



REPUBLIC OF KENYA

## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

First County Assembly – First Session

### SUPPLEMENTARY

[Special Sitting under Standing Order No. 26(1)]

Thursday, 31<sup>st</sup> October, 2013

The House met at 10.30 a.m

*(Mr. Speaker in the Chair)*

### PRAYERS

### PAPERS LAID

The following papers were laid on the Table:

- a) The third report of the Committee on Appointments on the vetting of the Secretary to the Nairobi City County Executive Committee nominee;
- b) The sixth report of the Procedure and Rules Committee on the Standing Orders of the Nairobi City County Assembly;
- c) The report of the Executive Committee on Physical Planning Housing and Lands on the vetting of the Nairobi City County, Chief Officers nominees for Physical Planning Housing and Lands Department;
- d) The report of the vetting of the Engineer, Christine Ogut by the Transport and Public Works Committee;

- e) The third Report on Labour and Social Welfare Committee on the vetting of the Chief Officer County nominee for Public Service Management;
- f) The report of the Budget and Appropriation Committee on the vetting of the City County Chief Officer for Finance;
- g) The report of the Committee on Labour and Social Welfare on vetting of the following nominees: Meshack J. R. Gutto, Charity Seleina Kasotu and Vesca Jepkemboi Kangogo.

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker** (Mr. Alex Ole Magelo): Hon. Members welcome back. As you are aware on 1<sup>st</sup> October 2013, the Assembly resolved to adjourn its sittings *sine die*. However on 30<sup>th</sup> October 2013 through a letter dated 30<sup>th</sup> October 2013, the Leader of the Majority party pursuant to Standing Order number 26(1), requested that I call for a special sitting to enable the Assembly handle important issues key among them being consideration of reports of various committees. As you will recall, Hon. Members, before adjourning, I directed that all committees do finalize with their reports within seven days and report back to the Assembly. Pursuant to Standing Order number 26(3), I called for a special sitting of the County Assembly on Thursday 31<sup>st</sup> October 2013 at 10.30am at the Assembly chambers in order to consider all the reports from various committees and as such we shall proceed accordingly. Thank you, Hon. Members.

*(Applause)*

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you, Mr. Speaker. Allow me to lay on the Table of the House the third report of the Committee on Appointments on the vetting of the Secretary to the Nairobi City County Executive Committee nominee.

**Hon. Chairman of Chairmen** (Mr. Kennedy Ng'ondi): Allow me to lay papers on the sixth report of the Procedure and Rules Committee on the Standing Orders of the Nairobi City County Assembly. Thank you, Mr. Speaker.

**Hon. Member for Imara Daima Ward** (Mr. Jairo Atinya): Thank you, Mr. Speaker sir. This is the report of the Executive Committee on Physical Planning Housing and Lands on the vetting of the Nairobi City County, Chief Officers nominees for Physical Planning Housing and Lands Department. *(Loud consultations)*

**Hon. Speaker:** Order Members!

**Hon. Member for Utalii Ward** (Mr. Wilson Ochola): Thank you, Mr. Speaker sir. On behalf---

**Hon. Speaker:** Order Members!

**Hon. Wilson Ochola:** Members can you be in order? On behalf of the Members of the Committee on Labour and Social Welfare, pursuant to the provisions of Section 45 of the County Government Act and the Standing Order number 191 it is my pleasure and duty to present to the House, the Committee's report on the vetting of the nominee of Chief Officer, Public Service Management.

The Committee on Labour is one of the Sectoral Committees established under Standing Order number 191(5)--- (*Loud consultations*) Mr. Speaker---

**Hon. Speaker:** Order Member! Lay the papers first.

**Hon. Wilson Ochola:** Thank you very much. (*Loud consultations*). Can you be in order my friend! I am not drunk, the way you are drunk---

**Hon. Speaker:** Order! (*Loud consultations*)

**Hon. Wilson Ochola:** Are you a smoker?

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

**Hon. Wilson Ochola:** I am the Chairman for--- (*Loud consultations and points of order*) For What? Who are you?

**Hon. Speaker:** Order! Order Member! Order! Order, Hon. Chairman of Labour! Order, please! Order! Hon. Members, I am coming to that, I have heard it. (*A Member protests*) I have heard it. (*Loud consultations*) I have heard it. (*Loud consultations*) Order Members! Order!

**Hon. Member for South C Ward (Ms Diana Kapeen):** Mr. Speaker sir, on behalf of the Public Works Committee I would like to present the report of the vetting of the Engineer Christine Ogut to the House.

(*Applause*)

**Hon. Speaker:** Hon. Chairlady, I think the report you have read, somebody has to correct it because we have noted that they have written "report of the Committee of Budget and Appropriation". You need to correct it on the floor.

**Hon. Diana Kapeen:** I would like to lay the Report of the Sectoral Committee on Transport and Public Works with the amendments to the reading 'Budget and Appropriations Committee'. To the Speaker sir.

**Hon. Speaker:** Thank you.

(*Loud consultations*)

**Hon. Wilson Ochola:** Thank you, Mr. Speaker, once again. The following paper will be laid on the Table of the Assembly today Thursday, October 31<sup>st</sup> 2013; The third Report on Labour and Social Welfare

Committee on the vetting of the Chief Officer, County nominee for Public Service Management. The Chairperson will be--- it will be tabled.

*(Loud consultations)*

**Hon. Speaker:** Just--- Order Members! Order! Chairman of Budget and Appropriation. *(Loud consultations)* Order Members!

**Hon. Member for Embakasi Ward (Mr. Michael Ogada):** Thank you, Mr. Speaker sir. *(Loud consultations)* Order Members!

**Hon. Speaker:** Order Members! *(Loud consultations)*

**Hon. Michael Ogada:** Thank you, Mr. Speaker sir. On behalf of--- *(Loud consultations)* Mr. Speaker sir---

**Hon. Speaker:** Hon. Members! Please! Order Members!

**Hon. Michael Ogada:** Mr. Speaker sir, on behalf of the Budget and Appropriation---

**Hon. Speaker:** Order Members! Allow the speaker--- *(Loud consultations)* allow the Chairman of the Budget and Appropriation Committee to lay his report and I am grateful that all the chairmen and the chairlady have done a wonderful job.

**Hon. Michael Ogada:** Thank you, Mr. Speaker. Allow me on behalf of the Budget and Appropriation Committee to lay the report of the Budget and Appropriation Committee on the vetting of the City County Chief Officer for Finance, before this House, this morning. *(Loud consultations)*

**Hon. Speaker:** Members, listen! Order! *(Applause)* *(Loud consultations)* 'Kwani ako na nyingine?'

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. The following paper will be laid on the Table of the Assembly today, Thursday October 31, 2013; the report of the Committee on Labour and Social Welfare vetting of the following nominees: Meshack J. R. Guto, Charity Seleina, Kasotu and Vesca, Jepkemboi Kangogo. Thank you very much, Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Chairman *(Loud consultations)* Order Members! Order!

## NOTICES OF MOTION

### NOTICE- REPORT ON VETTING OF COUNTY SECRETARY NOMINEE (MS LILIAN WANJIRU NDEGWA)

**Hon. Leader of Majority:** Thank you, Mr. Speaker. I beg to give notice of the following motion; that pursuant to section 44(2b) of the County Government Act and the provisions of the Standing Order number

42, this Assembly adopts the report on the vetting of County Secretary nominee, laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the appointment of **Ms Lilian Wanjiru Ndegwa** as the County Secretary. (*Loud consultations*)

**Hon. Speaker:** Order Members!

#### **NOTICE- SIXTH REPORT OF PROCEDURE AND RULES COMMITTEE ON AMENDMENT OF STANDING ORDERS**

**Hon. Chairman of Chairmen:** Mr. Speaker sir, I wish to bring to the attention of the Assembly notice of motion on the following; that pursuant to the provisions of Standing Order number 235(5), this Assembly adopts the sixth report of the County Assembly Procedure and Rules Committee on the amendments of the Standing Orders, laid on the Table of the Assembly today, Thursday, 31<sup>st</sup> October 2013. Thank you, Mr. Speaker.

**Hon. Speaker:** Next please! (*Loud consultations*) Order Members! Let's listen! Order! Order Members! I don't want at this juncture to throw a Member out. We have very important business before us. It is therefore, important that you listen and follow what the chairpersons of the committees are saying.

#### **NOTICE- REPORT ON VETTING OF THE NOMINEE FOR COUNTY CHIEF OFFICER FOR FINANCE (MS CAROLINE MWIKYA MAWATHE)**

**Hon. Michael Ogada:** Thank you, Mr. Speaker sir, pursuant to section 45(1b) of the County Government Act and the provisions of the Standing Order 42, this Assembly adopts the report of the Budget and Appropriations Committee on the vetting of the County Chief Officer nominee laid on the Table of the Assembly, today, Thursday, 31<sup>st</sup> October 2013 and **rejects** the appointments of **Caroline Mwikya Mawathe** as the County Officer for Finance. (*Loud consultations*)

**Hon. Speaker:** Order Members! Order!

#### **NOTICE – REPORT ON VETTING OF CHIEF EXECUTIVE OFFICERS OF THE BOARD AND SECRETARY NOMINEES**

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir, I beg to give notice of the following motion; that this Assembly adopts the report of the County Assembly Committee on Labour and Social Welfare on the vetting of the Chief Executive Officer of the Board laid on the Table of the Assembly, today, Thursday 31<sup>st</sup> October 2013.

Again, Mr. Speaker I beg to give notice of the following motion; that this Assembly adopts the report of the County Assembly Committee on Labour and Social Welfare on the vetting of the following Chief Executive Officers of the Board Secretary and Board Members laid on the Table of the Assembly, today, Thursday 31<sup>st</sup> October 2013.

#### **NOTICE- REPORT ON VETTING OF CHIEF OFFICER FOR PUBLIC SERVICE MANAGEMENT NOMINEE**

**Hon. Wilson Ochola:** Another one, Mr. Speaker sir, I beg to give notice of the following motion; that this Assembly adopts the report of the County Assembly Committee on Labour and Social Welfare on the vetting of the Chief Officer for Public Service Management, Secretary laid on the Table of the Assembly, today, Thursday 31<sup>st</sup> October 2013. Thank you, Mr. Speaker sir.

#### **NOTICE – REPORT ON VETTING OF CHIEF ENGINEER OF PUBLIC WORKS AND TRANSPORT NOMINEE (ENG. CHRISTINE ADONGO OGUT)**

**Hon. Diana Kapeen:** Mr. Speaker sir, I would like to give notice of the following motion; that this Assembly adopts the report of the Public Works and Transport Committee on the vetting of the Chief Engineer of Public Works and Transport, Ms Christine Adongo Ogut, laid on the Table of the Assembly, today, Thursday, 31<sup>st</sup> October 2013.

### **STATEMENTS**

#### **STATEMENT ON CONDUCT OF MEMBERS**

**Hon. Rachael Kamweru** (Nominated Member from Embakasi West): Mr. Speaker, thank you. I am standing here on a personal statement touching on Standing Order number 104. I would like to bring to your attention, Mr. Speaker, that most of us are feeling really hurt in some of our committees, reasons being, bad language being used in the meetings and within; intimidations and falsehood that cannot be justified hovering around. Mr. Speaker, I seek your direction on this matter because it is unbecoming of Hon. Members to be put on the spot like they have never been before. Thank you, Mr. Speaker. *(Applause)*

**Hon. Speaker:** Order Hon. Member! I have to respond to her concerns first and then it will be your turn. Hon. Members, yes, indeed what Hon. Rachael Kamweru has raised is important to the County Assembly and to us as men and women of integrity. However, I would like to very briefly quote our bible; that is the Republic of Kenya, Nairobi City County Assembly Standing Orders. Hon. Members, I want you to listen very, very keenly. Hon. Members, Standing Order number 103; that is

***Irrelevance or Repetition;***

*“The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member’s own arguments or the arguments used by other Members in debate, may, after having first warned him or her direct that the Member discontinue his or her speech.” We go to 104; “Grossly disorderly conduct”, Hon. Members, “Conduct is grossly disorderly if the Member concerned-*

- (a) Creates actual disorder;*
- (b) Knowingly raises a false point of order;*
- (c) Uses or threatens violence against a Member or other person;*
- (d) Persists in making serious allegations without, in the Speaker’s opinion, adequate substantiation;*
- (e) Otherwise abuses his or her privileges;*
- (f) Deliberately gives false information to the County Assembly;*
- (g) Votes more than once in breach of these Standing Orders;*
- (h) Commits any serious breach of these Standing Orders; or*
- (i) Acts in any other way to the serious detriment of the dignity or orderly*
- (j) Procedure of the County Assembly.*

*(2) The Speaker or the Chairperson of shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly*

- a) On the first occasion, for the remainder of that day’s sitting;*
- b) On the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension,*

*(3) If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 109 (Member may be suspended after being named) shall be followed.”*

Hon. Members, listen to this carefully:

***“Member may be suspended after being named;***

*105. (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.*

*(2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then –*

- (a) If the breach has been committed by such Member in the County Assembly, a Motion shall be made by any other Member present “That, such Member (naming the Member) be suspended from the service of the County Assembly”, and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;*
- (b) If the breach has been committed in a Committee of the whole County Assembly, the Chairperson shall forthwith leave the Chair and report the circumstances to the County Assembly; and the Speaker shall on a Motion as aforesaid being made, forthwith put*

*the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the County Assembly itself.”*

**Member suspended to withdraw from precincts of County Assembly;**

106. (1) *Whenever a member has been named in accordance with Standing Order 105 (Member may be suspended after being named), the Speaker shall order the Member to withdraw from the Chamber and the precincts of the County Assembly.*

(2) *Any Member who is ordered to withdraw under Standing Order 109 (Gross Disorder) or who is suspended from the service of the County Assembly under Standing Order 105 (Member may be suspended after being named) shall forthwith withdraw from the precincts of County Assembly and shall during the period of such withdrawal or suspension (except during a recess) forfeit the right of access thereto and shall forfeit all allowances payable during the period of such suspension.*

(3) *Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 109 (Gross Disorder).*

**Duration of suspension of a Member;**

107. (1) *If any Member is suspended under Standing Order 105 (Member may be suspended after being named) the suspension on the first occasion shall be for four sitting days including the day of suspension; on the second occasion during the same Session for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight sitting days, including the day of suspension.*

(2) *A Member who is ordered to withdraw under Standing Order 109 (Gross Disorder) or who is suspended from the service of the County Assembly under Standing Order 105 (Member may be suspended after being named) shall forfeit all allowances payable during the period of such suspension.*

**Action to be taken on refusal to withdraw;**

108. *If any Member shall refuse to withdraw when required to do so, by or under these Standing Orders, the Speaker or the Chairperson of Committee as the case may be, having called the attention of the County Assembly or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw, shall order such Member to be removed and such Member shall thereupon without question put be suspended from the service of the County Assembly during the remainder of the Session and shall during such suspension, forfeit the right of access to the precincts of County Assembly and the Sergeant-at-arms shall take necessary action to enforce the order.*

**Grave disorder in the County Assembly;**

109. (1) *In the event of grave disorder arising in the County Assembly, the Speaker may, adjourn the County Assembly forthwith or suspend any sitting for a period to be determined by him or her.*



(2) In the event of grave disorder arising in the Committee of (3) Any Member who demonstrates or makes disruptive utterances against the suspension of a named Member shall be deemed to be disorderly in accordance with Standing Order 109 (Gross Disorder).

**Duration of suspension of a Member**

107. (1) If any Member is suspended under Standing Order 105 (Member may be suspended after being named) the suspension on the first occasion shall be for four sitting days including the day of suspension; on the second occasion during the same Session for eight sitting days, including the day of suspension; and on the third or any subsequent occasion during the same Session for twenty-eight sitting days, including the day of suspension.

(2) A Member who is ordered to withdraw under Standing Order 109 (Gross Disorder) or who is suspended from the service of the County Assembly under Standing Order 105 (Member may be suspended after being named) shall forfeit all allowances payable during the period of such suspension.

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**Grave disorder in the County Assembly;**

109. (1) In the event of grave disorder arising in the County Assembly, the Speaker may, adjourn the County Assembly forthwith or suspend any sitting for a period to be determined by him or her.

(2) In the event of grave disorder arising in the Committee of Assembly, the Speaker shall resume the Chair forthwith

Hon. Members, as we have all been in the County, in the last one month or three weeks to be precise, a lot of things have happened in the County Assembly. I want to leave you to examine your conscience, find out what you are doing and what you are saying whether it is good in your own conscience or should we again go back to class sit down and allow each of us to pour his or her soul out. But what we shall not allow is abusive language to be used in the County Assembly. That will not be allowed and I guarantee you, when these matters are reported, we shall have to deal with them.

The cases, I want to say, even on the floor here, they are sickening; they are not of age and I want to ask all the Members; let us unite for the purpose that brought us to the County Assembly. If we have no business in the County Assembly, allow the Members who know what brought them here to do what they came to do. I also want to refer to the issue of policing each other in the County Assembly; policing, watching each other. I want to plead with you as elders, because you are here as elders, you represent thousands and thousands of people, stop. I just want to call upon each and everybody to behave with

decorum, and if you have a problem quickly come to us. Look for an elder, even if you don't respect Magelo, there are other elders who are in this room. Rush to them and ask; what can I do?

I want to urge you; let us respect each other. Let us have decorum, respect; and if you don't respect, please let's do what we are here to do. As for me, I want to say here, if I have wronged any of you, what we say in my community is that you forgive me and for those who have wronged me; those who have continued sending me text messages, I am not gay (*Applause*).

Do not send me text messages unless it is with regard to an emergency and if we are friends you can send me text messages but at my age and this goes to Hon. Obenge, please, you send me a text message; a very disrespectful message. Even if you don't respect me as the Speaker, respect my age and if there is anything you need call me to your house; I will come, (*Applause*) that is according to my custom. (*Applause*)

But I do not want a situation where we will ignore our age and become little boys and for the ladies I love you all and I have no complaint against you. But we will sit down with all of you and bond and if there is a mistake we clean it ourselves. Ladies in my community are most honourable people and I respect all of you regardless of your age.

Once again I want to say I respect everybody. If you feel something is touching on so and so, we have elders here. We will call a few elders and sort out the problem. But you cannot continue moving on in a language of deceit; a language of lies; a language that does not befit your title of honourable Member of Nairobi County Assembly.

I also want to tell you, ladies and gentlemen, Hon. Members, what you do to me or I do to you will be done to me and will be done to you. What goes round comes round. (*Applause*) Hon. Members, I love you and may God continue blessing you and bless your families.

As we have little time between now and you moving to the festivities, it is important that we plan and organize our own festivities as brothers and sisters. I don't want a situation where when you are called by Kotieno to his place all of you Members by the time you leave the place a number of you are in hospitals and a few of us are nursing wounds. Call upon the Almighty God to keep the demons of anger away from you. Thank you. (*Applause*)

Is it a point of order or what is it? On what? You must specify. Can we have the statement from this gentleman?

### STATEMENT ON BURSARY FUNDS

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, first and foremost I must say thank you so much for the elaborate understanding of the entire House. Secondly, before I give this statement I want to go to Order number 80 to thank you in particular; before we went on recess I stood to ask the importance of our membership in the three functions we have; which is representation, oversight and legislation and you to give direction on the issue of bursary. So, far all of us have bursaries in our Wards, Mr. Speaker. We must say thank you for your direction.

**REQUEST - STATEMENT ON KSH15 MILLION WARD DEVELOPMENT FUND**

**Hon. Peter Imwatok:** On the same note, Mr. Speaker, Standing Order number 80, I know after this special session you are may be going to tell us; we adjourn to *sine die* again. I want to request your able office again, to give directive, because after our children have gone to school, there are also our mothers who need clinics; who need hospitals; who need roads; who need other amenities in the community. As far as I am concerned, Mr. Speaker, we approved the Appropriation Bill, which allocated each Ward Ksh15 million as Ward development fund. I want your directive. So far, we are seven months old now since the inauguration of this Assembly and we have the development agenda in our Wards lagging behind.

*(Applause)*

**REQUEST- STATEMENT ON ONGOING RENOVATIONS AND FACELIFT OF CITY HALL**

**Hon. Peter Imwatok:** Now to my statement, Mr. Speaker, I request a statement under Standing Order number 41(2c). Pursuant to Standing Order number 41 (2c), I wish to request for a statement from the Chairperson of the Committee on Transport and Public Works, in connection with the ongoing renovations and face lift of the City Hall building. In the statement, Mr. Speaker, I would like the chairperson of the Committee to give the following information:

1. Who is the contractor undertaking the works?
2. Who are the Directors of the Company undertaking the works?
3. What is the cost of the contract in Kenya shillings?*(Applause)*
4. How much of the contract amount has been so far paid and how much is remaining?
5. And lastly, Mr. Speaker, which other Companies bided for the job?

Thank you. *(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Imwatok. Hon. Members, to dispense off, thank you very much, I believe we have the chairperson for Public works and also for the Budget and Appropriation who will come momentarily to give an undertaking as to when you can have the answers with regard to the Ward development fund and indeed to the other construction. Hon. Chairlady for Public Works?

**Hon. Diana Kapeen:** Thank you, Mr. Speaker sir. I would request the Hon. Member to give the Committee on Public Works, two weeks in which they will bring you a comprehensive report, kindly.

**Hon. Speaker:** So be it. Two weeks.

**Hon. Diana Kapeen:** Yes, Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Chairlady. Hon. Chairperson Budget and Appropriation; this is with regard to the question asked by Hon. Imwatok, on the issue of the Ksh15 million per Ward for development because of the clinics and what have you. Can you allow him to finish? Okay can she correct the--- Sorry, the Chairperson.

**Hon. Diana Kapeen:** I just want to bring to the attention of the Speaker that the Ward development fund falls under Transport and Public Works.

**Hon. Speaker:** Which one?

**Hon. Diana Kapeen:** The Ward development fund which the Hon. Member is inquiring about falls under the Transport and Public Works Committee.

**Hon. Speaker:** I beg your pardon. Can you again undertake to---

**Hon. Diana Kapeen:** A document was presented to our committee, yesterday, and we referred it back to the originator because we did not know. It did not originate from our committee. But we called the LASDAP which holds the projects as Ward development projects to come and explain to us the difference between the Ward development projects and the Ward development fund. So we have a meeting with them on Tuesday.

**Hon. Speaker:** So now--- Thank you very much, Chairlady. So, how long are you giving the---

**Hon. Diana Kapeen:** The Ward development fund falls under the Transport and Public Works Committee. We got a document from the office of LASDAP with information that they have Ward development projects. So we referred it back to the office and we are having a meeting with them on Tuesday and we will give you a report once we have sat with our Minister and the Engineer in charge of Transport. Thank you.

**Hon. Speaker:** Thank you very much, Hon. Chairlady. Hon. Member, can you take a seat? Take a seat please!

**Hon. Member for Lindi Ward (Mr. Fredrick Obenge):** You are planning my resignation and you are telling me to sit down! (*Shouting*) You are planning my resignation and telling me to sit down!

**Hon. Speaker:** That man, the Hon. Member, be suspended from this precincts of the Assembly for three sitting days! (*Hon. Fredrick Obenge shouts back at the Speaker as he is send out of the House*) for three sitting days! And this Member is going to be named. Hon. Members, the Hon. Member, as we were saying here; that is what we were referring to as gross disorderly conduct and therefore the Member is suspended from this Assembly for three sitting days, including today. No allowances shall be paid to him according to Standing Order number 100 to 109. Thank you, Hon. Members.

And let it be known that if a Member of this Assembly brings a motion to name him, he will be out for eight consecutive days and you know the consequences of eight days out of this Assembly. I am saying; if he is named (*Loud consultations*). Can we proceed? Can we proceed, please? Budget Chairman, please? Clerk?

**Hon. Michael Ogada:** Thank you, Mr. Speaker sir. I think the question that was asked by Mheshimiwa Imwato, (*Loud consultations*) has been---

**Hon. Speaker:** Order Members! Order!

**Hon. Michael Ogada:** Hon. Members, the question that was asked by Mheshimiwa Imwato, has been ably answered by the Chair of Public Works and what I can add is that there is a Bill to that effect and as---

**Hon. Speaker:** Just pay attention to what he is saying!

**Hon. Michael Ogada:** Members what I am saying is that there is a Bill that has been done to that effect and it has been taken to the Works Committee. It was returned to the Speaker and because all Bills that touch on Finance must be referred to the Budget and appropriation Committee, the Speaker referred the Bill to my Committee. We are working on it and I can promise you that by 2.00pm today, my committee will have dealt with it. We will take it back to the Speaker, and I believe after tomorrow it will be on course I promise. *(Applause)*.

**Hon. Speaker:** Hon. Members we now move to the supplementary business; Nairobi City County Assembly; First Assembly- First Session; order of the day: supplementary special sitting under Standing Order number 26(1), Thursday, October 31, 2013 at 10.30am. Proceed, Mr. Clerk

**Interim Clerk (Mr. Jacob Ngwele):** Order number 8; Motion

## MOTIONS

### MOTION- REPORT ON VETTING OF COUNTY SECRETARY NOMINEE (MS LILIAN WANJIRU NDEGWA)

**Hon. Leader of Majority:** Thank you, Mr. Speaker. I rise to give motion number 8; that is pursuant to Section 44(2b) of the County Government Act and the provisions of Standing Order number 42, this Assembly adopts the report of the Committee on Appointments on the vetting of the Secretary nominee laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the appointment of **Ms Lilian Wanjiru Ndegwa** as the County Secretary.

So, Mr. Speaker, the nomination of the Secretary to the Nairobi City County Executive Committee: I beg to move the following motion on behalf of the Committee on Appointments and pursuant to the provisions of Standing Order number 185 and provisions of the County Government Act 44(1b) it is my pleasant duty to present to the Assembly the report of the Committee on Appointments on the vetting of the Secretary of the Nairobi City County Executive Committee nominee:

#### **The Committee Membership**

The Committee on appointments was constituted by the Assembly on 30<sup>th</sup> May 2013, comprising of the following Members:

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

### **Committee Mandate**

The Committee on Appointments is one of the Select Committees established under Standing Order number 185 which provides that the Committee on Appointments considers for approval by the Assembly appointments under Article 179(b) of the Constitution; County Executive Committee.

### **Committee Meetings**

The Committee held a total of 10 sittings during which the said nominee appeared before the Committee on Appointments and was vetted in accordance with the Public Appointments Parliamentary Approval Act 33 of 2011 for appointment of County Secretary of the Nairobi County Executive nominee.

### **Committee Observations: Secretary of the Nairobi City County Executive Committee nominee - Ms. Lilian Wanjiru Ndegwa**

The Committee having considered her Curriculum Vitae and heard her oral submissions during the vetting exercise, the committee made the following observations:

The nominee is good, has experience and has no integrity issues and therefore suitable for the position. The Committee found the nominee suitable for the position and recommends the nominee's appointment as Secretary to the Nairobi City County Executive Committee be approved.

### **Committee recommendations**

Pursuant to Section 44(2b) of the County Government Act, the Committee recommends that Ms Lilian Wanjiru Ndegwa be approved for appointment as Secretary to the Nairobi City County Executive Committee.

So, Mr. Speaker, I would like to call upon my counterpart to come and second the motion.

**Hon. Leader of Minority** (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir, for giving me this opportunity to second the motion. But before I second the motion, there was a statement which was said on this floor and I think it should not go unpunished because this is a House of rules and procedure and people must respect this House. We are Hon. Members and we want to behave with decorum as Hon. Members. When the Chairman of the Labour Committee stands here and says Members are stupid, Mr. Speaker sir, and we let that go; it is not right. I would want the Chairman of the Labour Committee to stand and withdraw the said statement and apologize to the House, Mr. Speaker sir. *(Applause)*

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir, I withdraw the statement and apologize Mr. Speaker sir. *(Applause)*

**Hon. Leader of Minority:** Thank you, Mr. Speaker sir. Now let me have the privilege of seconding the appointment of the Lady of Nairobi, Ms Lilian Ndegwa, sir, recalling that she is overqualified; she is experienced as per the County Government Act and I urge this House to approve the great lady of Nairobi, Mr. Speaker sir.

**Hon. Chairman of Chairmen:** Mr. Speaker---

**Hon. Speaker:** Hon. Members, sorry. Hon. Members I now propose the question pursuant to Section 44(2) of the County Government Act and the provisions of the Standing Order number 42 this

Assembly adopts the report of the Committee on Appointment on the vetting of the County Secretary nominee laid on the Table of the Assembly on Thursday, 31<sup>st</sup> October 2013 and approve the appointment of **Ms Lilian Wanjiru Ndegwa** as a County Secretary. Hon. Members.

**Hon. Chairman of Chairmen:** Mr. Speaker, I rise to support the appointment of Lilian Wanjiru Ndegwa for the position of the County Secretary; the reason being, Mr. Speaker, the lady in question, Lilian Ndegwa, has been here in acting capacity as the County Secretary. Mr. Speaker during the period we have been with Lilian Ndegwa, this lady, I can describe her as one person, with an ever smiling face and good reception. The position of County Secretary is a position that if not given somebody with humane qualities then it can be abused; but the said lady has shown some kind of kindness, humane characteristics and love for these Members. Let this be challenged. For that reason, I complement the Committee for Appointment for giving us one of the brains that this Assembly desires. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Chairperson, Works.

**Hon. Diana Kapeen:** Thank you, Mr. Speaker. I support the appointment of Lilian Ndegwa as County Secretary. She is a managing director and she is qualified. For us who have had the chance to work with her since she was appointed as an Interim secretary, up to now she has demonstrated ability to accommodate each and every person. In this respect, Mr. Speaker sir, I want to thank the appointment Committee for giving us a very brilliant and very qualified woman whose appointment is long overdue. I support the appointment of Lilian Ndegwa. *(Applause)*

**Hon. Speaker:** Thank you very much, chairperson. Point of order?

**Hon. Peter Imwatok:** Mr. Speaker, I am on a point of order. Mr. Speaker as per the mood of the House and as the Majority Leader has laid a lot of motions before us and we have a limited time I request your able chair to put the question. *(Applause)*

**Hon. Speaker:** Thank you very much, but meanwhile let's have a point of order from Hon. Masiga. But thank you very much, Hon. Imwatok.

**Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga):** Thank you, Mr. Speaker sir, as you are aware there is somebody who has just said that there is something that is murder. So, who is going to be murdered in this House? Can we substantiate on that before we go on?

**Hon. Speaker:** I beg your pardon, come again.

**Hon. Nelson Masiga:** Mr. Obenge, when he was here, said something called murder. So, I am---

**Hon. Speaker:** Murder?

**Hon. Nelson Masiga:** Yes, and I am very worried. What is it? Can you give direction?

**Hon. Member for Kilimani Ward (Mr. Moses Ogeto):** Mr. Speaker sir, as my counterpart, Hon. Peter Imwatok has said, we look at that as time goes on; I know you have power as the Speaker of the Assembly, but we have very many motions in this order paper, we need to continue, let not Hon. Masiga disrupt this House. *(Applause)* Let him follow the right procedure.

**Hon. Speaker:** Thank you. Hon. Ogeto. What the Hon. Masiga has said is important. We will discuss it at an appropriate time but for now I want to call the mover to reply. *(Applause)*

**Hon. Leader of Majority:** Thank you, Mr. Speaker and I want also to thank Mr. Imwatok because for the first time he has rescued the time for this House. Mr. Speaker, I do not see the reason why we should dwell too much on Lilian Ndegwa because we as the able Committee on Appointments have already vetted the lady and we know she is equal to the task and she is going to perform her duty very well.

So, Mr. Speaker, I would like this House; all of us, let us just clap (*Applause*) for the lady who has just been nominated by the Governor because she just has that which is required. So, Mr. Speaker, I would also like to thank the Members of this House today, because I think we have had the people from the other side of the divide come here and say that Lilian Ndegwa is qualified. With those few remarks, I would like to urge this House to give her total support and also the beautiful ladies on this side. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to Section 44(2b) of the County Government Act and the provisions of the Standing Order number 42 this Assembly adopts the report of the Committee on Appointment on the vetting of the County Secretary nominee laid on the Table of the Assembly on Thursday, 31<sup>st</sup> October 2013 and approve the appointment of **Ms Lilian Wanjiru Ndegwa** as a County Secretary. Hon. Members, I now put the question; as many of that opinion say 'yes' and those of the contrary opinion say 'nays'. The 'yes' have it. Thank you.

*(Question put for report on nominee for County Secretary and agreed to)*

Hon. Members, pursuant to the point of order by Hon. Masiga, I would like the chairperson of committees, who was there, after the rise of the House at the end of business today, to give me a proper report on the exact words that were used by the Hon. Member that we just suspended. Proceed.

**Interim Clerk:** Order number 9; Motion.

#### **MOTION- REPORT ON VETTING OF THE NOMINEE FOR COUNTY CHIEF OFFICER FOR FINANCE (MS CAROLINE MWIKYA MAWATHE)**

**Hon. Michael Ogada:** Thank you, Mr. Speaker sir. Pursuant to section 45(1b) of the County Government Act and the provisions of the Standing Order 42, this Assembly adopts the report of the Budget and Appropriations Committee on the vetting of the County Chief Officer nominee that was laid on the Table of the Assembly, today, Thursday, 31<sup>st</sup> October 2013.

Mr. Speaker sir, on behalf of the Budget and Appropriations Committee, it is my pleasure and duty to present to the Assembly the Committee's report on the nominee for the Nairobi Chief Officer for Finance.

Mr. Speaker sir, the Committee of Budget and Appropriation comprises of 19 people in number, the Chairman being Ogada Okumu and the vice Chair, George Ochola. Other Members are:

1. Hon. Alfred Ambani,
2. Hon. Maurice O. Akuk,
3. Hon. Oscar Lore,
4. Hon. Osman Adow Ibrahim,
5. Hon. Jackson Kiama Gikandi,
6. Hon. Kenneth Thugi Muriuki,
7. Hon. David Njoroge Kairu,
8. Hon. Petronilla



9. Hon. Herman
10. Hon. Emmaculate
11. Hon. Omwenga
12. Hon. Kennedy Onduru
13. Hon. Isaac Ngige
14. Hon. Ngaruiya Chege
15. Hon. Samuel Irungu
16. Hon. Benadette Wangui and
17. Hon. Victoria Alali

Mr. Speaker sir, our mandate through the second schedule of the County Government Act 2012: we are empowered to answer to the Finance Committee and also take the role of the Sectoral Committee for Finance and Standing Order number 191(5) provides that the sectoral committee shall vet and report on all appointments where the Constitution or any law requires the County Assembly to approve except those under Standing Order number 152(5); that is Committee on Appointment.

Mr. Speaker sir, pursuant to section 45(1a) of the County Government Act 2012, His Excellency the Governor, by letters, forwarded to the Speaker of the Nairobi City County Assembly, the name of the following for vetting by the Budget and Appropriations Committee and consideration for approval by the Nairobi City County Assembly for appointment as the Nairobi City County Chief Officer for Finance, and the name is Caroline Mawathe.

On Tuesday 1<sup>st</sup> October 2013, the Hon. Speaker in a message to the Assembly, informed the Assembly that he had received the name of the said nominee and directed the Curriculum Vitae (CV) and certificates of the said nominee be referred to the Budget and Appropriations Committee. Within 7 days we had to report back. Mr. Speaker sir, the public was expected to participate in the vetting process through the submission of memoranda on the suitability or otherwise of the nominee.

On Tuesday 8<sup>th</sup> October 2013, the Clerk of the Assembly placed an advertisement in the print media to invite the public to participate on the suitability of the candidate or otherwise. However, there was nothing that was received from the public.

Mr. Speaker sir, the nominee submitted copies of all her documents and some of them are attached. During this period, the committee held a total of four meetings to look at the suitability of the candidate in regard to the vetting of the nominee. The nominee was invited during one of our sittings.

Mr. Speaker sir, I would like to thank the Members of the Budget and Appropriations Committee for having found time to sit during these meetings and deliberate on the suitability of the candidate.

Mr. Speaker sir, I would like now to read some of the recommendations of the Committee and our observations. After conducting the oral interview of the nominee on Thursday 17<sup>th</sup> October 2013, the Committee dedicated the next two sittings to scrutinize the nominee's oral submissions

and CV with the goal of establishing her suitability of being appointed as the Chief Finance Officer of the Nairobi City County.

Mr. Speaker sir, the Committee had the following submissions:

1. The nominee had good academic records, however her Certified Public Accountant (CPA) academic transcripts showed that she failed quite a number of courses;
2. Her hard work was quite evident from the oral submissions as she had stated that she managed to serve as a Senior Accountant at the Kenya Property Institute while still pursuing her Masters degree. Mr. speaker, however, in regard to experience in the specific area, the Committee observed that she fell short of the set distinguished career bench mark set in the advertisement as annexed in annex number 4;
3. Her experience as a Senior Accountant at the Kenya Industrial Property Institute was not enough for her to be appointed as Chief Finance Officer in the Nairobi City County. This was because the position at hand required someone who had distinguished career in public financial management in an institution that was as robust and dynamic just like Nairobi County;
4. Mr. Speaker sir, the fourth point; the nominee did not also fully convince the Committee on her knowledge of the laws that could govern her work if appointed and also had little grasp of IFMIS system;
5. Mr. Speaker sir, the position at hand required someone who was very assertive of which the nominee was not. This led the Committee to conclude that she was going to be vulnerable to manipulations by forces within the County; *(Applause)*.
6. Mr. Speaker sir, in her oral submission, she had stated that she only managed approximately 80 members of staff. Where she works currently, the total number of employees is only 89. So she is in charge of only 80 people, while in the Nairobi County currently we have 12,000 employees and we are also expecting 5,400 who are going to be seconded from the Central Government and therefore we are going to have a work force of 17,000. It is therefore impractical for a person who is managing less than 60 people because if 80--- *(Applause)* Because if you are in an organization of 80 people, these 80 people include the cleaners, the secretaries and what have you and you head a department of Accounts, accounts is not having a half the population. So, that particular organization should be having less than 15 people. This is a person who is in charge of less than 15 people. Besides being in a position of being in charge of less than 15 people, this person is not in charge of Accounts Department. Accounts Department in that organization is reliably headed by a Chief Accountant and there is a Deputy Chief Accountant. So we have more than two Senior Accountants of which she is not at the apex of that organization in that particular department. *(Loud consultations)* It therefore becomes irrelevant--- *(Loud consultations)* it is not possible for us---*(Loud consultations)* Mr. Speaker sir,--- *(Loud consultations)* Mr. Speaker sir----*(Loud consultations)*
7. Mr. Speaker sir, as we proceed, one of the requirements also, which was mandatory was that for you to have been appointed in that position, you must have been registered by a professional body. In this case it has to be Institute of Certified Public Accountants of Kenya (ICPAK). This lady is not registered by ICPAK *(Loud consultations)* so, she does not have a certificate;
8. Mr. Speaker sir, besides that, one of the other requirements was that you must possess a certificate in Strategic Management training which in Kenya is only offered at Kenya School of Government and she has never gone to that school, therefore she has no certificate to that effect. *(Loud consultations)*

As a result of those, Mr. Speaker sir, in conclusion, and pursuant to the provisions of section 45(1b) of the County Government Act and section 42, the County Budget and Appropriations Committee recommends that this Assembly rejects the nomination of Caroline Mwikya Mawathe as the nominee for the position of Chief Finance Officer in the County.

Mr. speaker sir, with that we also do recommend that the Governor looks for a candidate with distinguished career in Public Finance Management from a reputable institution just as dynamic as the Nairobi City County so that we can---(*Loud consultations*). I wish to ask Mheshimiwa Ngaruiya, Mwalimu to come and second, what we have talked about. Thank you. (*Loud consultations*)

**Hon. Member for Kahawa West Ward** (Mr. Patrick Chege Ngaruiya): Wewe! Order! Order! Mr. Speaker, I want to second this good job done, by my Committee and our Chairman has exhausted virtually everything that we discussed. But Mr. Speaker I have something to add, first I want the Chairperson of the Rules and Procedure Committee to add the name Finance in our Committee so that it reads Finance, Budget and Appropriation Committee.

Number two; Mr. Speaker; the Members of this Assembly have refused to be used. We have the teeth to bite and the teeth to bite have started today with the Executive, Mr. Speaker and we are hoping that the teeth will continue biting. You will see even the minority and majority of this House being bitten by these teeth. And the next person to be bitten might be you, if you are not careful. Before you are bitten, Mr. Speaker, it will be the Clerk who would have been bitten long time ago (*Laughter and loud consultations*)

**Hon. Member:** Is the Member in order, Mr. Speaker?

**Hon. Patrick Chege:** Mr. Speaker, yes. Mr. Speaker, protect me. As I ---

**Hon. Speaker:** Hon. Member, can you elaborate on this kind of teeth that you have? (*Laughter*)

**Hon. Patrick Chege:** It is coming. I don't want Mr. Speaker just to---I don't want to talk too much about it. But it is in the air. (*Laughter*) Mr. Speaker, we have been abused that we don't have the know-how and I---

**Hon. Speaker:** Hon. Member, your business was to come and second (*Laughter*) Hon. Member, the business of teeth---

**Hon. Patrick Chege:** (*Laughs*) Thank you, Mr. Speaker.

**Hon. Speaker:** The business of teeth; who tells you the teeth cannot bite you yourself?

**Hon. Patrick Chege:** It also can, Mr. Speaker. (*Speaker laughs*). As I continue, I want to say that our Committee did not act on any malicious interest. We worked for the interest of this County and for the betterment of this County. We want to fight those malpractices that were there during the defunct Nairobi City Council; the issues of nepotism; the issues of corruption; tribalism and the issue whereby you have to follow a voucher for you to be paid, Mr. Speaker.

There are so many other issues that we need to look at, because when we look at the academic credentials of this young lady, Mr. Speaker, it lacks a very strong foundation and this strong foundation was to be established at the first degree. Therefore when we requested for the report from the Executive, we

were told that, that is against our mandate, Mr. Speaker. We found a sinister motive in that and that is why we have to refer back to the Executive so that at least they come up with another person for us to pass. Mr. Speaker, we also looked at there being conflict of interest---(A Member calls for a point of order) Where is this order?

**Hon. Speaker:** Order Member!

**Hon. Patrick Chege:** Yes, Mr. Speaker, I am finishing.

**Hon. Speaker:** Order Member!

**Hon. Patrick Chege:** Mr. Speaker, I am finishing.

**Hon., Speaker:** Order! (*Loud consultations*)

**Hon. Patrick Chege:** Mr. Speaker, I am about to finish. Lastly, Mr. Speaker, because you want to do this thing in a hurry, we found out that if you put this lady in that office you will be at logger heads with the Chief Officers who have been doing that job for a longer time. We did our work impartially, we were not coarsed; we were not forced and we want all other Committees to exercise integrity and look at those people who are going to bring change to this County. As I rest my case, I want to quote a verse in the Bible Mr. Speaker, where---

**Hon. Speaker:** Order!

**Hon. Patrick Chege:** The Committee on Finance, Budget and Appropriation---

**Hon. Speaker:** Order Member!

**Hon. Patrick Chege:** Has fought a good fight, Mr. Speaker---

**Hon. Speaker:** Order!

**Hon. Patrick Chege:** ---and has kept the faith. (*Loud consultations*)

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

**Hon. Patrick Chege:** I rest my case, Mr. Speaker. (*Loud consultations*)

**Hon. Speaker:** Order! I think, Hon. Member it is unfair for you to come and second a motion and start giving us stories that have nothing to do with the County Assembly. Hon. Members, thank you very much. Before I call the Mover to reply, I want to ask the Leader of Majority who represents the Government or Executive in this Assembly, to pass the message to the Executive that this Assembly has professionals who can think and make decisions for the benefit of Nairobians. (*Applause*). This is according to a Hon. Member, who said and I quote; "that the Executive thinks we are not professionals" and this if it ever comes to my attention; we will deal very ruthlessly with the Executive (*Applause*). The mover to reply.

Ah! Sorry, Hon. Members I now propose the question that pursuant to section 45(1b) of the County Government Act and the provisions of the Standing Order 42, this Assembly adopts the report of the Budget and Appropriations Committee on the vetting of the County Chief Officer nominee that was laid on the Table of the Assembly, today, Thursday, 31<sup>st</sup> October 2013 and rejected the appointment of Caroline Mwikya Mawathe as the County Chief Officer for Finance.

**Hon. Leader of Majority:** Thank you, Mr. Speaker for giving me this opportunity once again. Mr. Speaker, I don't think we should take too much time because we have just heard from the Chairman with regard to what he has given us after the Committee's vetting. So, Mr. Speaker I don't think we should argue over this thing. We agree that we are going to reject the nominee and we are going to give the Governor a message that this Assembly does not have semi-illiterates as some other people think. *(Applause)* So, Mr. Speaker, I beg to support the rejection of the nominee. *(Applause)*

**Hon. Member for Dandora Area III Ward (Mr. Charles Thuo):** Thank you, Mr. Speaker sir, for giving me the chance to contribute. First I want to congratulate the Chair of the Budget Committee that in spite of a kindergarten teacher trying to emulate the oratory skills of the Chairman, he did a good job. It is evident that Mr. Speaker we have the skills in this House and if a Committee sits down and deliberates on an issue and then brings a report to this House, it is our duty because that Committee has been given that duty by this House, it is an extension of this House, we are bound to support the Committee's report. That is why, Mr. Speaker sir, I stand to support the report.

**Hon. Speaker:** Hon. D. N. Mberia

**Hon. Chief Whip of Majority (Mr. David Mberia):** Thank you, Mr. Speaker, I rise to support this motion. I want to categorically condemn, the County Public Service Board, which shortlisted this lady, Mr. Speaker. This Board; we would like to know, were they after merit and why did they overlook other more qualified professionals and go ahead to give us a half-baked person to come here and try to pass and approve, Mr. Speaker? If they were not after merit, what happened, Mr. Speaker? If the Chairman of the County Public Service Board and the Board can overlook, in fact the Chairman of Budget has told us that the Lady's workforce was about 80 members; the lady was not even registered by ICPAK, what was this County Public service Board after? What were they after, Mr. Speaker? That is a question I think the Governor and the Executive can answer, so that when they bring another nominee to this House, they can look far and wide to give us somebody who would put this County forwards, Mr. Speaker sir. Thank you.

**Hon. Speaker:** Hon. Masiga and Hon. Akuk and then Hon. Margaret Sewe.

**Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga):** Shukrani Bwana Spika kwa kunipa fursa hii na naamini yakwamba kinara wa kamati hii ameweza kudokeza mambo mengi kuhusu kuteuliwa katika nyadhifa hii. Tunahitaji mtu aliye na tajriba, ufasaha na uweledi kwa mambo ambayo inaendeshwa na kaunti. Ninavyotazama; katika mtazamo wangu, napata ya kwamba Bi Caroline Mawathe hana ufasaha, hana tajriba na hana uweledi wakuendesha kaunti hii. Basi mimi naunga mkono.

**Hon. Speaker:** Hon. Member you can talk a bit of Kiswahili, we can't be able. I as the Speaker cannot get those beautiful words you are using. Just please---

*(Laughter)*

**Hon. Nelson Masiga:** Bwana Spika najaribu kusema ya kwamba, nikisema tajriba, ni ile tunasema kwa Kiingereza 'experience', nikisema uweledi nasema, 'she doesn't have the touch of the work'. Bwana Spika kwa hayo machache naunga mkono Kinara wa kamati hii kwa kupinga uteuzi wa Bi Caroline Mawathe. Shukrani.

**Hon. Member for Karura Ward** (Mr. Stephen Kamau Thuo): Mr Speaker can you kindly call the mover?

**Hon Speaker:** One only from Hon Sewe and Hon Akuk and then we call.....

**Hon. Member for Nyayo Highrise** (Mr. Maurice Akuk): Thank you, Mr. Speaker sir and Minority Leader, I am not wasting your time, there is something that I need direction on and I beg to support this motion. Mr. Speaker as a Member of the Budget and Appropriation Committee, we undertook some rigorous vetting. I want your direction with regard to future vetting of officers. I do believe that all these interviews, the documentations and certificates are public documents and anybody should be able to access them, unfortunately for our committee, even though we sent a Member and as a citizen or resident of Nairobi to go and get the documents, the County Public Service Board denied us this important information. Kindly use your authority to let them know that we are in a new dispensation and nobody should disregard the work of the committee and any document in their possession is a public document and any Member of this city should be able to access it. Thank you very much.

**Hon. Speaker:** Hon. Member you are right, Hon. Akuk, but in future come to us and we will write a letter to the Executive to get the whole---

**Hon. Maurice Akuk:** Mr Speaker they refused.

**Hon. Speaker:** If they refused, then we will have no business with the appointees. Hon. Sewe then we call the mover.

**Hon. Margaret Sewe** (Nominated Member from Makadara): Thank you, Mr. Speaker for making me contribute to this motion. I support the report from the Budget Committee, I only have two things. The first is a question; how did this name come through the County Public Service Board to the Budget Committee? I would like to put a request to the House that the committee on Labour must check with the County Public Service Board to establish how the name came to us.

This is because, Mr. Speaker, I happened to work on a board in Kisumu and I was the chairman of Human Resource and we used to vet people for jobs and Mr. Speaker where you advertise and you say a must; there are some qualifications where they are a must and some are not; so when it is a must and you don't meet one or two, then you are out-rightly disqualified because you did not get the must qualifications.

So, Mr. Speaker we wonder how the name of somebody who is not a registered member of ICPAK in this equation is passed to come into this House. It almost amounts to a waste of the time of the County Assembly. Mr. Speaker we want to kill the problem of nepotism and tribalism as indicated in our Constitution. Thank you.

**Hon. Speaker:** Hon. Members, I now call the Mover of the motion to reply.

**Hon. Michael Ogada:** Thank you, Mr. Speaker sir, once again. I want to thank the Members who have just spoken because I notice they have spoken in support of the report of the committee. This is a wonderful thing because a committee being an extension of the House, the Members must be able to really have confidence in them. You have really shown you have confidence in the work we do.

Besides that Mr. Speaker sir, I think this is a House of rules. The Member who has just spoken has talked about requirements being put down and when a requirement has been put down which we ourselves didn't put, but they did it themselves, and then you go and overlook the same requirement you have personally set, in my committee I will categorically tell you that I will not take it in. It cannot pass in my committee; it cannot go through. Once you have set rules, you must be able to play within the rules. If you cannot play within the rules, you do something else. Otherwise from our committee it cannot work.

So, now I really thank the Members and I really urge you; let us assert ourselves and show the world that we really know what we are doing, we are competent, we are qualified, we can read the line but we can also read between the lines, so we understand everything. So please let us assert our authority and show the world we are able. Thank you very much for promising to support our report. Thank you very much.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to section 45 (1) (b) of County Government Act and provision of Standing Order 42, the Assembly adopts the Report of the Committee of Budget and Appropriation on the vetting of the County Chief Officer nominee, laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and **rejects** the appointment of Caroline Mwikya Mawathe as the County Chief for Finance. As many as are of that opinion say 'aye' and those of the contrary opinion say 'nay'. The ayes have it.

*(Question put for the rejection of the appointment of Caroline Mwikya Mawathe and agreed to)*

Next. Hon. Members and when we start debating I will only give three-three.

*(Loud consultations)*

One-one, so be it.

**MOTION- REPORT ON VETTING OF CHIEF OFFICER FOR PUBLIC SERVICE MANAGEMENT  
NOMINEE (MR. SIMON LEBOO OLE MORINTAT)**

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. Why one-one on my side? The other side was three-three.

**Hon. Speaker:** Because you are clean.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. I am going to the report on the vetting of the Chief officer of the County Public Service Board. And mine is a very suitable man, Members. On behalf of the committee on Labour and Social Welfare and pursuant to the provision of Section 45 (1) (b) of the County Government Act and the provisions of Standing Order No. 42, it is my pleasure and duty to present to the House the committee report on nominees for the position of the Chief Officer Public Service Management.

The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 191 (5f) which provides that the function of the Sectoral Committee shall be to vet and report on all appointments where the constitution or any law requires for the County Assembly to approve except for those under Standing Order No. 185; Committee of appointment.

During the sitting held on Monday 15<sup>th</sup> October 2013 at the County Chambers, the committee orally interviewed the nominee **Mr. Simon Leboo Ole Morintat** for the appointment as the Chief Officer of Public Service Management. On behalf of the Committee on Labour and Social Welfare, I have the honour and pleasure to present the committee's report on the nominee and urge that this Assembly approves the nominee's name for appointment by His Excellency the Governor as Chief Officer for Public Service Management.

May I take this opportunity to thank all Members for their invaluable contribution to the deliberation of this vetting. I would like you to acknowledge these Members:-

1. Wilson Ochola – Chairman
2. Alfred Ambani – Vice Chairman
3. Elizabeth Manyala
4. Peter Isuha Vukindu
5. Dan Mutiso
6. John Waweru Kinuthia
7. Peter Wanyoike
8. Fredrick N. Njogu
9. Anthony Kiragu Karanja
10. Sam Nyagwara
11. Asha Abdi
12. Rose Ogonda
13. Alexina Mudi
14. Marion Githinji
15. Rosemary Macharia
16. Christine Abuto
17. Mohamed Abdi

I call upon, Mr. Speaker, Hon. Manyala to come and second.



**Hon. Elizabeth Manyala:** Mr. Speaker sir, I rise to second the nomination of the Public Service management Chief Officer, Mr Simon Leboo Ole Morintat. Mr Leboo is meticulous, is a carved learner, passionate and is equal to the task. Prior to even taking up the task which he was holding previously, he was working in Kilifi's defunct council where he did his work very well.

He brings on board the doctrine of 'stick and carrots' which he is going to implement very well when we take him for the task. When we had a stalemate recently with the Collective Bargaining Agreement (CBA), Mr. Leboo stood out and rose to the occasion. He ended the stalemate and now the city of Nairobi is clean. With those few remarks because I know your stomachs sugar level is a bit low, I rise to support that he is up to the task and wait and watch this space. Thank you.

**Hon. Speaker:** Hon. Member, I now propose the question, that pursuant to Section 45 (1) (b) of the County Government Act 2012 and the provision of Standing Order No. 42, this Assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of the Chief Officer nominee laid on the Table of this Assembly on Thursday, 31<sup>st</sup> October 2013 and approves the appointment of **Mr. Simon Leboo Ole Morintat** as the Chief Officer of the Public Service Management. Hon. Members. Hon. Ogeto and Hon. Kamau.

**Hon. Moses Ogeto:** Mr. Speaker sir, I stand to support this motion since you know Mr. Simon Leboo Ole Morintat cuts across the cultures. Mr. Speaker sir, as you may realize in the Executive Committee, we don't have a Maasai. I recommend the Member since he comes from one of the greatest communities in Kenya and Tanzania. Mr. Speaker sir, you must recognize they cut across the two countries. We must also understand that Mr. Simon Leboo being the Deputy Town Clerk has a great record of performance.

As the chairman and his seconder, Hon. Manyala have said, Mr. Leboo ensured that the CBA was honoured by the County Government. Mr. Speaker sir, I beg to support my fellow gentleman, Mr. Simon Leboo since he will undertake and ensure service delivery to the citizens of this County. Mr. Speaker sir, due to the time that we have in approving other motions, I beg to support.

**Hon. Kamau Thuo:** Thank you, Mr. Speaker, I rise to support the appointment of Mr. Simon Leboo. Mr. Speaker as it has been stated, the gentleman is educated; the gentleman has experience in his work; but I like this gentleman more because he is a humble man. Mr. Speaker with those few remarks, I support the motion.

*(Applause)*

**Hon. Speaker:** Hon. Members, I now call the Mover of the motion to reply. The Hon. Chairman for Labour.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir, as you can see we are doing a very diligent job. I would like to tell my Members that we did a great job because that man as you know is a polite man and

he comes from a minority community. He is a Maasai and therefore I as the chairman and my Members we have given Mr. Leboo chance to work with the Nairobi City County. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to Section 45(1b) of the County Government Act 2012 and the provision of Standing Order No. 42, this Assembly adopts the Report of the Labour and Social Welfare Committee on the vetting of the Chief Officer nominee and approves the appointment of Mr Simon Leboo Ole Morintat as the Chief Officer Public Management. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The ayes have it.

*(Question put for approval of the appointment of Simon Leboo Ole Morintat and agreed to)*

The Hon. Chairperson for Transport and Public Works Committee

### **MOTION- REPORT ON THE VETTING OF THE COUNTY CHIEF EXECUTIVE NOMINEE FOR PUBLIC WORKS, ROADS AND TRANSPORT (MRS CHRISTINE ADONGO OGUT)**

**Hon. Diana Kapeen:** Thank you, Mr. Speaker sir. I would like to table the Second Report of the Sectoral Committee on Transport and Public Works on the vetting of the County Chief Executive nominee for Public Works, Roads and Transport – Mrs Christine Adongo Ogut. On behalf of the Members of the Sectoral Committee on Transport, Roads and Public Works established under the provision of Standing Order No. 191, it is my pleasure and duty to present the committee's report on the vetting of the County Chief officer of Transport, Roads and Public Works nominee.

The vetting was done by the 17 Members of the County Assembly. The chair being myself and my deputy Mr. Martin Waweru Gichuhi, and other members included; Kennedy Onduru Nyarumba, Shadrack Juma, Maurice Gari Otieno, Clarence K. Munga, Kenneth Irungu Mwangi, Chege Mwaura, Samwel Irungu, Osman Adow Ibrahim, Maxwell Ochar, Mark Ndungu, William Abuka, Tabitha Ndigirigi, Amina Mohamed, Kennedy Ng'ondi and Paul Kados who absented himself.

As you are aware, the Sectoral Committee of Transport is mandated in Standing Order 191 and Second Schedule to among others investigate and inquire into and report on all matters relating to the mandate, managing activities, administering operations and estimates of the assigned ministry and department.

On the nomination of the County Chief Officers pursuant to Section 45 (1) (b) of County Government Act, His Excellency the Governor through the Interim County Secretary forwarded to the Speaker of the County Assembly the name via a letter dated 25<sup>th</sup>September 2013 for vetting by the Sectoral Committee on Transport and Public Works and consideration for the approval by the Nairobi County Assembly for appointment of the Chief Officer; Nominee – Eng. Christine Adongo Ogut.

**Hon. Speaker:** Yes, point of order, you don't want the whole report? Okay Hon Chairman just---

**Hon. Leader of Majority:** We rise on a point of order because of time to ask the chairperson to read us just the recommendations of the committee, Mr. Speaker sir.

**Hon. Speaker:** Hon Chairperson---

**Hon. Diana Kapeen:** It was important that I introduce the sections that I am referring to. And it is a very important appointment; she will be in charge of our city roads. Mr. Speaker sir, the name is Mrs. Christine Ogut and the department is Transport and Public Works. The committee vetted her, because of time as you insist, on her academic qualification. She is a holder of a Masters Degree in Urban Infrastructure Engineering and Management UNESCO, from the Netherlands among other qualifications.

The committee also noted with a lot of interest that she has no conflict of interest as had been raised by Members. She demonstrated her ability to separate the works of the County Assembly and those ones of the Executive.

So in my committee, pursuant to Section 179 (1b) of the Constitution and Standing Order No. 42, we recommended that the Assembly approves the appointment of Mrs. Christine Ogut as the County Chief Officer responsible for Transport and Public Works. I call upon Adow to second.

**Hon Speaker:** Thank you, Hon. Chairperson.

**Hon. Member for Eastleigh North** (Mr. Osman Adow): Thank you, Mr. Speaker sir. I rise to second the motion. In our committee we found that she is actually well educated. If you look at her resume, it looks more like a booklet than a simple paper. She is well educated in many areas of education and she is very well experienced. She has also been working with Kenya Urban Roads Authority (KURA) on the Nairobi Roads.

She is well versed with Nairobi infrastructure. She is also very well experienced having also worked with Nairobi City Council before and she already knows how things work here in this city. She has already worked on several road projects in the County and she has that experience. I think she is well versed with the requirements of the job and with that I second the motion. Thank you.

**Hon. Speaker:** Hon. Members I now call the Mover to reply.

**Hon. Diana Kapeen:** Mr. Speaker, the Committee on Transport and Public Works---

**Hon Speaker:** Sorry Chairperson, one minute. Hon Members, I now propose the question that pursuant to Section 45 (1b) of the County Government Act and the provisions of the Standing Order No. 42 the Assembly adopts the report of the committee of Transport and Public Works on the vetting of County Chief Officer nominee laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the

appointment of Engineer Christine Ogut as the County Chief Officer for Transport, Roads and Public Works. Hon. Members, I now call upon the mover to reply.

**Hon. Diana Kapeen:** Mr Speaker sir, I would like to assure the Hon. Members of the County Assembly that the Transport Committee was up to the task, we did a good job. Engineer Christine demonstrated a very wide knowledge of the department as she has been here before and she is working with KURA at the moment and we agreed unanimously to support her appointment. I beg the House to support her too.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to Section 45 (1b) of the County Government Act and the provision of Standing order No. 42, this assembly adopts the report of the Committee of Transport and Public Works on the vetting of the County Chief nominee laid on Thursday 31<sup>st</sup> October 2013 and approves the appointment of Engineer Christine Ogut as the County Chief Officer in charge of Transport, Roads and Public Works. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it. The Hon. Chairperson of Physical Planning, Housing and Lands---

#### **MOTION- SECOND REPORT ON THE VETTING OF THE NOMINEES FOR COUNTY CHIEF OFFICERS OF PHYSICAL PLANNING, HOUSING AND LANDS**

**Hon. Member for Imara Daima (Mr. Jairus Atenya):** Mr. Speaker sir, I beg to move the following motion. On behalf of the Members of the Sectoral Committee on Physical Planning, Housing and Lands; and according to the provision of Section 45 (1a), it is my pleasure and duty to present to the Assembly the Committee's Second Report on the Vetting of the County Chief Officers nominees for Physical Planning, Housing and Lands.

The Sectoral Committee on Physical Planning, Housing and Lands was constituted by the Assembly on Tuesday May 7, 2013 comprising the following Members:-

1. Hon Jairo Atenya Asitiba – Chairperson
2. Hon Maxwell ochieng Ochar – Deputy Chairperson
3. Hon Elias Otieno Okumu
4. Hon James Waweru Kinuthia
5. Hon Njuguna Mwangi
6. Hon Stephen Murathi Kambi
7. Hon Daniel Mbugua Mari
8. Hon Mike Obonyo Guoro
9. Hon Alvin Olando PalaPala
10. Hon Nelson Marakalu Masiga
11. Hon David Njoroge Kairu
12. Hon Carolyne Muga
13. Hon Joyce Bocha

14. Hon Rachael Kamweru
15. Hon Leah Mumo Matee
16. Hon Beatrice Kwamboka
17. Hon Abdi Hassan

Mr. Speaker sir because of time, allow me just to give the recommendations. The committee having considered the CV of Rose Kalundu Mwema for Physical Planning and heard her oral submission during the vetting and interview, made the following observations:

The Committee found the nominee suitable for the position of the Nairobi County Chief officer for Physical Planning, Housing and Lands. Rose Mwema possesses the education and experience as required under Section 45(1a) of the County Government Act.

We go to Stephen Gathuita Mwangi, County Chief Officer nominee for Lands and Housing. The committee having considered his CV and oral submission during the interview and vetting exercise, made the following observations: the nominee is qualified and experienced and has no integrity issues, therefore suitable for the position.

#### **Recommendations of the Committee**

Section 45(1b) of the County Government Act, the committee recommended that this Assembly approves the following two nominees for appointment by His Excellency the Governor as the Nairobi Chief Officers in their respective Departments:

1. Ms Rose Kalondu Mwema – County Chief Officer for Physical Planning
2. Stephen Gathuita Mwangi – County Chief Officer for Housing and Lands

Mr. Speaker sir, I beg to call Hon. Kambi to come and second.

*(Loud Consultation)*

**Hon. Member for Dandora Area II Ward** (Mr. Stephen Murathi Kambi): Kindly, Mr. Speaker sir, protect me from these Hon. Members behaving like gun totting criminals from Dandora. Thank you. Mr. Speaker sir, *(Loud consultations)* tafadhali tuwe na nidhamu. Mr. Speaker sir, I beg to be supported I don't think I look like an insurance broker regardless of my coat. It's only--- *(Loud consultations)* protect me from these Members. They are insulting me.

**Hon. Speaker:** Hon. Members, allow the Hon. Kambi to second the motion and by the end of it Hon. Kambi, you say I beg to support.

**Hon. Stephen Kambi:** Thank you, Mr. Speaker sir. I stand corrected and guided also. I rise to second the motion. I rise to second the Report of the Committee on Physical Planning, Housing and Lands

bearing in mind that the candidates whom the committee vetted and proposed to be appointed by this honourable House do qualify for the various positions that they are supposed to hold. They do have the experience, So, Mr. Speaker, I beg to support. Thank you.

**Hon. Speaker:** Thank you, Hon. Members, I now put the question that pursuant to Section 45(1a) of the County Government Act-- Oh sorry, I am also jumping the gun. Hon. Members, I now propose the question that pursuant to the Section 45(1a) of the County Government Act and the provision of Standing Order No. 42, this Assembly adopts the Report of the Physical Planning, Housing and Lands Committee on the vetting of the County Chief officers nominees, laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the appointment of the following persons as Chief Officers:

1. Ms Rose Kalondu Mwema – County Chief Officer for Physical Planning
2. Stephen Gathuita Mwangi – County Chief Officer for Housing and Lands

Hon. Members, I now call the Mover of the motion to reply.

**Hon. Jairus Atenya:** Thank you, Members. I hope now you are going to see a change in the City of Nairobi; very beautiful houses, more land and may God bless you.

*(Laughter)*

**Hon. Speaker:** Order Members! Order please! Let's finish this because you know, Hon. Members of this House are supposed to be on their way to Kisumu. So I need 20 minutes of your time to allow the ladies to travel, I don't want them to travel at night. Hon. Members I now put the question that pursuant to Section 45(1a) of the County Government Act and the provision of Standing Order No. 42, this Assembly adopts the Report of the Physical Planning, Housing and Lands Committee on the vetting of the County Chief officers nominees, laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the appointment of the following persons as Chief Officers:

- (k) Ms Rose Kalondu Mwema – County Chief Officer for Physical Planning
  - (l) Stephen Gathuita Mwangi – County Chief Officer for Housing and Lands
- As many of that opinion say 'aye' and those of a contrary opinion say 'ayes' have it.

The Hon. Chairman of Labour and Social Welfare, Hon. Ochola.

#### **MOTION – REPORT ON THE VETTING OF THE SECRETARY AND MEMBERS OF THE COUNTY PUBLIC SERVICE BOARD NOMINEES**

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. On behalf of the Members of the Committee on Labour and Social Welfare and pursuant to the provisions of Section 58/1 of the County Government Act

and Standing Order No. 191, it is my pleasure and duty to present to the House the Committee's report on the vetting of the Secretary and the members of the County Public Service Board nominees. The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No 191---

**Hon. Speaker:** Hon. Chairman, we kindly beg you as the chairman to give us your final findings and recommendations.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. Okay during the sitting held on Monday 16<sup>th</sup> September 2013, at the City County Chambers, the Committee orally interviewed the three nominees for the appointment as the County Public Service Board secretary and members. The nominees are:-

1. Mr Meshack J. R. Guto – Board Secretary
2. Mrs Charity Seleina Kasotu – Board Member
2. Mrs Vesca Jepkemboi Kangogo – Board Member

On behalf of the Committee on Labour and Social Welfare, I have the honour and pleasure to present the committee's report on the nominees for appointment and urge that this Assembly approves the three nominees for appointment by His Excellency the Governor as the secretary and the members of the County Public Service Board respectively. I take this opportunity to thank all the Members of the Committee for their valued input during these deliberations. I beg, Mr. Speaker, Hon. Nyang'wara to come and second.

**Hon. Samwel Nyang'wara:** Thank you, Mr. Speaker. Indeed as the chairman has said, we did vet these members and found them to be highly qualified to serve in the County Public Service Board and Mr. Speaker, we actually recommend these members to this Assembly so that they will continue or they will start serving the County of Nairobi. Mr. Speaker, we have actually taken into consideration and in the near future we are going to request this House to reconsider the salaries for all the members of the Executive and the board and see how much they are paid so that they can be given good money to be able to work for this county in utmost good faith. Indeed we don't want to be selfish as the National Assembly.

Mr. Speaker we really want to agitate for our pay rise and more so agitate for the pay rise for the members of the Executive so that they can do a good job. With these few remarks, I beg to second, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I now propose the question that pursuant to Section 58(1b) and indeed (c) of the County Government Act 2012 and the provisions of Standing Order No. 42, this Assembly adopts the Report of the Sectoral Committee of Labour and Social Welfare on the--- I beg your pardon? Yes please. Hon. Members when I finish proposing then you can take a sit next to Hon. MakOtieno.

The Report of the Sectoral Committee on Labour and Social Welfare on the vetting of the County Public Service Board nominees laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approve the appointment of the following persons:-

3. Mr Meshack J. R. Guto – Board Secretary
2. Mrs Charity Seleina Kasotu – Board Member
4. Mrs Vesca Jepkemboi Kangogo – Board Member

Hon. Members I will take the point of--- is it a point of order or information?

**Hon. Elizabeth Manyala:** Just for the doubting Thomases or any issue that may arise, we put it right that in the case of Mr. Meshack and Ms. Charity even after having tabled the report here, we still called them back afresh to clarify a few issues and for Seleina Kasotu, the issue that was emanating was that she was still a state officer. We found out that actually she was doing a pro-bono and so to clear the air among the Hon. Members here, we found that she was fit and she was up to the task and for Meshack, also there was a commission and omission in terms of his employer who did not remit his Higher Education Loans Board (HELB) loans in time because you know the days of analogue, the computers were still not there at HELB. So, HELB made the corrections and this report was brought to us, it was clarified and Mr. Speaker, we found that these members are in order. Their papers are correct and they are up to the task. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members I now call the Mover of the motion to reply.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker. I don't have much to say. I would only say that the members are going to work for Nairobians and you have heard what Hon. Manyala has just spoken and therefore, let us give them the jobs. I wish them the best, thank you.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to Section 58(1b & c) of the County Government Act 2012 and the provision of Standing Order No. 42, the Assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the vetting of the County Public Service Board nominees laid on the Table of the Assembly on Thursday 31<sup>st</sup> October 2013 and approves the appointment of the following persons:

1. Mr. Meshack J. R. Guto – Board Secretary
2. Mrs Charity Seleina Kasotu – Board Member
3. Mrs Vesca Jepkemboi Kangogo – Board Member

As many of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.



*(Question put for appointment of the nominees for Secretary and members of the County Public Service Board and agreed to)*

Next order, and we will take only five minutes.

**MOTION – SIXTH REPORT OF THE PROCEDURE AND RULES COMMITTEE ON AMENDMENT TO THE STANDING ORDERS OF THE COUNTY ASSEMBLY**

**Hon. Chairman of Chairmen** (Mr. Kennedy Ng'ondi): Mr. Speaker sir, the Procedure and Rules Committee received a proposal from Hon. Stephen Murathe Kambi and Hon. George Maina Njoroge pursuant to Standing Order No. 235 on amendment to the provisions of Standing Order No. 234 on amendment to provision of Standing Order No. 15 (3) and 16 (3) to state that the removal shall be--- sorry that is an error.

Mr. Speaker upon receipt of the request by the Hon. Members, the Procedure and Rules Committee came up with recommendations on the requests. Mr. Speaker I wish to move the motion that pursuant to the provisions of Standing Order No. 235 (5), this Assembly approves the Sixth Report of the County Assembly Procedures and Rules Committee on amendment of Standing Orders No. 15 (3), 16 (3) and 22 as it appears in the report of Procedure and Rules Committee.

Mr. Speaker on the request brought in by Hon. Peter Imwatok and Peter Isuha, the Committee did give their recommendations and here I read:

That the Committee considered the proposal No. 2 above and requested the Clerk of the County Assembly to avail a legal opinion on the validity of the amendment of the Standing Order in the next meeting. Thank you, Mr. Speaker.

Mr. Speaker, allow me to call upon one of the members of the Procedures and Rules Committee Mr. Martin---

**Hon. Speaker:** He is not in.

**Hon. Chairman of Chairmen:** Mheshimiwa from Utawala? Okay Leader of Majority you are one of our members, can you come and second.

**Hon. Leader of Majority:** Mr. Speaker, I don't want to waste time I have just come to second the motion.

**Hon. Speaker:** Hon. Members, I now propose the question that the Procedures and Rules Committee amendments--- Hon. Members, pursuant to provision of Standing Order No. 235 (5), this

Assembly approves the Sixth Report of the Procedures and Rules Committee on amendment of Standing Order. Hon. Members, I now ask the Mover of the motion to reply.

**Hon. Peter Imwatok:** Mr. Speaker, I thought we are to be given an opportunity to discuss the motion at hand after proposing your question we should be given an opportunity to discuss.

**Hon. Speaker:** Can you go ahead and do---

**Hon. Peter Imwatok:** Mr. Speaker, I want to be a writer of History not History to write me. In our community as we contribute to this motion or oppose it, my people say, '*If you want to kill a dog, give it a bad name*'. Mr. Speaker, let me repeat that---

**Hon. Speaker:** Point of order!

**Hon. Peter Imwatok:** Mr. Speaker, I have my 15 minutes, protect me please.

**Hon. Peter Nyang'wara:** Mr. Speaker, this is an honourable House, the word he has just used here is unparliamentary that the 'dogs', Mr. Speaker.

**Hon. Peter Imwatok:** I withdraw, Mr. Speaker. It is an idiom from our community and I am sorry for that, Mr. Speaker, and I should reprimand my ancestors for putting such an idiom across. I want to be very categorical on this motion as I oppose it as a matter of principle. In the History of life, History has been written by our forefathers in different aspects of life.

But today, Mr. Speaker, the motion in particular on Standing Order No. 15 Cap 3 which seeks to amend the Standing Orders which stipulates the removal of the Majority Leader or the Minority Leader or the Chief Whip or the Minority Chief Whip is not tantamount to the Rules and Procedures of the parties.

Mr. Speaker we understand from the history of time, Charles Taylor when he was elected, he was a very good President of his country, Liberia. Hitler in Germany was the best person as a leader that that country could ever have. But, because of manipulation of the Constitution and the rules tyranny was born in their leadership, Mr. Speaker.

Mr. Speaker, I want to put across to this House as a matter of principle that in this time and era, let's be a proper House that is ready to allow for a challenge to our ideas as we speak. For the last week, just referring a little bit to what has happened in this House, it is uncalled for as we said this is a House of rules and procedure.

Kindly, it's of no interest, Mr. Speaker, to amend the Standing Order each and every time for personal interests. I think, Mr. Speaker, through the able Clerk as a lawyer, he should be able to tell us this and you are able as the Speaker to give directions to this House. Tomorrow, Mr. Speaker, I would like my

wife to sit next to me. I will just come and say to the Clerk, kindly which Standing Order can we change to enable my wife to sit next to me?

*(Loud consultations)*

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

**Hon. Peter Imwatok:** I still have my six minutes, Mr. Speaker.

**Hon. Speaker:** No just use the language---

**Hon. Peter Imwatok:** Mr. Speaker I want to tell this House as I said sometimes back that in this life it is not a must you win the war, you fight others and you lose. But it is good history that places you on the books of truth as it is. I am standing to oppose this motion asking the CORD fraternity and the Jubilee fraternity, it's not about Guyo, it's not about Elias Otieno, and it's about the future of the County Assembly of Nairobi which is at stake. If we allow the masquerading and mutilation of Standing Orders, Mr. Speaker, I can assure you this House will no longer have the rules and procedures but the tyranny of the few individuals. I beg to oppose this motion, Mr. Speaker.

**Hon. Osman Adow:** Thank you, Mr. Speaker. It's like a very weighty matter which needs a lot of discussion and since we don't have time, I will like to propose that we put this back to the next Assembly so that we have enough time to discuss it.

**Hon Speaker:** Hon. Member, you either support or oppose the motion. That is the language here.

**Hon. Osman Adow:** I oppose this motion.

**Hon Speaker:** Hon. Members, one more.

**Hon Member for Mukuru Kwa Reuben (Mr. Elkana Mauti):** Thank you, Mr. Speaker for the motion of today. I am here to oppose this motion, simply because we want to have a space to breath. We don't want to be tightened; it's time for liberation, please. The honourable House, support me to oppose this motion so that we have a space to breath.

**Hon. Speaker:** I now call--- Hon. Nyang'wara.

**Hon. Samwel Nyangwara:** Thank you, Mr. Speaker. I stand before this House to support this motion. I am supporting this motion because concerning this two thirds, I think I was a beneficiary or I may be one of these fine days. Remember very well, Mr. Speaker, we walked tall in the streets of Nairobi when we knew that nobody can get two thirds majority in this House to remove His Excellency the Governor from office. Leaders must be respected and we give leaders time to serve. Mr. Speaker the leaders we elected, it's not a time that people should be thinking of removing leaders now and again. Mr. Speaker, I don't see

why other people should be threatened when there is an amendment. These are Standing Orders, Mr. Speaker. In fact, if there could be a law or constitution to state very clearly, they could be walking high. We want to respect the leaders we have elected. That is why we requested the Jubilee side to respect His Excellency the Governor so that people may not think they can just remove, which they did, Mr. Speaker.

Mr. Speaker, I want to say it again and it must be on record; this Standing Order is being amended for the first time, as a good friend of mine stood here to oppose this motion, he clearly said that we should not be amending now and again. This is the first time that the Standing order is being amended. We have never amended these Standing Orders ever since. I beg to support this motion, Mr. Speaker.

**Hon. Speaker:** Hon. Abdi Hassan. Hon. Kagiri, sorry, Akuk then we close.

**Hon. Member for Pipeline Ward (Mr. Samuel Kagiri):** Mr. Speaker I beg to support this motion bearing in mind that these people were elected for the posts they are holding today; they didn't just rise to the positions. We Members elected them to the positions because we felt they are capable of doing the jobs for which we elected them for. So, Mr. Speaker I would say, let's put the margin high because when we gave these people those posts, we knew they were able to perform these tasks. And if I am asked, anyone of us would like to be a leader somewhere but we cannot fit all of us in these posts. Can we give them these posts and see how, because actually there is a very small margin of time to judge these people on performance. So, Mr. Speaker I would like to support this motion. Thank you.

**Hon Speaker:** Let Hon. Akuk, then the two ladies, two guys and then we are done. Ladies, ladies talk.

*(Loud Consultations)*

**Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk):** Mr. Speaker sir, thank you for according me this opportunity and I stand here before you to support the motion. Mr. Speaker sir with a few reasons and the reasons given by my colleague, member for Makongeni Ward I want to say that Charles Taylor was not elected, he took it by the guns. Let no Member stand here to tell our Members to support a motion in deceit. There is a reason and a need that we respect leadership so that we don't keep on changing leadership. At the moment we have given Uhuru Kenyatta to lead us; we have given Ole Magelo to be our Speaker. Why should we every morning wake up as a group of few people because Ole Magelo never pleased me, so that we take Ole Magelo out? No. I beg to support and I beg our fellow Members, let us respect the leadership of this County. Thank you.

**Hon. Janet Wala (Nominated Member from Starehe):** Thank you, Mr. Speaker. I believe in my Jubilee leadership and I am here to support the motion.

**Member for Kariokor/Ziwani Ward (Hon Millicent Wambui Mugadi):** Thank you, Mr. Speaker. I rise to support the motion because I think and I believe that we all believe in the leaders we elected and to avoid instances where leaders are being intimidated by a simple majority--- *(Loud consultations)*

**Hon Speaker:** Order Members! Listen to what the lady is saying!

**Hon. Millicent Mugadi:** Mr. Speaker, to avoid instances whereby the leaders do not agree with what Members say--- *(Loud consultations)*

**Hon. Speaker:** Order! Order! Leader of Majority! Order Members! Listen to what the lady is saying!

**Hon. Millicent Mugadi:** Majority--- *(Loud consultations)* I rise to support this motion since nobody is willing to listen to my point, but I rise to support the motion.

**Hon. Chairman of Chairmen:** Hon. Members, thank you very much for seeing a reason to support this motion not because of anything but to safeguard the elected officials. The constitution provides for the removal of the said members and it must meet the threshold as to why they are supposed to be removed. If you have a reason please you have a window on how to go about it. Get the necessary numbers and then proceed.

Hon. Members, Mr Speaker sir, on Standing Order No. 22, there will come a time when the Speaker and the Chairperson of Committees who is the Deputy Speaker is not in the country or in the House, for that reason, we need people to carry on with the business of the House. Thank you for seeing the need to have four Members to be included in the Speaker's panel. Thank you very much.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to the provision of Standing Order No. 235 (5) this Assembly approves the Sixth Report of the County Assembly Procedure and Rules Committee on amendments to the Standing Orders. As many of that opinion say 'aye' and those with a contrary opinion say 'nay'. The 'ayes' have it.

*(Question put for approval of the sixth report on amendment of the Standing Orders and agreed to)*

*(Loud consultations)*

Order Members! Order! Hon. Members, first of all the Assembly is still in session. Hon. Members I want this afternoon to sincerely thank you for coming to the Assembly on this very short notice and further more I want to thank the Chairpersons of Committees who have brought us reports that have been adopted and some rejected by the County Assembly. We want to thank you and your Committees for your sacrifice in writing these reports.

Hon. Members, and this goes to the chairpersons of the Sectoral Committees; the way you have come up with such wonderful and articulate reports is the same way we want you to articulate when you are bringing us the report you have been asked by the Members on the floor. This goes to the Chairperson of Works; this is in regard to the question asked by Hon. Imwatok, we would like to have the report as soon

as we come back to the Assembly. Hon. Members, I want again to put this across to you and this is with regard to the Clerk's position in the County Assembly. The Clerk of the County Assembly is only the Secretary to the County Assembly Service Board and indeed to the County Assembly. Therefore Hon. Members, it is the County Assembly Service Board or you who make decisions and not the Clerk of the County Assembly.

Once again as we continue agitating for our salaries, I want to thank Hon. Millicent and Hon. Chege who have continued and Hon Chief Whip of the Jubilee, Hon Hashim Kamau. I want to thank you for spearheading the campaign for the salaries of the County Assembly. I want to thank you for the support you have given me. I know you are aware, and I am sure that you have read my presentation to the Salaries and Remuneration Commission (SRC) and I know with God's favour we will have what we have asked for.

Once again as the chairman, the Deputy Speaker has just said here, I will be letting you know the four Members of the Speaker's panel and I wish you well. And the Assembly is still adjourned. I am sure the committees will continue in their deliberations and building capacity wherever you go.

And for the ladies who will be going for netball, I wish you all well. I assigned Hon. Otieno Okumu; we will be buying you the kits temporarily because of the procurement procedure for you to be able to continue representing the County of Nairobi. And for all the other disciplines; football; and ladies and football men I want to thank you for the good work and for the good job. And when you go there, put the name of the County Assembly of Nairobi as high as you can. When you go please know we are a family, and don't let us be enemies but let us continue being friends and we continue forgiving each other because we know each other.

We are children growing up and it's a difficult thing when children are growing up. There are those who drink milk and those who don't. And remember as Africans when a father is asleep or a mother is asleep, there are those children who do not sleep. There are those children who do not sleep when you wake up 'ameponyokea dirishani amekwenda'. So those ones who are among us, come back to us, stop 'potea potearing' because we love you. We are one.

I also want to say, the Speaker, the Leaders of Majority and Minority, the Deputy Speaker and the Chief Whips, we are not worried of any challenge so far as long as we are doing and articulating what you have given us to do. I want to thank you once again. I want to ask the Almighty God to continue blessing you and your families and for those who are travelling, I wish them traveling mercies. May God bless you. And the House is adjourned *sine die*.

(The House rose at 1.45 pm)