



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday, 27 August, 2014

The House met at 2.30 p.m.

*(Mr. Deputy Speaker in the Chair)*

#### PRAYERS

*(Bell ringing)*

#### COMMUNICATIONS

**Hon. Speaker:** Good afternoon Hon. Members once again. Hon. Members I have the following communications to make. *The organization of Planning and Housing Committee*, Hon. Members, the Chair has on several occasions spoke about the needs to uphold high standard of personal conduct when within the Assembly premise, whether in plenary or committee meetings. Indeed the Chair even received communication from Ethics and Anti-corruption Commission that raised concern regarding the conduct of the Members of the Assembly during the debate in the County Assembly which falls short of the prescribed standards of conduct for holders of public office under chapter 6 of the constitution of Kenya part 2 of the leadership and integrity act No. 19 of 2012.

Hon. Members you are aware that the Committees are the extensions of the Assembly and therefore subject to the rules and regulations that guides our operations, however, there seemed to be a little apprehension for these facts amongst the Members in the light of their conduct during Committee

sittings. Today Hon. Members, I would wish to address emerging serious privilege issue that have arisen in the Sectoral Committee of Planning and Housing and threaten to derail its proper function.

The Sectoral Committee on Planning and Housing is a subject to a House rules and procedures and so its membership is from across the political divide. Hon. Members, section 9 of the National Assembly Powers and Privileges Act provides that the Speaker may from time to time as he deems to expediate issue direction inform of a code of conduct regulating the conduct of the Members of the Assembly whilst within the premise of the Assembly and other than the Chamber.

Hon. Members, the Chair will not allow Committees to be turned in to haven misconduct and abuse of privileges and immunities. The Chair takes great exception to the development and will not tolerate Members derailing the work of the Committees, I therefore wish to direct that, the Leader of Majority and the Leader of the Minority move with speed and reconstitute Sectoral Committee on Planning and Housing forth will. It is so directed, thank you.

### STATEMENTS

**Hon. Speaker:** Hon. Thuo, Chairperson PIC.

**Hon. Chairperson for PIC** (Hon. Charles Thuo): Thank you Mr. Speaker Sir. I am rising to seek the indulgence of this House that the Public Investment Committee be given more time because we are still working on the audit report for the Nairobi Water company. Mr. Speaker, you realize that this is an overall report that we are working on and it is also a learning process Mr. Speaker Sir. I see time is running out and we might be going on recess, I now seek an indulgence of the House to give us more time so that we are able to complete our report and table it in due time Mr. Speaker Sir. Thank you.

**Hon. Speaker:** Yes Hon. Jack.

**Hon. Member for Githurai Ward**, (Mr. Jackson Ngare): Thank you Mr. Speaker Sir. On behalf of the Planning Committee which has been working on a petition---

**Hon. Speaker:** Order! I thought you were coming up on this issue of PIC. Hon. Chairperson of PIC you have until our return from recess. First sitting after the recess.

**Hon. Charles Thuo:** Thank you Mr. Speaker Sir. The Committee stand guided by you Mr. Speaker Sir. We would also seek your help that the Assembly should facilitate the Committee on time so that we are able to write the report in case we need anything. Thank you so much.

**Hon Speaker:** Order Hon Jack! You had a question, was it a point of Order?

**Hon Jackson Mwangi Ngare:** Thank you, Mr. Speaker. I am standing here on behalf of Planning Committee which has been working on a petition from my Ward, Githurai. I have been accompanying the Committee on the investigations they have been making and we have had a difficult test. They were not able to deliver the report on time, considering that some of the resistance they have had from the ground; one of them comes from the area Chief who seemed to be supporting the petitioned parties. So the Committee decided that they need more time so that they can dig deeper into these problems. The administration of the area seems to be working in cohorts with the petitioned, therefore this matter needs time to be investigated so that the Committee comes up with a good report that will be supported by all. Mr. Speaker, I beg for extension of time, probably with your guidance you will advise.

**Hon Speaker:** Hon Chairperson, Planning.

**Hon Chairperson, Planning:** Mr. Speaker, I think the Hon Member has stated the truth, we have encountered some road blocks in investigating this and now we could not meet the time frame. If you allow us more time then we will give you a very good report. Because we are going on recess, I think the first week after opening will be good enough.

**Hon Speaker:** First week on resumption of business in the Assembly. Thank you.

**Hon Jackson Mwangi Ngare:** Thank you, Mr. Speaker.

**Hon Speaker:** The Chairperson, Committee on Justice and Legal Affairs.

**Hon Chairperson, Committee on Justice and Legal Affairs (Mr. Jaffer Kassam):** Thank you, Mr. Speaker Sir. I beg to move the following Motion: THAT, this County adopts the report of the Sectorial Committee on Justice and Legal Affairs on the site inspection visit to the City Inspectorate Training School,

the Dog Pound and the general stores, laid on the Table of the Assembly on Wednesday 20<sup>th</sup> August, 2014.

Mr. Speaker, the Committee committed part of its program of activity to visit the City Inspectorate Training School, the Dog Pound and the general stores on 9<sup>th</sup> April, 2013. The visit was undertaken in order to assess the condition of the facilities to obtain a better understanding of the challenges confronting the City Inspectorate Training section and to assess the extent to which policy processes have impacted on the three departments. Following the assessment visit to the three sections above, the Committee compiled a report with recommendations and sought the views of the Chief Officer for Security, Compliance and Disaster Management and the Director of City Inspectorate on the same:

1. **The City Inspectorate Training School-** It was established in 1963 to train the County Enforcement Officers in Nairobi County and the officers from other Counties to be acquainted with the skills of the enforcement as it is located at Dagoreti in Nairobi City County. Arising from the visit to the City Inspectorate Training School, the Committee urges the Assembly to resolve as follows;
  - i. The City and the Inspectorate Department to ensure that the items incorporated in the budget are met to enable them carry out their duties effectively. The Department should incorporate purchase for a mini bus in the coming budget.
  - ii. The management of the Training School should immediately organize a cleanup exercise in order to meet the required standards to prevent health hazards and other environmental hazards.
  - iii. The institution should prepare clear terms and reference documents of staff appraisal.
  - iv. The Instructors and the Training Personnel should ensure that the Askaris and officers graduating from the school are adequately trained to handle the responsibilities given to them; in addition, the Department should consider sourcing the instructors from the Administration Police and other distinguished quarters. Further, the curriculum provided in the Constitution of Kenya, 2010, County by-laws and general public relations to prevent arbitrary decisions/actions that negatively affect service delivery.
  - v. The officers in the Department should be provided with special insurance schemes that would guard against work related accidents. In addition, the Askaris should be paid risk allowances.

- vi. The Committee recommended urgent refurbishment of the classrooms and the lecture hall and the department to ensure budgetary allocation for the construction of the classes to be met while the Committee would consider supplementary budget for the same.
- vii. The machinery for pumping water should be replaced immediately so that it could be a revenue generating activity at the City Inspectorate Training School.
- viii. The inspectorate Department to liaise with the Health Department with a view to ensure that the dispensary is facilitated with the required drugs to provide the necessary services to the school.

## 2) The Dog Pound Section

The Dog Pound is located at City Park in parklands High ridge. It is meant to keep stray dogs and pets.

Mr. Speaker Sir, arising from the visit to the Dog Pound Section, the Committee urges the Assembly to resolve as follows:

- i. The Executive urgently to construct an access road that is of the required standards.
- ii. That a Policy be formulated on termination of stray dogs caught since they were a burden and that adequate fund be allocated to purchase food for the dogs
- iii. The City Inspectorate to ensure that the licensing tags and dogs plates for the year 2013 are supplied immediately.
- iv. The City Inspectorate Department to ensure that there is continuous supply of detergents and the necessary drugs and vaccines to the dog pound.
- v. The school is provided with one vehicle for regular inspection of the households for the purpose of identification of illegal keeping of pets, vaccination of the pets and inspection of street to catch stray dogs.

## 3) General Stores

The General Stores is used to receive and store goods procured by the City County and a yard for vehicles impounded and towed for various reasons such as improper parking; vehicles damaged through accidents; vehicles suspected to be involved in various crimes within the City.

Mr. Speaker Sir, arising from the visit to the General Stores, the Committee urges the Assembly to resolve as follows:

- i. The Staff at the General Stores should immediately clean up the compound and ensure the wastes were collected regularly.
- ii. That, measures should be put in place to ensure the immediate identification and compilation of an up-to-date comprehensive register for vehicles brought in and the breakdown impounding and towing and clearly indicates the officer in charge.
- iii. A mechanism should be put in place to ensure that the motor vehicles which had not been collected or reclaimed by their owners are sold or auctioned in order to create more space for new ones that are brought in on a daily basis.
- iv. The Directorate should consider creating a shed for parking motor vehicles which have not been collected or reclaimed by their owners
- v. Modern offices should be built up for all the designated staffs at the General Stores.

Mr. Speaker Sir the Committee urgencies the Assembly to adopt the report, I now call upon Hon. Thuo to second the Motion. Thank you, Mr. Speaker.

**Hon. Member for Karura Ward** (Mr. Kamau Thou): Thank you Hon. Jaffer Kassam, who happens to live in my Ward in Karura, I want to second this particular motion and also say that I am a Member of this particular Committee of Justice and we are doing justice to the Nariobians and I also that this Hon. House will approve the report and also the recommendation will be implemented so I totally agree with everything here, but I wanted the Chairman to just clarify where the Dog Pound is because I am sure the dog pound is not in Parklands. Chairman kindly confirm that the Dog Pound is not in Parklands/Highridge tell us where it is.

**Hon Speaker:** Order! Hon. Thuo order! Hon. Thuo, are you asking a question?

**Hon. Kamau Thou:** No Mr. Speaker, I am seconding this report Mr. Speaker, but let me also clarify that the Dog Pound is not in Parkland/Highridge. All of us know the Dog pound is in Karura Ward and the Chairman knows that too well. I second the report. Thank you. The Chairman can clarify that. Thank you.

**Hon Speaker:** I think in those areas we need the IEBC maps. Order Hon. Thuo. Hon. Members, I propose the question

*(Question is put and proposed)*

**Hon Speaker:** Hon. Members, I call the mover of the Motion to reply.

**Hon. Jaffer Kassam:** Mr. Speaker Sir, I thank the Hon. Members for accepting to support this report and I urge its implementation. Thank you Mr. Speaker Sir, before that I also wish to clarify that there was a typographical error the Dog Pound actually is within Karura behind my house and it's in the Ward of Hon. Thuo. Thank you Mr. Speaker Sir.

**Hon Speaker:** Thank Hon. Members. I now put the questions

*(Question put and agreed to)*

**Hon Speaker:** The Hon. Leader of Majority.

**The Hon. Leader of Majority:** Thank you Mr. Speaker. For a very long time---

**Hon Speaker:** What I want Hon. Leader of Majority is that we have a supplementary agenda of order of business that is going round and you will be given. Go ahead Hon. Leader of Majority.

**Hon. Elias Otieno:** Thank you Mr. Speaker for giving me this opportunity to talk to --- Mr. Speaker but I think we are just talking with empty chairs because Mr. Speaker there are no people here. So I think they are just going to adopt this report because if you can see they are already tired.

Mr. Speaker, I beg to move the Motion No. 8; that withstanding the provision Standing Order No. 25 1 this Assembly resolves to alter its calendar for the second session to resume its sitting on Tuesday 30<sup>th</sup> September 2014. So Mr. So Mr. Speaker I should call a seconder to come and second this Motion and he's none other than Thuo.

**Hon. Kamau Thuo:** Mr. Speaker thank you I second but I would want to know whether we are adjourning today or tomorrow.

**Hon. Speaker:** Today

**Hon. Kamau Thuo:** Then I would have an issue Mr. Speaker because I had a petition before this Assembly which is supposed to be approved tomorrow; we need your wisdom there.

**Hon Speaker:** Ok, Hon. Thuo. if you recall a few minutes ago we had to wait for one hour and half to have a few Members who are already in this House, and as you said rightfully we use our wisdom as Members of the County Assembly. I am definitely sure that tomorrow will be a very difficult time to raise Hon. Members of this House, I'd like to plead with you. 30 days as we go to recess, we will be able to come and in the first Order of Business will be the petition of Hon Thuo Karura Ward, thank you.

**Hon. Kamau Thuo:** I second Mr. Speaker, thank you.

**Hon. Speaker:** Hon. Diana Kapeen!

**Nominated Member** (Hon Diana Kapeen): Thank you Mr. Speaker.

**Hon Speaker:** Order Hon. Member! Let me start the Business. Sorry Hon. Diana. Hon. Members I propose that notwithstanding the provision of standing Order 25 (1), this Assembly resolves to alter its Calendar for the second session to resume its sittings on Tuesday the 30<sup>th</sup> September 2014. Hon. Diana Kapeen.

**Hon. Diana Kapeen:** Thank you Mr. Speaker, I rise to support the adjournment of the House but I would also request that the Chairman for Education as we go for the recess the children are going back to school, we had our bursaries but they are not yet out. So am wondering how we can be going for holiday without bursaries and the children are going back to school without fees.

So I would really request that as we go for recess, the leadership of the House both the Minority and Majority fast-track the release of the bursaries for the children to go back to school and also am hoping that when you go to the Ward offices we'll have our furniture and everything so that we can operate from the offices for those of us who have offices, I support.

**Hon. Speaker:** Hon. Members I put the question. (Question put and agreed to).

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you Mr. Speaker, pursuant to the provision of Standing Order No 25 this Assembly adjourn until Tuesday 30<sup>th</sup> September 2014 in accordance with the



calendar of the County Assembly, I also want to call up on Chief Whip to come and second the Motion Mr. Speaker.

**Hon. Speaker:** The Hon. Chief Whip!

**Hon. Chief Whip:** Mr. Speaker I second the Motion but I also would like to put a line on what *Mheshimiwa* Diana has said that we'll be away for 30 good days of which the students are getting back to schools next week and the House will be adjourned for 30 days and we don't know what happened to the Bursaries. it's 4 months now Mr. Speaker and we are singing the same song, I don't know what will happen because may be the Committee on Education if you can approve that the Chairman may be will call a session of this Committee to discuss the matter before the Members resume from recess, with your indulgence Mr. Speaker Sir.

**Hon. Speaker:** Hon. Members I propose the adjournment of the Assembly in accordance with calendar of the County Assembly. Hon. Members, as we proceed on recess, the leadership of the House and in particular the Leader of Majority, the issue of bursaries should take the center stage while we are away. Hon. Members, I like to inform you that a week ago we had a meeting with the Finance Ministry and they are doing everything in their power awaiting for the funds to be released from National Treasury. Hon. Members Pursuant to the provision of Standing Order 25 this Assembly adjourns until Tuesday 30<sup>th</sup> September 2014 in accordance with the calendar of the County Assembly regular sessions. I thank you. Hon. Members and before we leave, the Leader of Majority who led the delegation to Mr. Cheserem's Commission would like to brief you on what went on.

**Leader of Majority** (Hon. Elius Okumu): Thank you Mr. Speaker. I think on this issue of bursaries we went yesterday with the chairman of budget and the Chief Officer Finance, the Executive and the Clerk. We had a very successful meeting yesterday. So I think there is a light at the end of the tunnel because there was a positive response from Cheserem, so the blame is on our side. It is only that our County does not engage them. So all the time we need to engage the Office of Micah Cheserem for the release of this Counties revenue. The weakness is on our side. so we should not blame them, instead blame ourselves. So next time we are going to pressurize the Executive side that we want bursary in time just because the fault is on their side, The Nairobi County.

I think Chairman of Budget is here and he can accept what Mr. Cheserem said we are not moving anywhere and we are doing nothing in Kenya. He told us Nairobi is number last, the way it is number last 47 from down. It is also number last in everything even in terms of development. So I think we must do something. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you very much Hon. Leader of Majority and thank you for that information and indeed we need to pull up our socks. Hon. Members, in the issue regarding the Ward offices I have the following information for you. 39 LPO's have been done and will be issued on Friday. So that means there are those who had not complied and they would have to fill fresh tenders therefore the Clerk's Office or wherever it is supposed to be taken from we have 39 LPO's. That means 39 Hon. Members of the Assembly have complied. That means you have 33 Members or 38 Members who have not complied.

Hon. Members, I beg your pardon. So that is the information that I have and you have a wonderful recess and may God continue blessing each and every Member and their families and may we not greet the Ebola affected patients. Keep safe, protect your Country. I thank you.

Hon. Members there is something here. You are talking about Committees but the information that we have is that Committee Members are signing and they are not participating in the Committee meetings. That is the information that I have but anyway you are a Hon. Member of the Assembly and you know the 40 days. Therefore, Committees ---- Hon. Majority and Clerk approach the ---

Hon. Members, one week after the recess you can continue with your Committee meetings. You have only one week for holiday then you can proceed. In any case most Members will be arriving by Wednesday next week from their tour outside the County. Therefore, one week after recess so it is said. Thank you.

**The House rose at 5:30pm**