



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 21st August, 2014

The House met at 2.30 p.m.

(Mr. Deputy Speaker in the Chair)

PRAYERS

Communication from the Chair

Hon. Deputy Speaker (Hon. Kennedy Ngondi): Hon. Members, it has been brought to the attention of the Chair that we lack quorum in the House, so can the Sergeant-At-Arm ring the bell for ten minutes.

(Sergeant-at-arms rings bell)

Hon. Deputy Speaker: Order! Members. Order! Chairman, Budget, don't forget that we are in the Assembly. You are talking loud. *Ama ni kukunywa maji?*

[Bell ringing]

Order! Members. Under Standing Order, we still lack quorum but I order the bell to be rung for a further 5 minutes.

(Bell is rung for 5 more minutes)

Hon. Deputy Speaker: Can the Clerk confirm whether we have a quorum in the House? Order Members! The Sergeant-At-Arm, we are now off to go. Can you stop ringing the bell?

STATEMENTS

Hon. Deputy Speaker: Under order No. 7, we should be expecting response from a Statement requested by Hon. Akuk. This is in regards to the Committee on Transport and Public Works on the deteriorating states of roads in the County. Chairperson for Transport, welcome.

Member for Eastleigh North (Hon. Osman Adow): Hon. Speaker sir, on Wednesday, 26th February, 2014, the Hon. Maurice Akuk, Member for Nyayo High-rise Ward rose on the floor of the Assembly pursuant to Standing Order 41 (2C) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the deteriorating state of roads in the County. He further asked the chairperson to inquire into and report on;

I. The measures the County Government is taking to prevent the roads from further degradation and repair the damaged roads.

II. And the efforts being taken to improve or to impose a levy on the contractors to be directed towards the maintenance of the roads.

Mr. Speaker Sir, the Committee wrote to the County Secretary and copied to the County Executive Committee Member responsible for Roads, Public Works and Transport on 3rd March, 2014 requesting to be furnished with a written response to the Statement by Hon. Maurice Akuk.

The County Secretary responded through letter dated 9th June 2014, however the committee found the response inadequate and further requested for a detailed clarification on June 20th 2014 from the County Executive Committee responsible for Roads, Public Works and Transport on the actual roads' names that had been identified for improvement. The County Secretary responded through a letter dated 5th August 2014, in this regard Mr. Speaker Sir I wish to report to the assembly as follows:

a) Measures the County government is taking to prevent the roads from further degradation and repair the damaged roads.

Mr. Speaker sir the County Secretary stated that the County in conjunction with the road agencies has identified the critical roads for improvement through reconstruction, rehabilitation and other improvement maintenance activities. The roads identified for rehabilitation are hereby attached and fall under the Nairobi County Program and the Kenya Urban Roads Authority (KURA) Program: Identified and installed traffic lights limiting the maximum vehicle weight that can use those particular roads. Requested the Kenya Urban Roads Authority (KURA), Kenya National Highways Authority (KeNHA), to set up enforcement of axle load control.

b) Efforts being taken to impose levy on the contractors to be directed towards maintenance of roads.

The County Secretary stated that the County is currently levying cess for construction materials passing through and are being delivered in the County. She added that any levy to be earmarked for roads maintenance would be welcome but requires to be advised by the following factors:

- i. Effects to other sectors of the economy such as job creation, construction cost.
- ii. Consultation with the stakeholders.
- iii. Proposed collection method and accountability.
- iv. Creation of a dedicated fund.
- v. Conflict with existing statutes, national and local policies including levies and taxes on National and County government.
- vi. Recent increases in taxes and levies in the Nairobi City County Finance Act 2013.

Mr. Speaker sir the County secretary stated that she welcomes any views on the above factors. I beg to lay this response. Thank you.

Hon Deputy Speaker: Hon Akuk is not in? Do we have any Member who has pointed out any issue in regard to the response laid in the Assembly? If none can we proceed? Labour and Social Services Chairman. This is a Statement requested by Manoah Mboku for internal transfers in various sectors of the Nairobi City County

STATEMENT: LABOUR AND SOCIAL SERVICES COMMITTEE, REQUESTED BY HON MAOAH MBOKU ON INTERNAL TRANSFER IN VARIOUS SECTORS OF NAIROBI CITY GOVERNMENT

Member for Lower Savannah Ward (Hon Alfred Ambani Muhindi): Thank you Mr. Speaker, we are still working on that Statement, I think by next week we will bring the report. Thank you

Hon Deputy Speaker: But *Mheshimiwa* it is indicated here that the report is ready?

Hon Alfred Ambani: That is why I'm telling you we are finalizing it. On Tuesday we will table it.

Hon Deputy Speaker: Ok. Thank you.

MOTION

Member for Parklands Ward (Hon Jaffer Abdulahab Kassam): Thank you Mr. Speaker Sir, I beg to move the following motion, that this County Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the intended demolition of jua kali premises situated along Kangundo road in Komarock Ward laid on table of the Assembly on Wednesday 20th August 2014.

Mr. Speaker sir the Sectoral Committee on Justice and Legal Affairs received a letter dated 17th February from Kangundo road light industry jua kali association Komarock in collaboration with Embakasi community poverty eradication project Komarock regarding the intended demolition of jua kali premises situated along Kangundo road by the city County askaris.

The Committee made a resolution to make a site visit to Kangundo road, Komarock ward regarding the intended demolition on 17th March 2014 in order to familiarize themselves with the challenges facing the association and how the issues could be dealt with. Following this, the Committee undertook its own investigation by holding meetings with the association and also the member of the County Assembly for Komarock ward Hon Samwel Irungu. The Committee made the following findings:

1. That it is true the local residents have constructed permanent structures under the power way leaves and on the road reserve
2. There was no consultation by the local traders with the city planning department before constructing structures along the road. There was no documentation to that effect
3. The enforcement mechanism had not been put in place to deter unauthorized people from subdividing the spaces and purporting to allocate the same on behalf of the County officials
4. There was no written notice of the intended demolition to Kangundo road light industry jua kali association though the structures were constructed under the power way leaves were not safe to the residents.
5. That indeed it is true that the unplanned building structures constructed by the association under the power way leave will pose a security threat and environmental hazards to the residents.

In view of the above findings, the Committee made the following recommendations:

- I. The structures constructed under the power way leave or on the road reserve should be demolished as the failure to which may cause a lot of damage to the local residents.
- II. The County should move with speed to provide a parking/Bus stop in the said area in order to provide efficient transport to Mama Lucy Kibaki hospital and accommodate the huge traffic along the road to the said hospital considering that the new mortuary is under construction. This will also serve to reduce instances of insecurity as the area will be cleared of all the illegal structures.
- III. The County Government should consider identifying and setting aside a fraction of County public land to be used by youths and self-help groups in the affected area or else will be required to submit the proposals on the use of such land for consideration.
- IV. Enforcement mechanism should be put in place to deter unauthorized people from subdividing public land purporting to allocate them on behalf of the County officials and;
- V. The County Government should organize civic education and sensitization programs to enhance the awareness of residents as well as the traders in the area of the County policies and processes together with the penalties for non-adherence for the same. Mr. Speaker Sir, the Committee urges this Assembly to adopt this report. I will now call upon Hon. Thuo to second this Motion. Thank you Mr. Speaker sir.

Member for Karura Ward (Mr. Stephen Thuo): Thank you Hon. Jaffer Kassam, the Chairman of Justice committee. I would want to second this particular report on the site visit to the Kangundo road and also add that, these structures that had been built way leaves and road reserves indeed posed very great risk to the people doing business there and also the road users. This can cause accidents and this is also

an avenue whereby our askaris, the inspectorates, because they know very well that these people are here illegally, this is another avenue they use to solicit for money.

So I support that these people should be removed from the site and when that process is being done, it should be done in an humane manner bearing in mind that also this particular Committee of Justice deals with matters of human rights and if probably there is public space in that area, with the consultation with the area Member of County Assembly, we can allocate these traders somewhere to do business. Because the County Government and the National Government does not have enough job opportunity for every Kenyan, so as much as we are demolishing these structures, I think it would be important for the County to find some space to accommodate these traders.

Another issue is the creation of awareness. That by the fact that these people are on a way leave is very dangerous. This is not a way leave for anything else, this is a way leave for electricity. When the demolition is done, the department of planning can also liaise with the guys from Kenya power and lightening company (KPLC). I fully support the adoption of this report and I want to believe that this report will be implemented because we have been passing so many Motions, reports, and Bills in this House but we have a problem in implementation of this particular report.

In conclusion Mr. Speaker, you have noted that this House is lacking quorum, probably today we might say that this House is lacking quorum because there are some Members who have gone for sporting activities. I think we are having our priorities wrong Mr. Speaker. It is not prudent to have fellows to go for some other activities when there is business to transact in this particular Assembly.

I think that is a factor and another factor is that, the Members to some extent are demoralized and that is why probable most of them are not coming to this Assembly. So from your end Mr. Speaker what you can be able to do to up the morale of these Members will be very grateful because the County Assembly is also an arm of this County Government and if it is not working, the County Government of Nairobi will fail. Thank you.

Hon Deputy Speaker: Hon. Members allow me to propose the question that this County Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the intended demolition of Jua kali premises situated along Kangundo Road in Komarock Ward. Members. Hon. Irungu.

Member for Komarock Ward (Samuel Irungu Mwangi): Mr. Speaker, I really want to take this opportunity to first of all express my sincere gratitude to the Justice and Legal Committee for having found time to visit my Ward. This problem has run through history for about ten years. There is one system in France that we call laissez-faire; laissez-faire means people do what they want and when they want. For the last four months or so, Kangundo Road along Mama Lucy Hospital has been a theatre of absurd, people especially the youth that are armed have fought on the said pieces. As the area Member of County Assembly,

I am left with two evils; one is to allow people to do the constructions under power grid and then appear to be popular politician. Two, is to make a hard decision to instruct them and give leadership on how they should benefit on the said spaces. Weighing on the two evils, the latter became a lesser evil. I

rise here to support this Report even though it would appear to be very unpopular as the area Member of County Assembly.

Mr. Speaker, I want to engage the minds of Honorable Members, just the day before yesterday one of our former councilors here almost lost his life on that particular disputed land. The issue is that the area is so tempting because it appears like it is expansive and everybody thinks that by allocating those pieces, you get quick money. I think our enforcement mechanisms have become a laughing stock. I have really made effort to talk to Inspectorate and Planning Development Control to make sure that these people are stopped on the onset.

I thank the Justice and Legal Committee for having made a very bold step to make these recommendations. As I wind up my contributions, I support youth Empowerment because I am on record as having advised the youth from across the political divide to come with the groups in an organized manner, do the security vetting and get to know the activities that are being done so that as they do the proposals, we assist them in an orderly manner.

It is very painful because there was an analogy that was used earlier in the former Embakasi *kusema mambo ya mradi*. Youth had been used by tycoons to fight for spaces and after one or two years, they are left as paupers. There is no group that can be identified as doing self-help group activities. It has become painful for me as the Member of County Assembly when I see youth being misused day to day, being hauled in cells with criminal charges of incitement and using illegal firearms, whereas I know there are a few people who are benefiting.

I would recommend that action be taken immediately because the issue has brought a lot of heat and publicity in Komarock. All the matters you have been seeing in the media are directly or indirectly related to this. I thank the Justice Committee and request that this recommendation be implemented forthwith and decisively. Thank you, Mr. Speaker.

Hon Deputy Speaker: Hon Alex Ouda.

Member for Mugumoini Ward (Hon. Alex Ouda Otieno): Thank you Mr. Speaker sir. I would also like to support this Motion and also congratulate the Justice and Legal Committee. This is a disaster in waiting, to construct under the power line and this is HD power line. In normal cases there is mercury under the HDs to arrest lightening and if the power of mercury comes down then there is likelihood of lightening affecting those people who have constructed beneath the HD.

I would also urge the County Government to move with speed. Recently, the Chairman told us that the establishment of the enforcement is supposed to be about 5800 and the only existing are about 2400. This means they are about 50%, and out of it, it is not a must that all of them are effective. If we are operating on 50% then some of them are malingers, which would mean that the County is operating at about 30% of the enforcement. There is also need to replace those who have retired and those that have left employment so these other areas can be effectively covered.

Those of us who were here the last term, there was a time we called Permanent Secretary for Local Government and he categorically told us he has got no problem with the replacement. The officers were supposed to have been replaced in the last Council but nothing was done and right now we keep on saying enforcement. Even those people are overwhelmed because if they are at 50% and maybe 10% or 20% are not effective then that would mean that the County is only operating at 30%, which is not possible. I would also like to say that those ones should not be taken lightly and also thank my colleague for having taken his stand because it is difficult to find Honorable Members taking stands against their voters. We Kenyans are fond of seeing, for example, we have been warned of siphoning fuel whenever a tanker overturns, but we keep on doing it, so this is a disaster in waiting. With that Mr. Speaker I support the Motion.

Hon Deputy Speaker: Hon Muga.

Nominated Member (Hon. Carolyne Achieng Muga): Thank you Speaker for giving me this opportunity to support this Motion. As an Assembly, time has come for us to stomp our foot in terms of not allowing illegal structures that pose danger to the residents of Nairobi and later on be accused when tragedy strikes that we did nothing and we are corrupt. So I support this Motion so that we can put an end to impunity by people just deciding to grab road reserves and build structures in places without consultation with the County Government.

I think it is time for us to stamp our foot and tell the residents of Nairobi through Civic Education as has been recommended by this report that they need to adhere to the rules and procedures of making structures or building in this City. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Thuo Wakarigi.

Member for Dandora Area 111 (Hon Thuo Wakarindi): Thank you Mr. Speaker Sir, for giving me the opportunity to contribute. Kangundo road is on the East side of Nairobi, it's where I come from and issues of land are very emotional.

Hon. Deputy Speaker: Which side?

Hon. Thuo Wakarindi: That side of the City, the East side of Tom Mboya street, and as you know Mr. Speaker Sir, land issues in that place is very emotional and people have different ways of solving conflicts. Recently I think it was yesterday or a day before, there was a fight at that place, people fought and a lot blood was shed and actually I think there were fatalities. It will be bad if we as an Assembly sit back and look as goons and hooligans take over the land that belongs to the people of Nairobi and history will judge us harshly.

The constitution of this Country gives power to the County Government and the National Government to distribute land. There is no any other entity in this Country that can do that and it pains me to see groups emerging everywhere with registered certificates as self-help group and then it meets to give people land. It is showing signs of a banana state. If somebody goes to the Registrar of Societies, pays 1000/= and registers as self-help group and then now continues to distribute land without any order and any regard to the law.

It's painful, disgracing and it must be stopped now and we must show by example Mr. Speaker Sir. The piece of land we are talking about I am very conversant with the area is a road reserve; next to it is the second biggest hospital in Kenya, Mama Lucy Hospital. The County Government has budgeted for money to build a parking for that hospital but it cannot happen because people are there conning Nairobians money. I think it's time we stamped our foot; I think it's time we have those things brought down. Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Margret Sewe.

Nominated Member (Hon. Margret Sewe): Thank you Mr. Speaker sir, I also stand to support the Motion. We all know that there are a lot of illegal structures within the road reserves or in areas that are not supposed to have structures and my main concern especially in the Eastland's where I also happen to come from---

Hon. Deputy Speaker: Can you raise your microphone a bit?

Hon. Margret Sewe: I want to say that in Eastland's where am also happy and honored to come from, there are so many structures either on the road reserves and some are used as *viosks*, some for trade in the day but they are also havens for boys with bad intentions, in the night they turn into dens where the bad boys hide to prey on their targets in terms of theft. The demolition of such structures even along the railway lines is long overdue and Mr. Speaker you will agree with me that the authorities demolish like today and after a month or a few weeks you see the structures coming up again slowly but surely. Let's stamp up our authority, ensure that we do away with these structures once and for all and especially for security purposes I stand to support. Thank you.

Hon. Deputy Speaker: Hon. Digirigi

Nominated Member (Hon. Tabitha Ndigirigi): Thank you Mr. Speaker Sir for allowing me to support this Motion. First I am aware that majority of land grabbers are within our areas and they are building houses day and night and nobody is talking about it, and am thanking the person that has come out with this issues. We are not going to allow land grabbers as Nairobi City County Assembly, I have come from Nairobi West right now and I have seen some vehicles of Nairobi City Council visited our areas or suburb, there are some houses that are being built there.

When such things happen, we are ready to direct this House to demolish them the way we are doing in Eastland's. Even our areas we are supposed to curb out these issues because we are not going to support land grabbers, that's the reason why we are elected to represent our people, because some people are taking advantage that we cannot talk, so let's do this job without favor or fear and we support everybody. Thank you very much.

Hon. Deputy Speaker: Thank you Hon. Member! Hon. Elkana Mauti.

Member for Kwa Reuben Ward (Hon. Elkana Mauti): Thank you Mr. Speaker sir, I think this Committee has done wonders because we have known this place for a very long time whereby you have even some premises built in this area which have up to even 3rd floor—

Hon. Deputy Speaker: Order! Release the microphone a bit.

Hon. Elkana Mauti: I was saying we have houses which have been built up to 3rd floor and it's on high voltage which is very dangerous and illegal. I do not know whether the County Government is sleeping or awake but we want to make them awake, more especially on the Executive side. We propose, they do not act. I think this time we want to monitor, because in this area many incidents have been reported from time and again but there is no action that has been taken.

Justice and legal Affairs Committee you have done wonders so we support you fully, I think if possible you could have given 14 days timeline for this area to be clear so that we avoid asking emergency funds to be withdrawn to help people because high voltage from Jinja is almost 400,000 voltage which has very big impact, it can burn even 20 acres of land and we don't want this to happen. I don't know who approved or who approves the houses being built in this area and even up to 4th floor. I do not know whether we have Engineers who goes to the ground to determine the suitability of the area before approving, for example I had seen almost three houses raised up to 3rd and 2nd floor and if possible we should know who approved these houses to be built in this area. I will support the Motion and giving timeline 14 days to get clear information or a clear answer from Executive side that they have done what had been passed in the Assembly.

Hon. Deputy Speaker: Thank you. Hon. Members allow me now to put the question that this County Assembly adopts report of the Sectoral Committee on Justice and Legal Affairs on the intended demolition of Juakali premises situated along Kangundo road in Komarock. May as of the similar opinion say Hayes? May those of contrary opinion say Nay? Hayes have it.

The House rose at 3:38 p.m.

First County Assembly – Third Session

Tuesday 3rd March, 2015

The House met at 2.30 p.m.

(Hon. Speaker Mr. Alex Ole Magelo on the Chair)

PRAYERS

Hon. Speaker: Hon. Ochola please, Order! Order Hon. Mugo!

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have the following communication to make,

CONCLUSION OF PENDING STATEMENTS:

Hon. Members the Chair is aware of the frustration of Members whose statements are yet to be concluded long after the requests were made. Indeed the Chair has before issued a communication regarding pending statements not concluded and directed that the chairperson concludes the same expeditiously. Hon. Members, I wish to report as follows regarding statement requests.

Hon. Members we have 109 statements (requested on the floor of the Assembly during the second session 2014) whose status is as follows: the Assembly has received and processed 72 statement responses while 27 statement responses are pending.

To deal with the foregoing, the Assembly wrote a letter to the County Secretary on February 9th, 2015 requesting response to the pending statements be furnished on or before Tuesday 17th February, 2015 to allow Chairpersons of Committees to conclude with the said statements. The Chair commits to follow up on the foregoing and report again in a week's time.

I want to thank you.

Hon. Speaker: Yes, Hon. Chege.

Hon. Member for Ngara Ward (Mr. Chege Mwaura): Mr. Speaker, I beg your indulgence. I have seen a communication from your office regarding review of Standing Order 236. I wanted to probably have an interrogation into the issues that have been brought. I don't know if it will be---

Hon. Speaker: Which Order is that?

Hon. Chege Mwaura: The one regarding Orders pursuant to Standing Order number 236, a communication from your office. I thought it would---

Hon. Speaker: I've not done that communication here. Hon. Members, Hon. Chege I would like to answer you in a moment. Following Members' asking about certain Standing Orders, we found it prudent because there were several proposals in the County Assembly Standing Orders by Members which were forwarded to the Committee for consideration.

We thought instead of conducting piecemeal reviews of the Standing Orders, the Committee resolved to invoke Standing Order number 236 and conduct a comprehensive review of the Standing Orders and make a report to the County Assembly. 236 reads as follows Hon. Members: "Periodic review of Standing Orders. At least once in every term of County Assembly, not later than 6 months to the end of the term the County Assembly Procedure and Rules Committee shall review the Standing Orders and make a report to the County Assembly recommending the Standing Orders if any to be amended."

Basically, it's because of the Members' concern and Members' proposals. That is why we said we don't want to bring in piecemeal. We want to bring to the satisfaction of the Members of the County Assembly. Yes please.

Hon. Chege Mwaura: Much obliged Mr. Speaker. I really appreciate that foresight from that Committee. I think you would be guided also with the provisions of Standing Order 234 that says that: "the County Assembly's Procedure and Rules Committee may at any time propose amendments to these Standing Orders."

My point of departure with the communication is that as much as the direction of the Committee is to take the 236 route one, we must also allow ourselves to go to the direction of having all the changes that can be done over an omnibus basis. But then again, that's why I was requesting that we interrogate your communication so that--- reading your communication you are saying that all the proposals need to have come to your office or to the Clerk's office by Friday 6th March. It does not tell us once they've got all whatever's processed in this Committee, how long will they take to look at them and also bring them in form of a report.

I'm not holding brief for anyone and I have no interest whatsoever, but for purposes of amending critical laws like the Standing Orders which we fought for a while within the House I think it would be very clear within the communication that requests be made by Friday and two weeks from now that Committee should bring a report on the same.

Hon. Speaker: I will answer you on that, order Hon. Warutere! Order! Order! Let me answer the Member please. In our meeting it was resolved by Members that after we have got all the proposals we sit down and in the shortest time possible we bring it on the floor because there will be no reason for us to go and hold them after we have done the proposals. So we bring them back to the Assembly for further consideration.

Hon. Chege Mwaura: The issue of timelines is of essence. I'm not disputing what you are saying, I'm just saying let us fix it so that the shortest time possible should be next Thursday; like the way you order other Committees to do, because this Committee has been one of the laziest Committees in this Assembly, so we have to put a specific timeline to it.

(Applause)

(Hon. Speaker consults with the Clerk)

Hon. Speaker: I'm guided Hon. Members, the Committee will have a retreat next Friday and immediately come and put it so you give the Committee two weeks to bring in the proposals, is that clear Hon. Chege?

(Hon. Chege obliges)

Hon. Speaker: Thank you. Yes point of order from Hon. Karen

Hon. Karen Wanjiku (Nominated Member): Thank you for giving me permission to address you, Mr. Speaker on the same I'm not disputing what you have said but I want my voice to be heard on this. Standing Order 234 gives democracy to the County Assembly, that the County Assembly Procedure and Rules Committee may at any time propose amendments to these Standing Orders anytime. Now if you tell us that the Committee is revoking, they are revoking 236; it means we are not going to have that democracy. If anything arises at one given time we'll not be able to amend because 236 is already revoked; as the whole Assembly, not just the Rules and Procedure are supposed to go for a retreat and discuss the

Standing Orders comprehensively and then give our findings to the Procedure and Rules Committee because some few people cannot decide about the Standing Orders that we use every day in this Assembly.

(Applause)

Hon. Speaker: Order, first of all is to--- there is a typo, it is actually 'invoke' not 'revoke', it is 'invoking' 'not 'revoking', it is a typo please. What you are reading as revoke it's not revoking we are in---

Karen Wanjiku: to revoke, my paper is written to revoke standing order 236.

Hon. Speaker: I have just consulted the Clerk. It is invoke.

Hon. Karen Wanjiru: Mr. Speaker we cannot amend anything in this House as you know, even the Clerk knows that clearly. You cannot tell us it is typo error every time we complain. This is written 'revoked' very clearly, I don't know whether your papers are written 'revoke' Members? We cannot agree to pass things. What if we just kept quiet, it will be revoked! Can it be rewritten and brought back to us?

Hon. Speaker: It will be brought back tomorrow at 2.30p.m. This one stands cancelled till tomorrow 2.30p.m. The circular will be redone tomorrow.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Mr. Speaker I hold brief for myself and many more in this House who are like me who have an issue with this Rules and Procedure Committee. My point of concern is on a Motion that I had brought before the Rules and Procedure Committee that was on an issue of technicality that would not go through the Rules and Procedure Committee. Now that I have amended the Motion and the Motion is of National importance---

Hon. Speaker: Order! Order! Hon. Warutere please, you are the people who say this is a House of rules, so please follow the rules in terms of your Motion.

Hon. Peter Warutere: I am only highlighting my concern *Bwana Spika*.

Hon. Speaker: Because this one we have spoken about and it is actually because of your concern that we have asked for amendments to be brought by Members.

Hon. Peter Warutere: Can you allow then that the first Motion once you're done on that Thursday-

Hon. Speaker: But you know very well that is the line.

Hon. Peter Warutere: Yes thank you, you are a good citizen. Hon. Diana Kapeen.

Hon. Member for South C Ward (Ms. Dianah Kapeen): Thank you Mr. Speaker, I stand on Point of Order 235: Amendment on initiative of a Member. 235(1) reads: A Member may with the support of 2 other Members request the Procedure and County Assembly Rules Committee to consider an amendment on the Standing Order.

Mr. Speaker Sir, the Standing Order is not a bible, it can be amended any time and as we wait for Members to bring all their amendments, every time we'll have some issues rising up and from what I have read the Standing Order states it can only be changed after a certain period, so mine is what if there is an urgency to change the Standing Order once the Rules and Procedure has sat and collected the views of others? I'm assuming that this is not a bible, anytime we shall discover some loopholes and we want to have some changes. Is a Member allowed to bring in a Motion in that regard?

Hon. Speaker: Very well Hon. Diana Kapeen, 235(1) Amendment on the Initiative of a Member:

Hon. Speaker: Standing Order 235 (1) 'A Member may, with the support of at least two other Members, request the Procedure and County Assembly Rules Committee to consider an amendment to the Standing Orders.

235(2) A request under paragraph (1) shall be in writing and shall-

- (a) contain the text of the proposed amendment and the justification for the proposal;
- (b) contain the names and signatures of the Members supporting the request;
- (c) be lodged with the Speaker.

235(3) The Speaker shall, if satisfied that the requirements of paragraphs (1) and (2) have been met, forward the request to the County Assembly Procedure and Rules Committee.'

You are right; you can do it and just follow that small rule. Thank you.

Hon. Dianah Kapeen: My concern is, Mr. Speaker sir, I am privy to some Motion that had met all the requirements in this Standing Order. I was expecting that since he had met the requirements as per the Standing Order; that, it should no wait for this Rules and Procedures Committee which a Hon. Member has just stated, is the most moribund and lazy Committee in this Assembly. It is not my word; it is Hon. Chege's and I am just wondering, is the Committee sitting, because we had a Motion that was to come to the Assembly to discuss some of the pertinent issues of these same Standing Orders, that are affecting the entire House?

I am just concerned because the drafter of the Motion had got all the people to sign in for the Motion, Mr. Speaker. That is my concern.

(Applause)

Hon. Speaker: Hon. Dianah Kapeen, the Motion will be brought to this Assembly after the next Friday, so you only have one week to wait and it will be done. The owner of the Motion is aware of that. Next Order please!

NOTICE OF MOTION

Hon. Speaker: Where is Hon. David Kitavi?

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Hon. Speaker, I beg to give Notice of the following Motion; THAT, aware that the functions of cultural activities and public entertainment, including sports, cultural activities and facilities are vested to the County Governments pursuant to Paragraph 4 (2) of the Fourth Schedule of the Constitution of Kenya; Further aware that sports is a very essential activity, both socially and economically to an individual as well as groups; Concerned that many school going children are idle during school holidays which makes them to be vulnerable to drug abuse and other delinquent behavior; Acknowledging that there are limited spaces for children to play in the County to interact, which is an integral element of growth for children, this Assembly urges the County Government to open County-owned school facilities during school holidays for well-organized extra-curricular activities for children, thank you.

STATEMENTS

Hon. Speaker: Hon. Moses Ogeto.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I want to ask for a Statement from the Chairperson of Labor and Social Services. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectorial Committee on Labor and Social Services regarding the advertisement of job vacancies in the County.

Hon. Speaker, on Monday 23rd February, the County Public Service Board advertised job vacancies in different sectors including the Security and Compliance Sector. In the Statement, the Chairperson should inquire into and report on;

- i. Whether it is appropriate for the County Public Service Board to publicly advertise for security jobs
- ii. Plans to consider officers who are currently serving in the sector of Security and Compliance.

I would wish also the Chairman when he is coming with full facts to tell me that--- Mr. Speaker as you realize that the majority of these staff who are working in the same department---

Hon. Speaker: Are you debating, Hon. Ogeto?

Hon. Moses Ogeto: I am not debating, Mr. Speaker. That is why I am saying, when he is coming to answer this--- I am trying to give him what he should capture in the same Statement when he comes to report back to the Assembly. He should also be able to establish that the majority of the officers who are in the same department were discriminated.

Hon. Speaker: Are you not debating, Hon. Ogeto?

Hon. Moses Ogeto: I am not. I am explaining so that when---

Hon. Speaker: I think your Statement---

Hon. Elizabeth Manyala (Nominated Member): Point of Order Mr. Speaker.

Hon. Speaker: There is a point of Order so that you can come and finalize.

Hon. Elizabeth Manyala: Is the Hon. Member in Order? I think this is a Statement and he is anticipating debate even taking the role of Labor Committee which he is not even a Member. So he is already working under cocoon---

(Laughter)

Hon. Elizabeth Manyala: --- and he wants us to go and thrash this matter and already he is giving us and trying to spell out the duties that we are supposed to do. Can he be specific and ask what he wants us to do.

Hon. Moses Ogeto: Mr. Speaker sir, with due respect, I usually respect my colleague *Daktari* Manyala, I was trying to tell her that when she will come and report to this Assembly, she should also tell us if the majority of the officers who are in the same department are disadvantaged or advantaged in the same context, Mr. Speaker sir.

Two, this advertisement is ending on Friday, I would wish through your guidance, Mr. Speaker to resolve this urgent matter of County importance and the Committee to report to this Assembly.


Hon. Speaker: You have told us enough allow us also to assist you.

Hon. Moses Ogeto: Thank you Mr. Speaker sir, but I wanted the House to know that whatever I requested in this Assembly is captured in the report, I do believe the Clerk is giving you a good advice but he must advice you correctly, so that the Labor Committee can come up with a good verdict. Thank you.

Hon. Speaker: Thank you, Hon. Chairperson Labor!

Hon. Wilson Ochola: Thank you Mr. Speaker sir, I would like to respond as follows, the Hon. Member is not wrong on what he has just spoken. Remember that the advert which was made last week on Monday--- am not responding we are going to respond, am going to contact Labor Committee Members and we will respond tomorrow and I think we are going to suspend the advert, Thank you.

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Hon. Speaker: I thought you had finished Hon. Ogeto. Are you done? Now Hon. Chairperson Labor, you said you are going to give us the report tomorrow 2:30 pm.

Hon. Wilson Ochola: Mr. Speaker this is a serious matter since the advert is ending on Friday, we as Committee of Labor must act very fast to help the Members of Nairobi City County. I think if not tomorrow, latest Thursday. Let's make it Thursday, and you will get the concrete answer.

Hon. Speaker: So which is which, Thursday or Wednesday?

Hon. Wilson Ochola: Thursday Mr. Speaker

Hon. Speaker: 2:30 p.m. it is!

Hon. Wilson Ochola: 2:30 exactly Mr. Speaker.

Hon. Speaker: Alright, thank you! Hon. Chege Ngaruiya!

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity, I wish through the guidance of the Clerk to the Chairman and the Committee of Labor, they write a letter with immediate effect suspending that advertisement before they carry out a through investigation. Thank you Mr. Speaker.

Hon. Speaker: Hon. Members in regard to what Hon. Ngaruiya has said, I will overturn the Chairman's request for Thursday because we want the report tomorrow 2:30 so that if Members are not satisfied then the advert will be null and void. Is that Ok Hon. Ochola?

Hon. Wilson Ochola: Mr. Speaker that's not the procedure and it's not accepted, give us up to Thursday we give you a concrete answer.

Hon. Speaker: Because the advert closes on Friday.

Hon. Wilson Ochola: Mr. Speaker we are going to present our report on Thursday, and we are going to act even through Media, through paper, everywhere we are going to stop it. We are going to stop the advert on Thursday Mr. Speaker.

(Laughter)

Hon. Speaker: Hon. Ngaruiya are you Ok with that? Ok, Hon. Ngaruiya Is Ok and the Members are Ok with that so Thursday 2:30 pm. Hon. Otieno Alex!

Hon. Alex Otieno: Thank you Mr. Speaker sir, arising on Standing Order number 80, pursuant to Standing Order number 80 Hon. Speaker I wish to make a personal statement regarding the security of Members of the Assembly. I am aware that this matter has been raised before but I feel it is important to keep it alive until a solution can be found. As Hon. Members are mostly likely aware, a report by the Daily

Nation of 2nd March, 2015 indicated that terror group Alshaabab is targeting Parliament and other Government establishments.

Mr. Speaker, we have seen what Al-Shabaab can do when we relax our guard even for a second. Members have raised fears over the status of their security within and around the Assembly precincts.

Mr. Speaker, these fears are real and well founded in observable security lapses. Double parking in front of the Assembly is now prevalent, even after the Assembly secured ample parking for the Members and staff of the County Assembly. We are increasingly seeing vehicles we do not know who owns, freely parking at the front entrance of the Assembly.

Mr. Speaker, even more serious, I have met strangers in the corridors on numerous occasions. It is now quite common to find strangers asking for direction to certain offices---

Hon. Speaker: Order Hon. Members! Go on Hon. This is an important thing the Member is talking about. It is for your benefit Hon. Members.

Hon. Alex Otieno: Mr. Speaker, these fears are real and well founded in observable security lapses. Double parking in front of the Assembly is now prevalent, even after the Assembly secured ample parking for the Members and staff of the County Assembly. We are increasingly seeing vehicles we do not know who owns, freely parking at the front entrance of the Assembly.

Even more serious, I have met strangers in the corridors on numerous occasions. It is now quite common to find strangers asking for direction to certain offices when already halfway through the Assembly precincts. We must note that even a minute of an unattended entry is a chance enough for rogue elements like Al Shabab to take advantage and rein terror. I want to beseech the Chair and Hon. Members to take these concerns very seriously. The threat of terrorism is very real---

Hon. Speaker: Order Hon. Members! Order!

Hon. Alex Otieno: ---and we should not act like we do not face that possibility. Let us secure our precincts and by so doing secure our safety at this August institution. Mr. Speaker sir, I want to urge your office to urgently enforce a no parking policy at the entrance to the Assembly as had been earlier proposed, being the reason alternative ample parking for Members was secured adjacent to the Supreme Court. Thank you Mr. Speaker, I rest my Statement.

Hon. Speaker: Hon. K'Otieno, Point of Order.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Mr. Speaker, I rise on point of Order No. 80. Following the ruling that the high court gave last week---

Hon. Speaker: Order Hon. we have not dispensed off with---

Hon. Pius Otieno: It is Point of Order number 80. He had given me information, he has finished

Hon. Speaker: I mean is that fair?

Hon. Member for Sarangombe Ward: You are the one who has given me the opportunity.

Hon. Speaker: I thought you were interjecting on the security of Members. I thought you were coming in for the---

Hon. Alex Otieno: Mr. Speaker I thought that I was through because this statement is directed to your office and we expect a response from you urgently. Thank you.

Hon. Speaker: Very well I will bring my response tomorrow 2:30 pm with all the details. Can we proceed with the Hon. Jaffer Kassam. We are done with you Hon. Ogeto, what is it?

Hon. Moses Ogeto: Thank you Mr. Speaker sir. I also wish for the same office to report back because some Members are entering in the Assembly with guns and this one should be checked as we were given the guidelines of the Assembly.

Hon. Speaker: I will also give a communication in regards to guns and other weapons. Hon. K'Otieno you had a Point of Order

Hon. Pius Otieno: Thank you Mr. Speaker. The court ruled on CDF and I think in one way that ruling is going to affect my fundamental right because if the court said that these monies should be channeled through the County Government, it is in my opinion that if that ruling will not be effected then in one way, my right to access public finances and to participate in identifying projects at Ward, County and Constituency level would be affected in the sense that the court says that we have to participate.

If the MPs will continue probably sitting on this kitty, it is probably not only my right that is going to be injured but also the rights of these Hon. Members because they will not have a right to either participate in project identification, prioritization and oversight of the same. That court was of the opinion that that money should be channeled through the 47 County Governments. Those Members are sitting today in a Kamukunji that is being chaired by none other than the Speaker J. B. Muturi.

It is my opinion Mr. Speaker, if tomorrow this House would adjourn and discuss this matter so that our voice can also be heard and our matters listened to so that our rights are not affected and we do not suffer any form of injury. Thank you Mr. Speaker.

Hon. Speaker: Yes Hon. Petronila has been on her feet for sometime.

Hon. Petronilla Achieng (Nominated Member): Thank you Mr. Speaker sir. I stand on Point of Order under Standing Order number 74. You promised last week to give us an answer on when we are getting the offices for the Special Elect. I didn't hear from the communication. Thank you.

(Applause)

Hon. Speaker: First of all I want to apologize for not bringing in that communication but I will bring it tomorrow 2:30 p.m.

Hon. Karen Wanjiku (Nominated Member.): Mr. Speaker sir, Hon. Ogeto has raised a very important and urgent matter. I want to refer you to our Standing Orders number 97 which are very clear;

Firearms and other offensive weapons:

No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Serjeant-At-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

Mr. Speaker sir, if Ogeto has raised that point and maybe he has spotted a weapon, I think it is very urgent for it to be removed. We cannot say tomorrow, because we do not know what will happen between now and tomorrow.

Hon. Speaker: Hon. Members I want to---

Hon. Leah Mumo (Nominated Member): Point of Information

Hon. Speaker: Let me answer ---

Hon. Leah Mumo: Thank you Mr. Speaker I want to make inform the Hon. Member who has just come here that even the handbags are carrying *wembes* and nail cutters so if the men are taking out their guns, even the women Hon. Members should take their handbags outside.

(Applause)

Hon. Speaker: Okay Hon. Members Order Hon. Imwatak! Jateso Hon. Hon. Members, I think that one we should understand that this is something that we have spoken about, I have communicated to you Members that no firearm or any other form of weapon is allowed into the Assembly and I do not think that it has changed; nothing has changed. No weapons, no guns, no knives, and no spears. Standing order 98 says;

Lady Members' handbags:

A lady Member may be allowed into the Chamber with a handbag of reasonable size.

(Loud consultations)

Order Members! I think that some Lady Hon. Members carry oversize bags that look like gym bags and now you understand the Standing Orders says reasonable size and serjeant-At-Arms it is clear now. I thank you.

Order Members! Next Order, Hon. Chief Whip

Hon. Majority Chief Whip: Mr. Speaker thank you for the opportunity. I believe we are still on statements. I remember the Chairman for Planning last week promising today Tuesday my statement on the Karen land which has been grabbed by PCEA church that the report will be ready Mr. Speaker sir. I want to ask again the Chairman to give a commitment in front of these Members that a comprehensive report of this piece of land that belongs to the hospital will rest in peace if not in pieces.

Secondly Mr. Speaker, I sought for a statement regarding the County Emergency Fund account and you said you will give a ruling that the account be frozen. I am yet to hear your ruling Mr. Speaker sir. Thank you.

Hon. Speaker: Hon. Chairperson for Planning so that I can answer that.

Hon. Jairus Atenya: Thank you Mr. Speaker sir. Can I go on?

Hon. Speaker: Go ahead.

Hon. Jairus Atenya: I think the Chief Whip is aware of what the Executive is doing about the statement. Hopefully by Tuesday next week, we will have a concrete report. The Executive is working on it.

Hon. Speaker: What did you say again?

Hon. Jairus Atinya: I am saying that we will give a concrete report on Tuesday.

Hon. Speaker: Tuesday 2:30 p.m.

Hon. Jairus Atinya: Yes.

Hon. Speaker: Very good. Hon. Chief Whip.

Hon. Majority Chief Whip: Mr. Speaker, I wish this matter could be put to rest because it is giving me a lot of pressure. You won't admit to accompany the Committee to the sight. We went to the site. We met these guys building. I was there in the morning, Mr. Speaker sir. The construction is still going on with a fake approval. Mr. Speaker, if I was sent here by the people of Karen to represent them, I represent their issues and just one statement for the last 8 months--- for the last 8 months, I have been making noise like a parrot. I want to be told if there is a conflict of interest between the County Executive and this piece of land which belongs to the hospital.

The church has no valid document. There is no approval to put up any construction, but there is construction going on in this piece of land. I have no interest in this property. My interest is the people of Karen to get a maternity hospital and an improved district hospital put on this piece of land. And if it would require for a referendum, for the people of Karen, if they want a church or a hospital on this piece of land, I want your indulgence. I am not a mad man. I know what I am talking about. If there is conspiracy between Lands Department and the church to defraud the health center of the piece, let me be told so that I can tell the people who elected me that is the position. I want you to rule on this, Mr. Speaker sir.

Hon. Speaker: Hon. Members, I think the Hon. Chief Whip really needs our support on this issue. Hon. Members, you are all aware that the Planning Committee undertook to give us a report after the visit to--- order Members! Order Members! Chairman of Health, listen to this. Hon. Members, the Chief Whip is on the floor again and this is a serious matter and my question to the Planning Committee is that if you found work going on, on a disputed plot, what have you and the CEC Planning done in regards to that plot. It is indeed very sad when a member comes here and really in desperation seeks our support.

Hon. Members, the Committee on Planning has until tomorrow 2:30 p.m. to come and tell us whether they have stopped the construction or not. If they have not stopped the construction, you let us know so that this Assembly can go there and stop the construction because we must come to the aid of our Member. So, I want to tell the Planning Committee Chairperson, and I know you are a very able Chairperson. Please move with speed. Stop the construction. It is a disputed plot, is that a problem?

Hon. Members, the other thing that you asked about the Emergency Fund, you can only freeze it through a Motion. But nevertheless, I know the Public Accounts Committee is on top of things and they have another one week to bring in a report. So, I suggest we wait for the Public Accounts Committee to bring us the full report which includes the Emergency Fund. Chairman, I can see you here.

I can see the Deputy Chairman. I can see nearly the whole Committee. Please give us an undertaking that by tomorrow that thing will be stopped. And if it is not stopped by the time we come here, Hon. Mberia, you let us know and we will then move there ourselves. We will close business to go and complete that business. I thank you. Hon. Chairperson Planning, can we get an undertaking from you? Okay, she has a Point of Information.

Hon. Karen Wanjiku: Thank you Mr. Speaker sir.

Hon. Speaker: Order Hon. Chairperson Planning! Order!

Hon. Karen Wanjiku: Mr. Speaker sir, I need your direction. Because I don't remember us having a Motion to open the Emergency Fund, how can we then have a Motion here to close it?

(Laughter)

Hon. Speaker: Hon. Members, the opening of the fund was irregular. So, there was no Motion to open it. Therefore, that is why I am saying there must be a Motion to close it. Because it is on, that mistake cannot be replicated by a mistake by us. I thank you.

Can you give us an undertaking so that we go to other business?

Hon. Jairus Atenya: Thank you Mr. Speaker sir. I don't think we can give the report tomorrow at 2:30 p.m. concerning the---

Hon. Speaker: Concerning the construction?

Hon. Jairus Atenya: Yes, because we, as the Committee, don't have the mandate to stop the construction. Because we went to the sight, we have to consult the Executive. If it is our mandate, it is okay and we can even stop it today. I need guidance from the Clerk.

Hon. Speaker: Hon. Mberia.

Hon. Member for Karen Ward (Mr. David Mberia): Mr. Speaker the Chairman is playing ignorance and he is trying to mislead this House it is not the mandate of the Committee to close any construction or to put down any buildings. It is the job of the Committee to write to the County Executive Member in charge of Lands and Housing.

Mr. Speaker protect me from *Mheshimiwa*, it is the duty of the Committee through the Chair because the Chairman is the official spokesperson of the Committee. Can the Chairman tell us whether after the site visit they wrote to the County Executive Member in charge of Lands informing him that the plot in dispute there is construction that is going on without any approval of the County Government Mr. Speaker sir? Let him stop fooling this House.

Hon. Speaker: Order can you withdraw that word.

Hon. David Mberia: Mr. Speaker I withdraw but---

Hon. Speaker: No buts, withdraw that word.

Hon. David Mberia: No that is, I have withdrawn the word fool but Mr. Speaker let the Chairman ensure that--

Hon. Leah Mumo (Nominated Member): Point of Information.

Hon. David Mberia: I don't want to be informed Mr. Speaker.

Hon. Speaker: Order Hon. Mberia, Order Chief Whip. I know you are hurting, but please observe the rules of engagement. Hon. Mumo please

Hon. Leah Mumo: Thank you Mr. Speaker I think the Hon. Member is misleading this House because he was there when we went there and knows everything that is happening, even he owners of the church told him "Wewe tumesumbuana siku nyingi kutoka 2007" It is not our mandate to stop a building which is under construction so it is above—

Hon. Speaker: Order.

Hon. Leah Mumo: Let me finish, so he should not come here and insult our Committee he knows everything that is going on so he should go and settle it with Executives and not us.

Hon. Speaker: Hon. Imwato

Hon. David Mberia: Mr. Speaker, let me set my records straight, I know nothing Mr. Speaker

Hon. David Mberia: What I know is---

Hon. Speaker: Enough! Hon. Mberia.

Hon. Member for Makongeni Ward (Mr. Peter Imwato): Mr. Speaker indeed I am a bit surprised after your Hon. Chair has given directives on an issue and we are still debating on it. Can you kindly give directives of the Rules and Procedures of the House as order because I am seeing when the Chair comes to contradict you and you have given a ruling that, tomorrow at 2.30 p.m. there should be a report in this House.

Either the construction has stopped or not stopped. In case it has not stopped we take it upon ourselves as the County Assembly of Nairobi to bring a Motion of adjournment in this House to discuss the issue of Karen because the Member is touching on very pertinent issues and there is also passion coming

from the other Members about the integrity of our Member which is not right, Mr. Speaker, can you give directives on this.

Hon. Speaker: I agree with you Hon. Imwatok and I have given the orders here and those orders stand at the Chairperson of Planning tomorrow at 2.30 p.m. He should tell us if the construction is still going on or stopped. If you are unable to stop it then you should tell us. I thank you.

(Hon. Speaker Leaves the Chair)

(Hon. Deputy Speaker takes over the Chair)

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Order Members, Hon. Ogada Chairman Budget.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much Mr. Speaker sir. I have a response to a statement that was asked by the Speaker on Wednesday last week. Mr. Speaker, as Members may recall, the Chair through a communication delivered on Wednesday 25th February 2015, noted that the Assembly is in financial distress---

Hon. Deputy Speaker: Order Hon. Chairman Planning! Hon. Majority Leader please.

Hon. Michael Ogada: Mr. speaker sir, a communication delivered on Wednesday 25th February, 2015 noted that the Assembly is in a financial distress due to failure by the County Executive Committee Member for Finance to remit to it its rightful share of revenue and hence directed the Budget and Appropriations Committee to hold discussions with the CECM for Finance and report back to the Assembly by today Tuesday 3rd March 2015 at 2.30pm.

In this regard, the Committee held discussions with the County Executive Committee Member for Finance, the Controller of Budget and Clerk to the County Assembly with a view to finding a lasting solution to the financial problems bedeviling the County Assembly.

Arising from that meeting I wish to report to the House as follows:

Mr. Speaker Sir, the County passed a budget of Ksh. 1.824billion for the County Assembly for the FY 2014/15 out of which Ksh. 1.504billion was earmarked for recurrent expenditure and Ksh. 320million for development expenditures.

In April 2014 long after the passage of the County Fiscal Strategy Paper the Commission through a circular communicated new ceilings for the County Assembly at Kshs. 962million for recurrent expenses. From the discussion the Committee learnt that the ceilings excluded allocations for Loans and Mortgage for Members, Ward staff expenses, Ward office expenses and Budgets for the County Assembly Service Board. Further as Members may be aware the County Assemblies sought a legal intervention which the court determined in favor of the Commission on Revenue Allocation sometime last week.

However, the ruling did not ratify the ceilings but only recommended that the Senate proceeds to make necessary legal instruments to breathe life into the recommendations of the Commission on Revenue Allocation. It is hence the case that the County is still implementing the amounts captured in the Appropriations Act, 2014 until a contrary decision is reached.

Mr. Speaker sir, our current predicament has largely been occasioned by lack of understanding between the two arms of Government. This, the Committee has insisted must stop forthwith a position greatly emphasized by the Office of the Controller of Budget. Further the Committee has agreed with the County Treasury and the Office of the Controller of Budget, that is National, that there shall be no excuse for non-adherence to the work-plans submitted by the County Assembly. The Office of the Controller of Budget has in fact in this regard committed to ensure that all amounts requisitioned for and on behalf of the County Assembly are duly remitted to the Assembly.

Mr. Speaker in conclusion and as per your directive I wish to report that the Budget and Appropriations Committee, the County Treasury, the Clerk to the County Assembly and the Office of the Controller of Budget has today Tuesday the 3rd of March, 2015 agreed as follows:

- i. That henceforth and starting from the date of this agreement, the County Treasury shall be remitting to the County Assembly a minimum of Kshs. 100million per month for its recurrent expenses;
- ii. That the County Treasury makes available to the County Assembly, by the end of March 2015, an amount not less than Kshs. 110million for its development expenditure with the remainder to be financed by the end of the financial year;

Finally, the Committee did agree with the County Executive to make all these recommendations in writing via a letter which will be tabled in this Assembly tomorrow. Thank you very much, Mr. Speaker sir.

Hon. Deputy Speaker: Thank you very much, Hon. Ogada that is good news to the Hon. Members. Chairman, Public Accounts.

MOTION

Hon. Robert Mbatia: Thank you *Bwana* Speaker. I would like to request this Assembly to adapt the report of the Public Accounts Committee on the report of the financial statements of the City Council of Nairobi for the year ended 30th June, 2010, 30th June, 2011 and 30th June, 2012 laid on the Table of the Assembly on 3rd December, 2014. Mr. Speaker---

Hon. Deputy Speaker: Chairman please, for your information, if you may counter check your Order Paper, Order number 8 we are only dealing with the report on the year ended 30 June, 2011. So, maybe you will be doing them in piecemeal. For today at least we will just be tabling the one for 30th June, 2011.

Hon. Robert Mbatia: Thank you, *Bwana* Speaker. I also need your direction on the same because on the Order Paper of last week on Thursday it had been indicated 30th June, 2010 and those are the reports that the Members have. I want to also inform you Mr. Speaker, that these reports we handled the three of them and they are similar in nature so I would seek your direction. If we can save on time because the reports are actually the same, the concerns are the same, all that has been highlighted, if the Assembly allows, Mr. Speaker.

Hon. Deputy Speaker: But Chair, I am made to understand because I sit in the House Business Committee, that these three reports have been categorized and they have been slotted in on different days so that Member could find some time to go through them.

Hon. Robert Mbatia: Actually it is also a concern of the Members that what they have is the report ended 30th June, 2010. That is the report that the Members have.

Hon. Deputy Speaker: So you do not have the one for 2011?

Hon. Robert Mbatia: I personally have all of them. However the Members do not have it. Probably you can guide us; I can speak on any Mr. Speaker.

Hon. Deputy Speaker: Members, which reports do you have in your possession now, 2011?

Hon. Members: 2010.

Hon. Deputy Speaker: Okay, the Clerk is telling me that the report for 2011 has been circulated and we expect each and every Member to be having a copy. So, please give the Chairman time to go through the report of 2011, the financial report.

Hon. Robert Mbatia: Thank you, Mr. Speaker. Also, 2010 precedes 2011, so at this point when giving 2011 what would happen to 2010?

Hon. Deputy Speaker: Members, because the Chairman seems to be ready with the three reports, I am pleading with you, Chair, that we allocate the same tomorrow so that it appears in the Order Paper. If we are going to discuss on all three reports it is going to be contrary to what appears in the Order Paper and it may not reflect the true position. So, kindly let us bypass this then proceed to Order number 9 and then you are allocated the same time tomorrow.

Hon. Robert Mbatia: Much obliged, Mr. Speaker. Are we in danger, actually we are smelling paraffin or petrol, Mr. Speaker. Are we safe?

Hon. Deputy Speaker: Serjeant-At- Arms, can you find out why there is a smell of paraffin in the House please. Let us proceed.

(Loud consultations)

Hon. Deputy Speaker: Order! Order Members! Order Hon. Oweru! Can you sit down! Order Members! Imwatok, come back please. Hon. Janet sit down.

(Loud consultations)

Hon. Deputy Speaker: It has been taken care of.

Hon. Members: How?

Hon. Deputy Speaker: So you want the House to be adjourned because of the smell of paraffin?

Hon. Peter Imwatok: Yes. It is a health hazard, Mr. Speaker.

Hon. Deputy Speaker: Hon. Majority Whip.

Hon. Chief Whip Majority: Mr. Speaker, I think we value our lives more than anything in this--- and there is a dangerous smell of either petrol or paraffin. Mr. Speaker, can you adjourn the House until tomorrow 2.30 p.m. to ensure that our lives are not in danger.

Hon. Deputy Speaker: Can we get the correct position from the Searjent-At-Arms before we adjourn.

(Loud consultations)

Hon. Moses Ogeto: Mr. Speaker, I think you also smell the paraffin. Does it mean that you are going to sit on the Chair as your life is also under siege?

Hon. Deputy Speaker: Can we adjourn to tomorrow, 2.30 p.m.

The House rose at 4:15 p.m.