indefinite adjournment of the House. I may not have seen it happening in Parliament and so it is necessary we ask for your protection.

My final comment; the Leader of Majority said categorically, and I support him, that when we adjourn we shall cripple the County business and I want to request that if we can get other areas or other means of crippling this County Government, we can cripple it some more. We need to be given that information so that we not only engage in the adjournment of this Assembly but we do everything within our power to make sure that we cripple that business completely. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members I want to inform Members that adjournment is not disbandment of the House. Hon. Kanyi

Hon. Member for Airbase (Mr. Martin Mugo Kanyi): Thank you Mr. Speaker sir, even though it has taken long for me to catch your attention. May I be allowed, by this House to hit the last nail on the coffin. It is quite unfair that administrators are being paid a salary of Ksh 70,000 and house allowance of Ksh 17,000. It will be so unfair that administrators get such hefty amounts while Hon. Members.....

Hon. Speaker: Order Members! Hon. Member, can you repeat what you just said for the benefit of the Members?

Hon. Kanyi: Thank you Mr. Speaker sir, I would like to stress and also support the motion moved by my Leader of Minority, because it is truly unfair that administrators will be paid more than the Hon. Members of the County Assembly. Again, it is quite unfair that even though the administrators will be representing the agenda of the executive in our Wards, that they should be paid more than the Members of this Assembly.

Another issue is that we are being ignored. We must stretch our voices. It has come to a point where we need to push our concerns. I stand to ask the House to support this motion because it is unfair that the National Members of Parliament get 33% of what the Executive who is the President of the Republic of Kenya gets whereas Members of the County Assembly get less than 10% of what the Executive, the Governor gets. I think it will only be fair we also get 33% of what our executive the Governor gets. Thank you, sir.

Hon. Speaker: Last

Hon. Member for Waithaka Ward (Mr. Anthony Kiragu Karanja): Thank you Mr. Speaker sir I would like you to also note that it is not just the salary, which is small, but it is also remitted 38 days after the due date. An example is the March, 2013 salary. I also want you to take note of the quality of sound in this House. We are really struggling to hear what the members are saying. In addition quality of water,

which is supplied to members of this Assembly, is wanting. I am sure you will have issues if you won't find it in the leading supermarkets. We live in this country. I have no issue with the supplier or the manufacturer, but I think we deserve better than what we are getting.

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

Hon. Leader of Minority: Mr. Speaker sir I want to thank Members for unanimously supporting my motion. I would like to know how the Salaries and Remuneration Commission arrived at the criteria of setting our salary at Ksh 79,000. If it is the issue of educational background, the qualifications of Members of County Assembly, Members of Parliament and the Senators are the same. If it is the workload, we do the same work as the National Assembly. National Assembly legislates for the National population and Members of the County Assembly legislate on behalf of the County Government.

How can you play an oversight role over a Governor who earns more than Ksh 700,000, has a budget of 31 billion and you as a member cannot afford to pay your house rent? It is impossible to play an oversight role over the Governor. 'Bwana' Speaker, I want to know the work of SRC, I think Madam Serem comes at eight and leaves work at 5.00 pm and her work is just to remunerate State Officers.

The work of a County Assembly Member is to legislate on behalf of the County Government. We work five days a week plus Saturdays where we work in the Wards. Currently, we are running away from our electorate. The Constitution says we are supposed to be in touch with the people who elected us. We cannot be in touch because we fear. How can you go to meet your electorate if you cannot pay Ksh 1000 to a 'mama' or contribute Ksh 1000 for a funeral? How can you go to your Ward? Really you can't. None of the members seated here, if I am not wrong, has gone back to his Ward since elections. If the work of Serem was to kill devolution then this is a sure way of doing it. With those few remarks Mr. Speaker I take leave.

Hon. Speaker: Hon. Members I now put the question pursuant to Standing Order numbers 25(4), 28(1), 49(b) and notwithstanding provisions of Standing Order number 27. As many as are of the same opinion say 'aye' as many as are of the contrary opinion say 'no'. The 'ayes' have it.

(The motion was passed and the house adjourned sine die)

(The House rose at 3.37pm)