



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Tuesday 25<sup>th</sup> November, 2014

The House met at 2.30 p.m.

*(Hon. Deputy Speaker in the Chair)*

### PRAYERS

**Hon. Deputy Speaker** (Mr. Kenneth Ngondi): Hon. Members, I have a communication to make in regards to the pending issue of mortgage. The leadership of the Assembly is running up and down to make sure that this issue is dealt with and if I am not wrong, this matter will come to a conclusion by the end of today. At the moment, they are doing paper work and there is an assurance that all the water tight avenues have been done with. Now there is at least a smooth operation and it is running and everything is going to be quite well by the end of today. Thank you Hon. Members.

**Hon. Member for Utali Ward** (Mr. Wilson Ochola): Point of Order.

**Hon. Deputy Speaker:** Please Hon. Ochola, you will have as much of your time as possible, just hold on a bit. You do not have to raise a point of order for a communication from the Chair. Hon. Ochola proceed.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. With due respect, I would like to---

*(Loud Consultations)*

**Hon. Wilson Ochola:** Can you give me time. Hon. Members, you see they are not for the mortgage now, they are all tired. Further, while on the floor we do not know where we are heading to and therefore, as Chairperson for Labour Committee, we are saying to hell with that mortgage, Mr. Speaker. Thank you.

**Hon. Deputy Speaker:** Hon. Karen.

**Hon. Member for Njiiru Ward** (Ms. Karen Githaiga): Thank you Mr. Speaker sir. The message you have given us is not written down and we need a written message as evidence. You have just recited it from your head. We need something written down so that if I do not get my mortgage by today evening, I will have some evidence to show. Again you have to elaborate, do not tell us things that we do not understand. What are we going to get in the evening?

**Hon. Deputy Speaker:** Thank you. Hon. James Chege.

*(Loud consultations)*

**Hon. Deputy Speaker:** Just a moment, Hon. Chege. Order Members! We can only communicate one at a time.

**Hon. Member for Ngara Ward** (Mr. James Chege): Thank you Mr. Speaker. I am happy to see you on the seat. I am always happy and privileged to catch your eye. I want to draw your attention to what happened last Thursday. The House was disrupted courtesy of the issue of the developments and how the Interim Clerk of Nairobi County Assembly has handled the issue. While you were making your communication, I thought it would be important because as at yesterday we never went to our Committee meetings since the Clerk was not present.

So we are surprised today that you were able to conduct Committee meetings and we are having a session today at the Assembly and we still don't know the whereabouts of the Interim Clerk of Nairobi Assembly. We want to know the status of the Interim Clerk of the Nairobi Assembly, so that we know how we are going to operate and move forward.

**Hon. Deputy Speaker:** Hon. Members. Maybe just to interject a bit on the issue raised by the Hon. James Chege, I was still in the process of communication and for sure you interrupted me. So just hold your horses a bit. Hon. *Mheshimiwa* can you take your seat? Thank you.

**Hon. Member for Dandora Area II Ward** (Mr. Stephen Kambi): Thank you very much Mr. Speaker for this opportunity. Let it be captured in the Hansard that business will not be as usual until the demands of these Hon. Members are met. Last week as my friend has just stated, I do not want to say that the House was disrupted, but I would love to---

*(Consultations between the Clerk and the Speaker)*

**Hon. Stephen Kambi:** Let me catch your attention, Sir. Clerk Monica, your diversionary tactics won't work this time round. Thank you sir, for the attention. Last week we did not disrupt the business of the House. However, we felt it would be wise to adjourn the House until issues concerning the Clerk of this Assembly are addressed. We have identified our problems and we have identified the solution and we have asked the County Assembly Service Board to act upon them.

Until yesterday nothing has been done and up to today no solution has been found. It has not been implemented because actually in the Kamkunji that we had, we came up with a solution that will get rid of our problems once and for all so that we ensure all our welfare as Members of the NCCA are addressed.

Mr. Speaker, today things have return to normalcy. Sectorial committees are being held and now we are having a sitting. We are trying to pretend things are normal while they are not. I am against today's sitting. If we proceed with today's sittings, it will show that things have returned to normalcy and our agenda has been addressed. We want to ensure that we untwist the County Assembly Service Board until they sing our song because we are the majority and we must have our way.

The minority might have their say, but we must have our way as the majority. I am against today's sitting until our agenda is addressed, and the County Assembly Service Board sits down and implements the solution that we came with. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Hon. Members, can you give the Chair time to address issues concerning the Communication from the Chair so that you are able to digest and interrogate all these issues that you are raising. Hon. Members, you have raised the question about the sittings of the Committee and the Plenary for today. You are very much aware that the Clerk of the Assembly did receive a letter--- *(Loud consultation)* Thank you.

**Hon. Leah Mumo**(Nominated Member): Thank you, Mr. Speaker. With all due respect we want to correct you; he is the former interim Clerk.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Members! Thank you for that. Hon. Members, let me come to the point. The Clerk did receive a communication in regards to suspension. The same was lifted yesterday and the Clerk was restored as the interim Clerk of the Nairobi City County Assembly by the Speaker of the County Assembly as the Chair of the Board. Hon. Members, today in the morning the Clerk reported to work in the morning and after 9.30 we received a communication that the Clerk had preceded on a two day leave. He handed over and delegated the duties to one Jennifer---

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, can you sit down. I am on the floor Members or you want me to stand? Hon. Members, the Clerk has gone for a two day leave. He will report back on Friday and as things stand now, he is still the Interim Clerk for the Nairobi City County Assembly.

*(Loud consultation)*

**Hon. James Chege:** Hon. Members lets walk out in unity.

**Hon. Deputy Speaker:** Hon. Members---

**Hon. Maxwell Ochar:** Mr. Speaker, with due respect---

**Hon. Deputy Speaker:** I am still communicating.

**Hon. Stephen Kambi:** To get mortgage Ngwele must go. To get clearance Ngwele must go.

**Hon. Deputy Speaker:** Hon. Members and this is just for your ears. The Clerk proceeded to court and as at now we have a court order.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order Member! Members can you sit down?

**Hon Stephen Kambi:** The leadership is rotten. Your leadership is rotten. You are incompetent. The leadership of this Assembly is rotten.

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

**Hon. Deputy Speaker:** Members we have explored all the avenues on how to go about this.....

**Hon. Stephen Kambi:** No, no!

**Hon. Stephen Kambi:** We are not useless as we look.

**Hon. Deputy Speaker:** Can you take your chair, Hon. Members?

**Hon. Stephen Kambi:** We might be ugly, but we are smart.

**Hon .Leah Mumo:** Hon. Speaker, we thank you and we appreciate.....'Wacha nimalize', but we are not kids. This is a House of rules and procedures. We can tell the court to take Ngwele with him. If he is not going to get out of our House, we'll adopt the Kisumu style.

**Hon. Deputy Speaker:** Order Members! Can you take your seats so that we may....

**Hon. Leah Mumo:** We don't want him.

**Hon. Stephen Kambi:** For how long must we be taken for a ride?

**Hon. Deputy Speaker:** Can you be given an opportunity to talk?

**Hon. Deputy Speaker:** Can other Members sit down?

**Hon. Stephen Kambi:** Are you a Member of the County Public Service Board?

**Hon. Deputy Speaker:** I am not.

**Hon. Stephen Kambi:** We are a laughing stock in Nairobi. If you are not please do not defend where your hand is not sir.

**Hon. Deputy Speaker:** I am not defending anything, I am just telling you the correct position. Kindly Members let us.... Order Kambi!

**Hon. Kambi:** Who is Ngwele?

*(Loud Consultation)*

**Hon. Maxwell Ochar:** Mr. Speaker! Kindly, Members, let's talk about this. We are a laughing stock of Nairobi. If we cannot create order in our own House what do you expect to do with the executive's? We are a laughing stock.

**Hon. Member for Dandora II (Mr. Stephen Kambi):** For how long must we be taken for a ride?

**Hon. Deputy Speaker (Mr. Kennedy Ngondi):** Can you be given an opportunity to talk? Can you sit down?

**Hon. Mark Ndungu (Nominated member for Makadara):** Ngwele must go *na mtu yeyote atasimama na yeye tutapita na yeye.*

**Hon. Imwatok:** Mheshimiwa Mark---

**Hon. Deputy Speaker:** Hon. Members, nobody is there for an illegality and Hon. Members you should know that you can hire and fire but you are only there to do things in the rightful way. Hon. Members, you have the opportunity to do what you want to do but do it the right way.

**Hon. Leah Mumo** (Nominated Member for Makadara): With all due respect Mr. Speaker, we want to adjourn this House so that we can discuss his name. Bring his name here so that we confirm him.

**Hon. Deputy Speaker:** Can other Members sit down please? Can you have your seats please?

**Hon. Member for Dandora III Ward** (Mr. Charles Thuo Wakarindi): Hon. Members the leadership of this Assembly is incompetent, you are not worth your seats, and you should go home, you are a disgrace to us.

**Hon. Deputy Speaker:** That is very wrong and reckless Hon. Thuo.

**Hon. Charles Thuo Wakarindi:** You are selling this House to the highest bidder.

**Hon. Deputy Speaker:** Serjeant-At-Arms, can the Members sit down. Can we reason together Members? Hon. Members can we settle down first? Point of order on what? Can you sit down first? Clerk proceed. We will get there Mwaura. We are just in Order No. 2.

**Hon. Member for Ngara Ward** (Mr. James Chege Mwaura): It is not about Orders, Mr. Speaker. What happened as at Thursday, we had a kamukunji and we came up with certain resolutions, and the resolutions were very categorical and clear that the suspension of the Clerk must be upheld. When the Speaker in his wisdom decided to recede it, we were not communicated to and for your information the County Public Service Board is a creature of this Assembly. So if they sit down and decide and change the decision of this Assembly, we are entitled to be informed.

Allow me to inform you Mr. Speaker, today I was in court regarding the 4.5 billion issue, the lawyer representing the Clerk stood and said that they could not come up with a position because the Interim Clerk's was on suspension. So how come today since morning and now the suspension has been overturned. We cannot allow that, that is an illegality.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker in addition to that, I want to bring to the attention of this House, the failures of this House has affected the entire County. I don't buy this idea of people shouting Kidero's name that he has failed while as members of this House, we have failed Nairobians.

Number one, on Saturday I managed to pass by this town, I met the Interim Clerk from a distance, I was parking my car and he was parking his, guess whose vehicle he was entering, it was the Speaker's vehicle. By evening, the story was all over that the Speaker and the Clerk were meeting some of the Members somewhere.

**Hon. Peter Imwatok:** By yesterday Mr. Speaker---

**Hon. Deputy Speaker:** Order Hon. Imwatok!

**Hon. Peter Imwatok:** No Mr. Speaker, this is very wrong, if this House can be taken for a ride then what I want to put across to this House, that no one from this House must have the capacity to stand and say that Nairobi is failing because Members of the House have failed.

**Hon. Deputy Speaker:** Granted.

**Hon. Peter Imwatok:** Therefore we will not accept the Service Board, neither the Speaker nor the Interim Clerk---

**Hon. Deputy Speaker:** Order, order Hon---

**Hon. Member for Nyayo Highrise Ward** (Mr. Maurice Akuk): Mr. Speaker sir, thank you for giving me this opportunity and I would like you first to think about this, probably to adjourn the House. It is too hostile to accept any communication from your chair. I want to just give you some information on whatever communication you gave to us, even from your understanding I know that you know it is not in order.

Mr. Speaker to tell us that this gentleman went to court and got an order that was served to this House because he was suspended and obtained another letter receding the suspension. Mr. Speaker sir, if you are not aware, he came to his office this morning and took the order back with him. He said that the order was not actually in order and requested for a leave.

This House is too honorable to be treated as a circus, what this House is demanding is one; we want to execute our duties. How do we execute our duties? It is clearly described in Section 13 (1) of the County Government Act 2012. You have said it that he is an Interim Clerk, so who appointed him? Who made him the Clerk? Just get us the name for this House to continue, bring the name we debate and these issues of court order will be over. We will have executed our duty; we will have done what the people of Nairobi have sent us to do.

If we do not take that direction, we will start questioning the process and the procedure of arriving at this particular name, because---

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Akuk proceed.

**Hon. Member for Nyayo Highrise** (Hon Maurice Akuk). Mr. Speaker sir, I don't have the Constitution with me, but Constitution 2010 sub Article Two Thirty states that; any public position needs competitive recruitment. We never did that. So why do we continue debating about this gentleman? I was

with the Speaker of this Assembly this afternoon and he explained to me that he has talked to the Transitional Authority and they have said they are sending another Clerk to this Assembly to act as the secretary of the board so that the Board can finally have a sitting.

Mr. Speaker, as you sit on that chair remember that these members came yesterday they never had any meaningful committee meeting because there was no Clerk. So what is the miracle for today? The same clerk is not there and we are in the House discussing. All we are requesting your chair is to give direction or give us the name so that we can finally debate on it and make a decision as the people of Nairobi. Thank you.

**Hon. Speaker:** Order Members! We are in agreement with the County Service Board that the name Jacob Ngwele will be brought in to the House tomorrow 2:30p.m. There is a procedure.....

*(Loud consultations)*

**Hon. Member for Makadara** (Hon Leah Mumo): Mr. Speaker we want to know why tomorrow and not now? We have been asking that name for the last six months. We are not children.

**Hon. Member for South C** (Hon. Dianah Kapeen) Mr Speaker---

**Hon. Speaker:** Order Members!

**Hon. Dianah Kapeen:** Thank you Mr. Speaker. My concern for this House is; One, we are getting instructions that the Speaker has reinstated Mr. Ngwele. We are not seeing the speaker in the Assembly, this is almost the second month the Speaker has not appeared in this Assembly. Is it right that if there are issues in this Assembly, he dedicates? Is he afraid of doing his own work? I am not sure if he is opening an account because am not working in a bank but---

**Hon. Speaker:** Order Hon Kapeen! The Hon. Speaker is attending to an important matter on behalf of this Assembly.

**Hon. Dianah Kapeen:** Mr. Speaker it has become a habit he is running away from the Assembly.

**Hon. Speaker:** Mr. Speaker is pursuing the issues about mortgage.

**Hon. Dianah Kapeen:** It has become a habit.

**Hon. Speaker:** Not really. Not at all, Hon Kapeen.



**Hon. Speaker:** Hon. K'Otieno... Hon Ochar, proceed.

**Hon. Member for Korogocho** (Hon Maxwell Ochar): Mr. Speaker...

*(Loud consultations)*

**Hon. Speaker:** Order Members! Hon ... I will send you out please!

**Hon Maxwell Ochar:** Mr. Speaker I am very grateful for giving me this opportunity. I am very much disturbed because it was on Thursday when we gave Jacob Ngwele suspension and it did not just come anyhow. This suspension came because he was found with grave mistake of financial misconduct. How come you are telling us that the name of Ngwele will be brought to this House tomorrow while we Members of this Assembly have suspended him because of serious financial issues? I don't know where we are coming from now and where we are going. You are confusing us seriously.

**Hon. Speaker:** Thank you Hon Member---

**Hon Maxwell Ochar:** Let me finish by saying that if whatever you are telling us is true, let the Speaker come here like last time. He said that we are useless; we have nothing to do here and told us to leave the House.

**Hon. Speaker:** Hon K'Otieno! Hon. Member can you take your seat. Hon Masiga can you take your seat please!

**Hon. Member for Sarangombe** (Hon. Pius K'Otieno): Mr. Speaker, thank you the chair and thank you everybody. Am also at pains as everybody to digest and even examine and talk about these matters. One thing I want to start with is that now you are the Speaker and the Chair of the House, your words, communication and whatever you say have to be backed by the law. The same can be challenged in a committee or court of law. Mr. Speaker, this time I want to be very unpopular because sometimes it is very important to be unpopular when there is also a popular wing because sometimes mighty is right.

**Hon. Pius Otieno:** ..... In a Committee, it can be challenged in an Ad Hoc Committee and it can as well be challenged in a court of law. This time, I want to be very unpopular because sometimes it is also important that you be unpopular when there is also a popular will because sometimes might is not right. Taking from the genesis of the suspension and even what was canvassed here there were genuine accusations and concerns.

I even share them from the level of confirming the Clerk or not confirming the Clerk the Assembly. Winston Churchill is telling me two wrongs can't make a right. In case you've already realized that an illegality was done, this is the only time if the leadership could have been here, the leadership could have whipped the soberness of Members so that we read from the same script. Everybody has got his or her right to say what he or she is right as long as anybody will again defend your position. I am coming to---

**Hon. Deputy Speaker:** Can you give the Member time to dispense off his right.

**Hon. Pius Otieno:** I have time, where I am coming to---

*(Loud consultations)*

**Hon. Pius Otieno:** I am canvassing.

*(Loud consultations)*

**Hon. Speaker:** Can you proceed now.

**Hon. Pius Otieno:** What I am saying is that I am only urging the House that in as much as we are venting our anger and we are frustrated, I wish we do these things within the realms of the law.

*(Loud consultations)*

**Hon. Pius Otieno:** Would you--- what I am saying---

*(Loud consultations)*

**Hon. Deputy Speaker:** The Member is on a Point of Order, please.

*(Loud consultations)*

**Hon. Pius Otieno:** This is my position. You will have your time, you will have your time.

**Hon. Deputy Speaker:** Proceed then.

**Hon. Pius Otieno:** What I am saying is that let us not engage in an illegality to cure an illegality. If we think that there is a way that we can do these things in a proper manner let us do these things in a proper manner because if the Speaker has already confirmed. Speaker, if at all you've confirmed that this matter is pending before court then even in my own opinion is sub judice to canvass this matter on the floor if it is live in the court of Kenya---

*(Loud consultations)*

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

*(Loud consultations)*

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

*(Loud consultations)*

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

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Thank you Mr. Speaker sir. Indeed it is a very wonderful moment.

*(Loud consultations)*

**Hon. Elkana Mauti:** According to the situation which we are seeing with the---

*(Loud consultations)*

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

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Elkana Mauti:** Akuk---

*(Loud consultations)*

**Hon. Deputy Speaker:** Members---

*(Loud consultations)*

**Hon. Elkana Mauti:** According to the mood of the Hon. Members---

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Elkana Mauti:** Mr. ---

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Elkana Mauti:** Akuk give me time 'bwana'. According to the situation in the House today, we are not very happy. Our money was misappropriated by the Clerk. He has gone--- we don't know whether he has gone to court because we have not seen a court order. Two, the Clerk himself is an illegality. If his name was to come as you say---

**Hon. Deputy Speaker:** Hon. Members, order! Order Member! Hon. Members seriously you will not end anywhere with the kind of attitude you are having. Please can you be organized 'kidogo' at least you interrogate all your problems pending before you.

**Hon. Elkana Mauti:** Mr. Speaker, now it has come to--- we have turned our spears. We were saying we want the name of the Clerk to be brought to the Assembly. Unfortunately we are warned that our money has been misappropriated. According to article 226 that is where our question lies. The Clerk himself is an illegality because he is the advisor of the Assembly Service Board and even the Assembly. He does not advice. If you tell us his name is coming at 2:30--- today we should have a notice of Motion which clarifies that tomorrow we are having it automatically, that is one lie. Somebody who wants to ruin your life as the Clerk of the Nairobi city County Assembly. Our gratuity is nowhere. NHIF, NSSF has never been remitted as required and we do contribute, but we don't see it. When we pay back our car loan or when we refund back our money it is nowhere in the account, we don't know where it is. How can we stay with such a person? I urge this House that if possible, it is better we adjourn until the Assembly Service Board comes out with a resolution. We cannot--- our deliberation here does not make any impact.

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

**Hon. Member for Dandora Area III Ward (Mr. Thuo Wakarindi):** Thank you Mr. Speaker sir. I don't take this opportunity for granted because this is indeed a very important moment in this Assembly. I wish I would have your full attention. It would serve me very well. It will do me a lot of good if I knew that I have your ear. I beg for your attention, thank you. The English man says that if it quacks like a duck and walks like a duck it is most probably a duck. What we are having here is certainly a duck. Someone is working against the welfare of the Members of this Assembly and when you work against the welfare of the Members of this Assembly.....

*(Loud consultations)*

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

**Hon. Nyangwara:** Mr. Speaker. What I expect is to have your protection so that I can air my views on the floor of this House. I have every right---

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

**Hon. Nyangwara:** I must be protected Mr. Speaker.

**Hon. Deputy Speaker:** Just sit first.

**Hon. Deputy Speaker:** Order! Nyangwara. Please take your seat. Order! Members!

**Hon. Member for Viwandani Ward (Samuel Nyangwara):** I have the right to use this microphone just as any member here.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! Ocholla can you please take your seat. Hon. Masiga please.

**Hon. Member for Eastleigh South Ward (Nelson Masiga):** *Bwana Speaker. Karen nafikiria mimi niko kwa...*

**Hon. Deputy Speaker:** Proceed.

**Hon. Nelson Masiga:** *Bwana Speaker, tafadhali---*

**Hon. Deputy Speaker:** Not granted. Please Hon. Can you take your seat. Please, can you take your seat first?

**Hon. Nelson Masiga:** *Bwana Speaker---*

**Hon. Deputy Speaker:** Order! Hon. Nyangwara please take you seat.

**Hon. Nelson Masiga:** *Bwana Speaker, naamini ya kwamba Waheshimiwa sio wapiga ramli. Na nikisema sio wapiga ramli, hatujakuja hapa kubahatisha ama kutafuta. Hapa tumekuja kuchapa kazi ya wananchi. Na ndivyo kwa kila wakati tumekua tukitumia sheria vibaya. Imefika wakati hio sheria ambayo mmekua mkitumia vibaya, hata sisi kama wajumbe tunaomba pia tutumie hio sheria vibaya kwa sababu itakua wakati sisi waja tunataka sheria ifuatwe inakua mambo, the law is very clear. Ikifika kwa ambao wanatekeleza ile sheria, the Law is not very clear.*

*Hapa naomba tusipakane mafuta kwa mgongo wa chupa. Tuambiane ukweli. Tunajua kwamba umesema ya kwamba jina ya Ngwele inakuja kesho. Leo tunadanganyana. Tunajua sheria inasema ya kwamba lazima tukue na notice of motion ambapo itakuja ndiposa kesho tuweze kua na jina ya Ngwele hapa. Tuache kupakana mafuta kwa mgongo wa chupa. Hawa Waheshimiwa ni msumari moto ambao unaitia kwenye kidonda. Tusitie msumari moto kwenye kidonda kwa sababu imefika wakati kama wakaaji*

wa Nairobi wengi wanafikiri ya kwamba tumekuja kulala katika makazi zetu. Hatujakuja kulala katika kazi zetu. Ni ambapo mtu mmoja amejifanya anatajriba, ukwasi,uweledi wa yale mambo yote na elimu ambayo inahusika hapa. Wengi wetu tunajua yakwamba, hata kama sisi ni wafupi wa kimo ya masomo, masomo yetu yanatusaidia ambapo tupo na masomo hayo tutayatumia. Ndiposa nakuuliza, ingelikuwa afadhali kwako kuvuja kikao hichi na tuendeleo kuzungumzia mambo ambayo yanatufaa sisi na yanafaa wananchi watukufu wa Nairobi. Shukrani Bwana Speaker.

**Hon. Deputy Speaker:** Hon. Akuk.

**Hon. Member for Nyayo Highrise Ward** (Maurice Akuk): Thank you Mr. Speaker sir. I stand before you to seek your indulgence in adjourning the House until tomorrow. So kindly put the question; the House is too hostile to proceed. Thank you.

**Hon. Deputy Speaker:** Hon. Members, maybe before I put the question as requested by the Members, I don't know whether you are all in agreement with that but allow me to welcome our Minority leader. Maybe he has one or two. No. not allowed. Hon. Minority Leader, okay. Thank you.

**Hon. Member for Makongeni Ward** (Peter Imwato): Thank you Minority Leader for allowing me to inform you while you were away, your name was so much mentioned here though in a corded way, that you are one of them who are protecting Ngwele. Can you, when you stand, explain to us whether you are with us or you are not with us?

**Hon. Deputy Speaker:** Okay. Minority Leader. Order Hon. Members!

**Hon. Minority Leader:** Thank you Mr. Speaker sir. I also want to thank my brother and friend Bwana Imwato for informing me. I see the House is too hostile but I want to respond to Members' queries. I do agree there are a lot of challenges which Members are raising. Very weighty ones and as a Board we have taken note of it and we are taking very serious steps to ratify what Members want. We were supposed to sit today but unfortunately the Majority Leader was sick. You know my body is good as you can see me. I am very fit and even under extreme pressure, I can maintain my cool.

Mr. Speaker sir, we will meet tomorrow at 10.00AM. As I understand, we are having someone who is acting here named Jennifer Korio and I can assure Members, if she will not attend tomorrow's Board meeting, she will be the one to be sacked tomorrow by 10.30am. We will sack her if she will not attend the meeting. We don't want Members to be taken for granted. It is not legality because the Board has the power to sack any member of the staff if you can go to the County Government Act.

I know my friend here Kotieno is good. Maybe he wants to protect someone but the moment we sack, you can just go to court of law and if you don't have goodwill even the court orders cannot put you in the office.

I want to assure Members they have to cool down their temperatures. The County Assembly Service Board which is working on their behalf will do the necessary tomorrow at 10.00am. Thank you Mr. Speaker sir, for giving me this opportunity to respond to Members' queries.

**Hon. Deputy Speaker:** Order! Proceed.

**Hon. Minority Leader:** *Bwana Imwatok* is insisting here that the Minority Leader is the one who is protecting Ngwele. I cannot protect Ngwele. If the Members do remember, I am representing the interests of Jubilee here. You may recall that when the 4 billion motion was brought here I supported it, but when my Members refused I did not flip flop because I represent their interests. I decided to go by their will. As I stand here because my job there in the Board is to represent Minority Members and I can assure you I will do just that. Thank you *Bwana Imwatok*.

**Hon. Deputy Speaker:** Is it you to give an opportunity to a member? Proceed.

**Hon. Leader of Minority:** *Bwana Imwatok* is insisting here that the Minority leader is the one who is protecting Ngwele. Mr. Speaker, I cannot protect Ngwele if the Members do not want him. I am representing the interest of Jubilee here. If you can remember well, when the 4 billion was brought here I supported it. However, when my Members refused---

**Hon. Member:** *(Inaudible)*

**Hon. Leader of Minority:** Not flip flop. *(Laughter)* because I represent their interests, I decided to go with their will. Mr. Speaker, as I stand here, because my job there on the Board is to represent minority Members and I can assure you that I will do that. Thank you, *Bwana Imwatok*.

**Hon. Deputy Speaker:** Okay, thank you. Hon. Members, the issue of adjournment has been raised---

**Hon. Member:** Point of Order.

**Hon. Deputy Speaker:** I do not see where the Point of Order arises here.

*(Loud Consultations)*

**Hon. Deputy Speaker:** Members, please can you take your seats. The issue of adjournment has been raised here. Can we get a seconder? Hon. *Imwatok*.

**Hon. Peter Imwatok:** Mr. Kambi, my brother from my other mother--- With all due respect to Mr. Kambi, I want to tell the Minority Leader thank you for affirming that you are representing the interests of

the minority. As you can see today, I am the acting Majority leader and I want to reaffirm on behalf of the Majority leader that---

**Hon. Deputy Speaker:** Order, Member. We have the Deputy Majority leader in the House. Now, can we get a seconder for the Adjournment Motion?

**Mr. Peter Imwatok:** I now second the Motion that we adjourn.

**Hon. Deputy Speaker:** Hon. Imwatok, can you take your seat.

**Hon. Stephen Kambi:** Thank you, Mr. Speaker sir. I believe when you see our smiles and our faces glowing due to frustrations, we have had enough. Our Hon. colleague said it here, our dignity is at stake as the Assembly. We are no longer willing to be a laughing stock. If we cannot clean our own house, what can we do for Nairobians? Mr. Speaker, I beg to support the Motion of Adjournment until the solutions that these Hon. Members---

**Hon. Leader of Minority:** *(Inaudible)*

**Hon. Stephen Kambi:** Protect me from the Minority leader.

**Hon. Deputy Speaker:** You are protected.

**Hon. Stephen Kambi:** Thank you, sir. That is impunity of the highest order.

**Hon. Leader of Minority:** Mr. Speaker sir, kindly ask Mweshimiwa Kambi to withdraw the word 'impunity'.

**Hon. Deputy Speaker:** Hon. Kambi.

**Hon. Stephen Kambi:** You know, Mr. Speaker sir, I wish we had a dictionary here---

**Hon. Deputy Speaker:** You have been requested to either rescind your earlier communication. Can you withdraw?

**Hon. Stephen Kambi:** I withdraw.

**Hon. Deputy Speaker:** So, can you second the Motion of Adjournment?

**Hon. Stephen Kambi:** Of course.



**Hon. Deputy Speaker:** Then take your seat.

**Hon. Stephen Kambi:** Mr. Speaker sir, I beg to second the Motion of Adjournment. Thank you

**Hon. Alexina Moody:** Mr. Speaker?

**Hon. Deputy Speaker:** What is it, Hon. Alexina?

**Hon. Alexina Moody:** Thank you, Mr. Speaker, for allowing me this opportunity. As much as I am here to second the Motion of Adjournment---

**Hon. Deputy Speaker:** The Motion has been seconded.

**Hon. Alexina Moody:** Yes. As much as I am concurring with that matter, Mr. Speaker sir, thank you for the correction.

**Hon. Deputy Speaker:** Seriously *Mweshimiwa*, we have not even put the question.

**Hon. Alexina Moody:** Give me some room. When the Board sits tomorrow let it be made very clear on behalf of the Members of Nairobi County Assembly that so many things have gone wrong in the office of Mr. Ngwele. The law is very clear. Mr. Speaker, the man who preaches the law in this House knows very well that as much as we have the Service Board in this House, it is less one representative which is unconstitutional and not acceptable. So, when they sit tomorrow, let them give us a final word that Ngwele is no longer with us. We have had it. Thank you.

**Hon. Deputy Speaker:** Thank you very much. Hon. Members, allow me to put the question on adjournment.

*(The question is put and agreed to)*

**Hon. Deputy Speaker:** The House stands adjourned until 2.30 p.m. tomorrow.

***The House adjourned at 5.00 p.m.***