



## **NAIROBI CITY COUNTY ASSEMBLY**

### **OFFICIAL REPORT**

#### **First County Assembly – Second Session**

Tuesday 30<sup>th</sup> September, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

#### **PRAYER**

**Hon. Speaker** (Mr. Alex Magelo): Good afternoon once again Honorable Members. I want to take this opportunity to welcome you back to the Assembly and we want to thank the Almighty God that He has kept us in one peace.

#### **COMMUNICATION FROM THE CHAIR SELECT YOUTH GROUPS ENGAGED IN THE SOLID WASTE MANAGEMENT**

Honorable Members I have the following communication to make. One, “select youth groups engaged in the solid waste management”. Honorable Members, welcome from recess and it is my hope that you had sufficient rest and you enjoyed your recess. Honorable Members, the office of the Governor wrote to the Assembly on the 11<sup>th</sup> September, 2014, regarding a nomination of a long standing competent youth groups engaged in a solid waste management for capacity building. As you may be aware, the environment and forest sub-sector was allocated some financial funds in the 2014/2015 budget. These funds were specifically aimed at promoting youth groups engaged in solid waste management across the Nairobi City County. Under the program, each Ward was allocated Kshs.300,000.

This was chiefly meant to help build capacity for selected youth groups involved in solid waste management. Honorable Members, as such, the sub sector intends to procure wheelbarrows, rakes, and shovels for the select youth groups. These tools will be handed over to the respective Ward representatives who will in turn hand them over to the nominated youth groups. Honorable Members, I therefore wish to request all the elected Members to nominate a competent and registered youth groups within your respective Wards and forward the names to the office of the Clerk for onward transmission to the Chief Officer, Environment and Forestry Committee by Tuesday, 7<sup>th</sup> October, 2014.

Honorable Members, "Reconstitution of the Planning and Housing Committee". Sometimes before the House went on a recess, I made a communication to the effect that the Planning and Housing Committee be disbanded forthwith. I hereby further direct that the Select Committee in consultation with the County Assembly parties moves with speed and nominate Members to the Planning and Housing Committee for the approval by the Assembly on Tuesday 7<sup>th</sup> October, 2014. Thank you.

## PAPERS

**Hon. Chief Whip Majority** (Mr. David Mberia): Thank you, Mr. Speaker Sir, I beg to lay the following papers, article 22(8)(6) of the Constitution and section 39(8) of the Public Finance Management Act 2012. I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 30<sup>th</sup> September, 2014, "Annual Financial Statements for the year ended 30<sup>th</sup> June, 2011 of the City Council of Nairobi. Thank you.

*(Hon. Warutere lays the Papers)*

**Hon. Speaker:** Thank you, Hon. Chief Whip. Very well Honorable Members, the Papers laid are therefore committed to the Committee on Budget and Appropriation, thank you.

*(Consultation between the Clerk and the Speaker)*

**Hon. Speaker:** I beg your pardon, 'the Annual County Budget Implementation Review report of the year 2013/2014'. These ones are to be committed to Public Accounts Committee (PAC).

## NOTICES OF MOTION HOUSING

**Hon. Member for Kahawa West** (Mr. Patrick Ngaruiya). Thank you, Mr. Speaker. 'Motion of Adjournment on Definite Matter of Urgent County Importance'. I wish to move the following Motion pursuant to standing order 30. That **aware** that the Nairobi City County Assembly passed a number of Acts and Regulations such as Ward Development Fund Act and Mortgage Scheme Regulations which seeks to

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improve the socio-economic well-being of the residents of the County through infrastructural development, conducive environment and other social amenities. **Deeply** concerned that the residents of the County have not seen expected development since the assent and endorsement of the Acts and Regulations this Assembly adjourns pursuant to standing Order 30 to discuss these definite matter of urgent County importance. Thank you.

**Hon. Speaker:** Very well Honorable Members. I direct that the Motion be debated immediately after Order number 9. Honorable Nelson Masiga.

**Hon. Member for Eastleigh South**(Mr. Nelson Masiga): Thank you, Mr. Speaker Sir. I beg to give a notice of the following Motion. That **aware** that the sufficient security and effective transport system have a significant contribution to the economy of the country. Further **aware** that the *boda boda* transport has expedited the efficiency of transportation in Kenya and more so in Nairobi City County, deeply **concerned** that the use of motor cycles within the city has contributed to the increase in road accidents, traffic snarl ups and crimes. **Noting** that some criminals use motor bikes to commit crimes and flee from crime scene, this Assembly urges the County Government to devolve guidelines or regulations requiring all the boda bada operators to register with Saccos for identification of motor cycles which would reduce the dynamics in the transport and security sectors.

**Hon. Speaker:** Go onto the second.

**Hon. Nelson Masiga:** Thank you, Mr. Speaker Sir. I beg to give Notice of the following Motion. That aware the function of planning and housing are vested in the County Government pursuant to the paragraph 8 of part 2 of the Fourth Schedule of the Constitution. Further **aware** that the Nairobi City County plans to construct modern houses within the County to accommodate more home buyers concern that County Government officials have been inhumane evicting tenants found to have defaulted in rents from the County houses without following due procedures and instead letting their, them how to their friends and cronies, noting that this flagrant abuse of the law has visited untold suffering on the concerned residents of Nairobi.

This Assembly resolve that the County Government follow due procedure when undertaking eviction on purely humanitarian grounds and gives effected tenants a chance to pay the arrears before resolving to evict them and move with speed to devolve the appropriate legal frame work that will deal with all aspects of management of the County houses.

### ESTABLISHMENT OF THE OFFICE OF THE COUNTY ATTORNEY GENERAL

**Hon. Nelson Masiga:** Thank you, Mr. Speaker sir. I beg to give Notice of the following Motion. That **aware** that Nairobi City County has lost many cases and resources due to lack of robust management

and oversight role in the affairs of the County. **Deeply** concerned that due to lack of professionalism the County legal department has failed to promote and guide the County resources in a manner which protects the property of residents of Nairobi, this Assembly urges the County Government to establish the office of the County Attorney General staffed with competent legislators, drafters, legal personnel and Constitutional experts who will offer legal services to the County Executive.

### RIPARIAN LAND

**Hon. Nelson Masiga:** Thank you, Mr. Speaker. I beg to give Notice of the following Motion. That **aware** that the function of planning, housing and land survey and mapping in the County Government pursuant to paragraph 8 of Part 2 of the Fourth Schedule of the Constitution. Further **aware** that the Nairobi City County Planning Department face critical management issues such as organizational deficiency and avoidable socio-economic conditions that has led to poor urban planning and development. Concerned that lack of efficient enforcement of building and planning regulations has led to environmental degradation hazards, physical development and increased levels of pollution across Nairobi.

Further noting that developers have taken to erecting structures on protect riparian lands and wetlands across the city with impunity. The result has been further degradation of the environment, this Assembly urges the County Government to henceforth require all the architectural plans and include full disclosure information of the site indicating whether the site is on riparian land or the distance from wetlands. Thank you, Mr. Speaker.

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

### STATEMENTS

**Hon. Member for Kabiro**(Mr. Clarence Munga): Thank you, Mr. Speaker. I stand here as a Member of the Public Investment Committee and the Vice Chair. On behalf of my Chairperson, today we were supposed to lay the report of Public Investment Committee on our findings on the audited report of Nairobi Water & Sewerage Co. So, Hon. Speaker, I am here to seek your indulgence Members.

The audited report was laid before this House on 12<sup>th</sup> March, 2014. On 28<sup>th</sup> August, 2014, the able Chair did seek an extension from this House so that we can lay the report today. However, Mr. Speaker, the report is 90% prepared and I seek an extension of one week.

**Hon. Speaker:** Hon. Chair, when were you supposed to lay the report after extension in this House?

**Hon. Clarence Munga:** We were supposed to lay on the 28<sup>th</sup>.

**Hon. Speaker:** 28<sup>th</sup> of what?

**Hon. Clarence Munga:** Before we went for recess.

**Hon. Speaker:** Hon. Chairperson, I would be doing this House injustice if I allow an extension. *(Applause)* This is because you took a trip paid for by the County Assembly to bring us a full report. Hon. Members, the report should be tabled on the floor of the House on Tuesday, 23p.m.

**Hon. Clarence Munga:** Thank you, Mr. Speaker.

**Hon. Speaker:** Indeed, anything that has been left undone will be done within the precincts of the County.

**NAIROBI CITY COUNTY REGULARIZATION OF DEVELOPMENTS BILL, 2014, ASSEMBLY  
BILL NO. 8 OF 2014**

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

**Clerk:** “An Act of the County Assembly of Nairobi City to provide for the regularization of approved developments and for connected purposes. First Reading.

**NAIROBI CITY COUNTY URBAN AGRICULTURE PROMOTION AND REGULARIZATION BILL,  
2014, ASSEMBLY BILL NO. 9 OF 2014**

**Clerk:** “An Act of the County Assembly of Nairobi City to provide for the promotion of urban agriculture within the Nairobi City County to provide for the necessary regulatory framework for the practice of agriculture in the County. To establish the Nairobi City County Urban Agriculture Promotion Advisory Board and for connected purposes. First Reading.

**Hon. Speaker:** Thank you. Very well, Hon. Members, we are now on Plenary for the Adjournment Motion. The Hon. Ngaruiya.

**Hon. Patrick Ngaruiya:** Thank you, Mr. Speaker.

*(Consultation between the Deputy Speaker and the Speaker)*

**Hon. Speaker:** Sorry, Hon. Ngaruiya. Sorry, this Bill for Nairobi City County Urban Agriculture Promotion and Regulation Bill is committed to Agriculture and the Bill for regularization of Development Bill, this goes to Planning and Housing. Hon. Ngaruiya.

**Hon. Patrick Ngaruiya:** Thank you, Mr. Speaker for giving me this opportunity. Mr. Speaker sir, I wish to move the following Motion pursuant to Standing Order 30.

**Hon. Member for Kahawa West Ward** (Mr. Ngaruiya Chege): Thank you Mr. Speaker for giving me this Opportunity. Mr. Speaker sir, I wish to move the following Motion pursuant to Standing Order No. 30. You are aware that, the Nairobi City County Assembly passed a number of Acts and Regulations such as Ward Development Fund Act and Mortgage Scheme Regulation which seeks to improve the social economic wellbeing of the residents of the County through infrastructural development conducive environment and other social amenities. I am deeply concerned that the residents of the County have not seen expected developments since the assent and endorsement of the Acts and Regulations. I wish that this Assembly adjourns to discuss the definite matter of urgent County importance. Thank you, Mr. Speaker.

Mr. Speaker, I want to start by saying that when you look at the faces of the Hon. Members in this Assembly, they are not happy because there is nothing to smile about. We took a long journey and Nairobians have been expecting a lot from us to deliver, but nothing has been happening even after expediting a law and coming up with an Act that is going to help them, but nothing has happened. We have even gone ahead, we have proposed in two budgets; the 2013-14 budget, we did allocate money for Ward Development Fund amounting to 15 million. To date nothing has happened and we are asking where is the 15 million is? In the proposals which we also tabled in this Assembly and passed, in 2014-15 we did allocate 20 million for every Ward for development, where is this money?

Mr. Speaker we also did come up with a committee which is being paid for all the sittings that they are conduct. They have a Chairman, but this Committee has been frustrated by the Executive. We are not here at the expense of the Executive; we are not here to work for the Executive, we are here to work for the Nairobians who elected us in this House. I came here to represent the people of Kahawa West. In terms of development there is nothing they can laugh about apart from starting to collect signatures because they don't know whether I am worth that particular seat. Nairobi is lagging behind. We are copying other counties.

Mr. Speaker, if we don't do anything now, I think we better go home and we come up with a proposal like that of Makueni and I am not ready to go home myself. We are always been told about time lines here, we are also giving time lines now as we debate on this matter. We did go back to our Wards we came up with Ward Development Committees which also have a chairperson as provided for in the Act, the committees were taken through even a workshop whereby they were told about all the requirements of the Act.

They even went ahead even to be told to come up with proposals of projects that the constituents of that particular Ward they want, that one has happened, the projects have been proposed. But when it came to the opening of the accounts that is where the problem is with the County Executive in this particular County. They are waiting; they are always asking where are the regulations for opening the account? Today I happened to go even to the office and ask but they said first of all they wait. We have proposed the projects and we are waiting and this time I think we are not the same. I would suggest that we do something so that something can be done because that one I leave it for now, when you will debate on it, I will make my contribution on it.

On mortgage issues, Mr. Speaker, we have the regulations. We have been hearing rumours here that something is going to happen. We have been lamenting just like one Mheshimiwa Thuo said. Mr. Speaker this money is nobody's money. This is money that we also allocated in the budget. This is the only County that Members of the Assembly have not benefited, who is not interested in that money and it is not money that we are going to be given for free, it is money that we are going to pay.

We also went ahead and elected a committee to deal with that particular issue. This Committee only met once and has never met again. We proposed names but there were also other names that were added in that particular committee without our consent. We never proposed the names of the Majority, Minority and Minority Whips in that particular committee. I don't know what happened. That is where the problem is Hon. Members. Mr. Speaker if the leadership of this House cannot give us leadership, then we are ready to take over even through a coup, Mr. Speaker.

*(Applause)*

Mr. Speaker I know that there have been so many irregularities that have been taking place and that is why the Executive has been ignoring us. If the irregularities start from this House, I believe that we will not follow the same, they will follow the irregularities that we have until they find a solution. The reason I am saying this is that we have a County Service Board that is supposed to take care of the welfare of these Members of this Assembly.

Mr. Speaker, ever since you were elected as per the Constitution you are supposed to bring another person, that one has not happened. That is an illegality I am talking about. Mr. Speaker as the Chairman of that you have not even proposed the name of the Clerk of this Assembly to be brought in this Assembly so that we can discuss it.

*(Loud consultations)*

Mr. Speaker as I sit, I believe it time for us to do something and I believe we are going to start right now and I now rest my case there and call upon Mheshimiwa Mauti to come and support me Mr. Speaker.

*(Applause)*

**Hon. Member for Mukuru Kwa Reuben Ward (Mr. Elkana Mauti):** Thank you Mr. Speaker sir. It is time we said '*punda imechoka*'. The year 2013-14, zero per cent work, 2014-15, 4 months down the line, nothing has happened. The budget source indicated some projects were to be advertised. Up to now the County Secretary has refused to put the adverts for the projects we proposed in the budget in 2014-14. So we would like to know, who is she? So if everything has been finished, who is she?

Mr. Speaker, this time we not going to allow any stumbling block ahead of us because the Nairobians here are even ready to kick us out because they have never seen anything. For example, in my Ward, they have never seen any service, even those who collect revenue in my Ward are asking what services are you collecting revenue for? That is why we are worried, we have come up with some Bills here, what is it going to assist us? If the money we have budgeted for does not work, then why are the Bills for?

Members, we have the teeth to bite, and if it is not now, then this is the time we are supposed to wake up. We are like the kangaroos that just dig holes for some other animals to come and enjoy. The year 2013-14 we passed the Finance Bill which enabled the Executive side to collect revenue, they even don't take the revenue to the Treasury, they even put it somewhere for their own use. Just recently we received 3 billion, only 16 million has come to the County Assembly of Nairobi.

Members, 16 million which cannot even be enough for the mortgage we are asking for. Where are we heading? This shows we are like children who are just choking, when you choke, you are given a bone. Members of the Nairobi City County Assembly, I am very sure that since we started we have cried we need to start a change from this Assembly. The other time we were asking about the leadership of the House, when there is recess they are planning to go abroad, when we ask why, they just forget they are using the public money of the residents of Nairobi, I think this is the time the Public Accounts Committee have to wake up and tell us how our money has been spent. We have never heard of other Members but we hear of the leadership of the House, we don't know whether they are the only people who were elected in this House.

Number three, the employment which was done in this Assembly had so many queries even you could go to the heads of this Assembly, we would like to have the record to show us who is leading where, does this reflect the face of Nairobi? Nairobi is presented by almost 60 tribes, if it is not represented automatically we are done, there is nothing that we are doing here.



Finally, Mr. Speaker we do pray that this Assembly start working, we do beg this Assembly to start working tirelessly and now we will have to start with the Treasury of this Assembly. We even came with a Motion; we said we want every department to be decentralized, up to now nothing has happened. We have even the Committee of Implementation, I don't know whether they are sleeping, they have never come up here and tell us what they have done for about a year and we have been asking questions. We would like also such a Committee also to be functional before we even implement the Planning Committee.

As I am going to sit down, I know the Ward Development Fund Committee have so many problems which are being caused by the Executive side, as we know the Executive have their line. Let them run their line and the Assembly also to run its affairs. Last round we were cheated here that 100 million had been put for the mortgage, it was on Friday, just yesterday that we were told that the money was put, now are we going to have trust in the leadership of this House. I think Mr. Speaker you will look upon it, and if there is a *mlangos* please tell us openly so that we can start working on it because we cannot have a leadership which is taking us to the ditch they have only their own interests. The Executive knows there is nothing which is going to happen because they have even swallowed the leadership of this House. Thank you, Mr. Speaker.

*(Loud consultations)*

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

**Hon. Elkana Mauti:** Mr. Speaker, I second the Motion.

**Hon. Speaker:** Thank you.

*(Question is proposed)*

**Hon. Chief Whip of the Majority** (Mr. David Mberia): Thank you Mr. Speaker sir. I rise to support this Adjournment Motion, Mr. Speaker sir.

**Hon. Speaker:** Go on Hon.

**Hon. Chief Whip of the Majority:** Thank you, I want you to lend me your ears. We are very sad men and women in this Assembly. This Assembly is not a subordinate of anybody in this County government. We have played subordinate for a very long time *na sasa punda imechoka. Bwana Spika*. What we are saying, we are going to two years and it is a long time, whether you were elected because when you were elected to represent, legislate and provide oversight over the County Executive.

We have passed Bills, majority of them from the Executive side and the only Bills which have implemented to the letter which concern all these Members; the Ward Development Fund Bill, the Governor ascended to that bill Mr. Speaker and became an act and if that bill was faulty, what the executive would have done was to bring it back to this house with a memoranda to amend the clauses which was not pleasant in that side. This particular bill was ascended to law but we went ahead to form ward development fund selective committee.

We have done what is necessary; we have done elections in our ward, elected committee chairmen and members. But when is the money for development Mr. Speaker Sir? 2013/2014 we were allocated money for this particular bill. Where did that money go? You cannot say you can develop a County which has of 85 wards without funds. What has executive done in any ward in this county? Nothing has been done either through me or the other side. Can we see we are doing anything in this county? We have passed a lot of motions. Can the executive tell the house which one particular motion which has been implemented by the executive side Mr. speaker? What is our business if we pass bills and motions and they are not implemented? You are the executive leader of this parliament Mr. Speaker and if the executive can say we can do without you, then you are going to tell them, then we can do without you guys.

We are here to complement each other, no one arm can work alone. Are we rubber stamps? That when they need money they come here and tell us pass this finance bill. What is done with that money if our wards in two years now down the line? This not about CORD or Jubilee, it's about Nairobi county. We are not doing politics here.

I came here as elected member of Karen to do what am supposed to do Mr. Speaker Sir. I came here to do three things; and the constitution is very clear on what Member of County Assembly is supposed to do. One, you came here to represent the people who voted you to this county. Secondly, to make laws for the County, which we have done. Lastly is to oversight excessive corruption or any other irregularities. That's our job. Are we spectators? Did we come here to be used? Will I come back here if I wish without doing anything to the people who elected me? It's shameful that monies are being collected here every day. Money is not allocated from the treasury.

No member here can stand and say I have done this and that in my ward. It is high time this assembly get its due respect. If there are sycophants in this house, they must stand up and we see them in broad daylight, if we say we want money for development, we don't want money to eat. In fact we will never touch that money. If we propose projects, it's upon the executive to provide money for the projects to be done in our wards. Na sitaki kuongea kama Mr. Duale. I don't talk like him. Let us be provided with money because what we need is money for development. Some of us are very young, you cannot afford to go for one term and then you are kicked out because you have done nothing in your ward.

Mr. Speaker I pray that message will be send to the executive that things are no longer the same and I will never be a sycophant of anybody. I will be a sycophant of people of Karen who elected me and I am going to tell them I have done nothing because the executive has not provided money for me to do developments for you guys to see am doing something. My job is not to wait for end month then get salary and go home. I am privileged to have been an elected councilor. I did a lot of projects and people so what I did at that time and when I asked them let me niende nirudi tena.

They did it because behind me they saw projects. So what am I going to tell them? Infact siwezi enda kwa ground kutembea. I am an alien in my ward. All these monies which have been allocated from treasury and from daily collections zinaenda wapi? We want money. Things, Mr. Speaker, are never going to be the same and I will never be on that particular side because am a young politician, I want to do politics. I spoiled my CV the moment I joined politics. I can never be employed by anybody in this country as am a politician. Thank you Mr. Speaker.

**Hon Speaker:** thank you. Hon. Deputy Speaker.

**Hon. Deputy Speaker** (Mr. Kennedy Ngondi): Mr. Speaker, thank you for giving me an opportunity to support this important motion. First may I make some reservations by way of clearing air on misconception that has always been aired, most generally on our televisions that has now demonized members by way of calling them rats because they are pursuing what I believe is their right.

When we talk of car grants or loans, the mortgages, this is not a gift. It is the money meant to empower members just like *uwezo fund* which was allocated by the president to empower youth. What is wrong if members are empowered by way of being given a loan to get an ample place of livelihood? Mr. Speaker you are much aware that the money which the members were given is in circulation and this money has already returned to the treasury, the county of Nairobi to a tune of close to Kshs20million.

So this issue that we are gluttons when it comes to issues of money. Seriously Mr. Speaker we want you to make a strong statement that this money is not given free. It is in form of loan, we are servicing this loan. It is curved from our salary, so this misconception going out there in public that this money is for members of county assembly for their personal benefit is not there. Alongside this issue of money and the welfare of the members, this house passed a resolution that we need to secure the blessings of this assembly. This job was awarded to a contractor. We were told verbally outside the gate that job has been stopped and even to an extend were they were all about to bring down the fence.

Mr. Speaker we want a statement in regard to the welfare and the security of these members. We are about to move to the new chambers. You are very much aware that the chamber in question, were we are supposed to conduct the business of the assembly has got an under basement windows. What will happen if the members of the public are able to access? And with the kind of insecurity which is evident in

this country, it is very much easy for someone to even throw the grenade at members through those windows. We are very much aware that Nairobi city council building is a gazetted monument and we are not just about to change the face of this building, but what we are asking is to secure the building for the benefit of these Honorable Members with families outside there. It is not for the selfish gain that we are requesting for our security to be taken seriously.

Mr. Speaker you saw what happened to the Right Honorable former Prime Minister just because of security lapse. It is very wrong Mr. Speaker, the other day you saw what was just about to happen to the MP for Ndia Constituency. We cannot gamble with our lives just because of planning section and their demands and requirements. We want the chief officer in charge of Planning and Housing to be called to the committee to explain why we are not supposed to secure this building. Time is running out when I refer to the issue of mortgages, we are left with hardly less than three years. How are we going to service this loan of mortgage? It is high time we move very fast and if this cannot happen, then we better be told so that we know how to do things better. Thank you, Mr. Speaker.

**Hon Speaker:** Hon. Warutere.

**Hon. Member for Roysambu Ward** (Hon. Peter Warutere): Thank you for granting me this opportunity to air my views and to support this very important motion that is quite dear to the hearts of majority of these members. I want to remind the executive that we are here by right, by choice and as representatives of the people. As it is enshrined in the constitution, we are the people's representatives but here we have an Executive who do not attest to the ethics of good governance. By the end of this day, I will be dedicating this handbook on good governance to the Governor for this County. Majority of the people, just like the Makueni people, had issues but for the first time Nairobians or Members of this Assembly are seeing a reasonable point as to why Makueni MCAs did what they did because they had a governor who could not listen to them.

Here, we have a Governor, our Speaker and the Deputy Speaker who do not consult and a Governor who does not live in this world. Fortunately, we have stayed for two years and taken so much but as we are saying, good dimension. We cannot take anymore and for those who are going to tell this Governor because I know there many who are going to tell him, it is not going to be business as usual. We have come this far and sisi tumefika mwisho. I know I have a mandate to the people of this county because I represent their interests but as it has been said by all speakers who have come before me, I don't take any bride being representative of those people because Nairobi is the 47<sup>th</sup> county that has received about 25billion. They cannot do anything apart from the recurrent expenditure.

We don't care about what the Governor inherited from where or who, it is his business. Our business is to ensure that we get 30 per cent of what we get from the Central Government and what we collect from the cess so that we can take it to our people in terms of development. Therefore this is a sad

day indeed when we must bring what we are calling and am happy at least we have gone back to class. We are learning few things, our lecturer this morning in our class of about thirty something, told us about change management. If you have a weak link between two forces, then there are some people at the lower level who are bound to suffer. For a very long time, I think and you must attest to this that there is a big problem on two fronts. One, the leadership we gave votes and the Executive that does not want to listen. This is the beginning of better things, a journey that we are going to tell both our leadership that we are tired when we hear that one of them is going to the Governor to tell him that he has his ruling or coalition backing the finance bill. We all know that is not the position. We will tell off such leadership beginning today because we don't owe our allegiance to them.

We are elected, we have a specific mandate and I am proud to be in this House today whereby we are resonating across both divides because we know that just as what the Whip has said, we have started building our careers. Nobody is interested in giving a politician a job anyway. Beyond this life, trust me you will either retire to your graves or you become miserable the way we see them out there. I am not going to go to those statistics. I am not prepared because I am a man of faith. For me to be proactive and to ensure that I come back to this House because I said it and I will still say it again. Even if you are going to get 10% of people coming back here or exiting to the next point, I'll be part of that system. How do I get to this? I must tell people, everybody who is standing on our way, that their time is limited. I must impeach the leadership that will stand on my way.

I gave a story the other day, maybe if it can't take some time, I'll tell you the story of a bird. A bird seated on a tree on the branch of a tree does not care whether that branch will break for one reason. The trust of that bird is not on that tree, is not on that branch but the trust lies on the wings of the bird and that's why the bird has faith. We have the power, we have the wings, we have the teeth to bite and for the first time I think we need to seize the right opportunity, we need to give the teeth their desired purpose so that we can become relevant. I have said this and I will still say it again. If the Governor of Nairobi County does not want to consult our Speaker who happens to be our CEO then we have no business working with that Governor.

*Mwalimu* still has that impeachment Motion that was meant to impeach him. If he stands on our way then we will start the same process then we show him the way. We know that he has made his money that is a fact. He has made his money, he has lived his life and he is no longer young and maybe he doesn't have any other ambition. All of us here can't do without what we are paid or we were elected to do, being in politics. Therefore, good people this is a good day. It's a great day.

I am proud that a journey of a thousand miles has to start today. The hour is late and the clock of destiny is ticking. We need to stand up to make sure that we become relevant. To make sure that we become pro-active and to make sure that we do what we were elected to do. We've been complacent for so long. I am tired of being a good boy. Therefore, going forward we call upon all of you to take your place in

the point of history so that tomorrow Nairobian will know that they have men and women of good statues who are going to stand for them to ensure that things are done and are done the right way.

Lastly, as I finish I was honored to have been invited by the Governor of Nyeri where I come from to grace the occasion on miss tourism, something that has not even happened here. I was shocked that Nyeri which is a small County which is getting less than 3 Billion annually from the central Government has 11 graders within that County. Nairobi is the only County where the Executive decides to give a bursary, one single bursary of 127, 000 to an Executive Member who is being paid 300,000 for heaven's sake and can allow another bursary of a poor peasant of 5000 to get bounced when it is taken to the bank.

**Hon. Speaker:** Hon. Warutere your time is up.

**Hon. Peter Warutere:** I still have a minute Mr. Speaker, with all your indulgence as we go. Nairobi is the only County that only had 2 graders. One grader is lying somewhere because it cannot function and the other grader was taken away by the supplier because that Governor that does not see any relevance of keeping that grader. As I go down, as I rest my case, we must start and get a proactive engagement with this Governor and the route to follow is by impeaching him, thank you *punda amechoka!*

**Hon. Speaker:** Hon. Members, Hon. Diana Kapeen and then Hon. Millicent and then another 2 Members then we close.

**Hon. Member for South C Ward (Ms. Diana Kapeen):** Thank you Mr. Speaker. I stand to support this Motion. I stand here because in some cases a few of us have been lone rangers. I want to first welcome back my colleagues from the recess. While we were on recess we happened to have a meeting in Utawala and it was all about our welfare. The reason why we had this meeting was, we felt that there is a disconnect. There is no interaction between ourselves and the County Members.

The County service board and the offices of the Executive. While we were in Ruiru, a Hon. Member's car was clamped. We raised issues and we said we are going to address the matter. I am glad they sorted out but I met Hon. Akuk in the corridor and he was going to ask for a service that he had asked from Executive Member. He was told choices have consequences. He is here, he was told choices have consequences and therefore I asked "Are you trying to say you are not going to solve his issues because he complained about the clamping?" the Executive Member said, " I have just told you---

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

**Hon. Diana Kapeen:** The Executive Member said choices have consequences.

**Hon. Speaker:** Order Members! Order Members! Give a chance to the Member.

**Hon. Diana Kapeen:** Therefore Mr. Speaker sir, what I am trying to say, we are going through a lot of humiliation. These Assembly Members have been reduced to a laughing stock. It is a shame that the

class where we were and we were about 30 of us, we are a case study. The lecturer we had today said Nairobi County we are number 47 in development and we are number last in terms of inter-relations. What are we saying? We need to do the job that we were elected to do without propaganda, without fear of being victimized and removed from the Committees. Without breaking Committees, without tangible evidence our Members are suffering.

We have Members who have been victims of the Committee for planning. We have people who are removed from their Committees just because of having a different opinion. I want to use Standing Order number 74. I am going to address the Speaker. If they use manipulation so that we cannot do something, they will use manipulation against you. You try and do a correct thing, you are manipulated and then those are the consequences. I am a tested victim of endurance.

I went for that Utawala Committee because we felt like we were not moving anywhere. We want our Ward development fund, agenda number 1. We want a breakdown from the office of the Clerk of the projects that were done in the year 2013/2014. We are not seeing anything. In his opening address, the Governor said he has set aside 5 Billion shillings to pay debtors. In this Assembly the only thing that is done is paying debtors, suppliers sorry. You see we cannot work like that.

Even in the defunct Council there was a lot of *maendeleo*. Reason, let us work, let us be given projects, they go on even the incoming person will come and sort the budgets. We are tired of running away from the Wards, we are tired of being manipulated. You cannot say what you want because you are going to be removed, we are tired. When we try and enlighten ourselves we are told we are collecting signatures to remove somebody. We want a free Assembly where we are working with trust because all of us have common interests. We are victims of circumstances here.

When Hon. Mauti says the entire service board goes out it is not something that is not being said. If there is any Member who has not said it, then when they come then they are lying. It is something that was discussed even in front of the leadership when we had the kamukunji. We are saying, let us have teeth because we are the legislators. We are the ones who gave these people work. We can also take back the work. There is another thing that is killing this Assembly which is distribution of resources. It is going all the way until employment. There is no point of having Assembly that is so full of staff but there is no service and the skill of the staff is questionable. This is the only Assembly that does not have funds to educate our legislators. Why? We have funds for the same purpose. You are the CEO of this Assembly. Where does the capacity building fund go to?

*(Applause)*

**Hon. Diana Kapeen:** You need a crowd that can stand and articulate the issues of Nairobi well. We are going to the next quarter of the financial year. What have we done with the budgets? They are not even advertised. They are not even in the process of being advertised. We are not talking of one department. We are talking of the entire departments of the County. Therefore, it is us the Members. Do

you want to be declared redundant when we exit this Assembly? No. at least, even if you don't come back. Have a legacy that at least you did one thing.

I am glad and I thank the Hon. Ngaruiya for bringing in this Motion. I am glad because you have given us the time to vent and express ourselves so that we don't meet in the Committee rooms and discuss individuals but everybody is seen as to what they have said. Not what other people will go and say for the benefit of sustaining themselves. We are victims of manipulation and I also urge my Hon.

Members, let us not look at each other all the time suspiciously. We are fighting for 1 agenda. Our agenda is development. Some of us have nowhere to go. The ladies we have nowhere to go. The men you'll go and struggle at night and do business with lorries and everything. We want to leave a legacy. A legacy that you'll not be glorifying yourself because of bringing down your County Assembly Member and removing others from Committees but a legacy that we have done something in the Assembly.

*(Applause)*

**Hon. Diana Kapeen:** Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Millicent.

**Hon. Member for Ziwani Ward** (Ms. Millicent Mugadi): Thank you Mr. Speaker. I stand to support this Motion. I can say I am a very sad Member of this County Assembly. Reason being that we were elected to perform a mandate for the people of Nairobi and I have just realized that things are not working.

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

**Hon. Millicent Mugadi:** Mr. Speaker, I've just realized that Nairobi County Assembly is full of theory. Our developments are on newspapers, facebook and couple of websites that Nairobians read. Practically nothing is happening. In the case of my Ward there is so much. I have even moved out of my Ward because I am embarrassed. Some of us are big names who left our careers to come to this Assembly so that people can see that we are fighting for their rights.

Some of us have represented the Country in national events and the world is watching what we are doing. It is a shame when people go to your Ward and find that nothing is happening. The markets are in a bad state, drainage as in poor services. Why? Why is this happening? Because we have people who were elected without our knowledge. I feel like the ghosts that people cast, they did not cast those for us. They cast those ghosts for the Executive. It's the Executive that are calling the shots not me. I cannot even be able to say that something should be done in my Ward and it is done.

I have to go and beg the CEC Member, I have to be a good girl or else if I voice my opinion, if I get angry at her I am blacklisted and my Ward does not get development. It is sad. We have so much in Nairobi. We collect money but where does the money go to? I have a case of Kariokor Market and in June



we launched a rapid initiative program and the County gave us 30 days to see change in that market. That is a tourist market. Yesterday, the people of the market had to go and call my MP and they came to my House with faeces because the drainage had blocked. This is because they can't do any business. I had to call the CEC and told her I am giving her 30 days and tell her that if I don't see any development in my Ward they would see the other side of me. I am saying this because I will mobilize everybody in my County not to pay a single cent to this County Assembly until we see change.

*(Applause)*

**Hon. Millicent Mugadi:** Mr. Speaker it is sad. I want to cry and I am embarrassed to say this since I left my career just to come and join politics. What do I get? What do I get in this Assembly? Nothing! I make a lot of noise and I hope this session today is not just going to be a venting session. You won't sit here and let us vent our anger then say *hiyo imeisha* next agenda. We are tired of passing these Bills. We can't pass any more Bills until we see what we passed are being implemented.

*(Applause)*

**Hon. Millicent Mugadi:** Mr. Speaker it is not a joke. If it is stripping in this Assembly we will strip until we make sure that development has gone to *mashinani*.

*(Applause)*

**Hon. Millicent Mugadi:** I am tired of walking to these corridors and all I meet is contractors going for their cheques. Nothing is happening in my Ward, no electricity, nothing. We are here busy harassing traders, we are busy harassing residents who are living in our Wards. We have so much publicity, we are doing this, we are doing this and there's nothing.

The leadership of Nairobi County Assembly has failed us. I am going to say this and I am not being ashamed. I am part of that Assembly but I will fight till the end. I will make sure that people know that the leadership of Nairobi County Assembly has failed in service delivery, in development, in agendas that affect us directly or indirectly. I stand here to thank you Ngaruiya very much. Thank you, thank you, thank you and God bless you and my Hon. Members I am urging you let us fight. We should not be cowed because some people wear expensive suits and some of us cannot afford to buy those expensive suits. Today I am wearing jeans in this Assembly. Why? It is a sign of depression and oppression that I am going through in my Ward.

*(Applause)*

**Hon. Millicent Mugadi:** I will only change to an official wear when I see development in my Ward, thank you Mr. Speaker.

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

**Hon. Member for Nyaho Highrise Ward** (Mr. Maurice Akuk): Thank you Mr. Speaker sir. *Kwa kweli punda amechoka.*

*(Loud consultations)*

**Hon. Maurice Akuk:** Mr. Speaker sir I stand before you to support this Motion. As I support this Motion I have various issues that I would like addressed and also to remind my fellow colleagues who definitely as per what they are talking about are distressed. Depression is creeping in and some of us are going to hospitals because we are really frustrated. I am a Member of this County Assembly and the embarrassment I went through I haven't heard you even talk about it. I believed that you would have gone there to the Executive and demanded for an apology, demanded at least for a report on what exactly happened because I was not parking somewhere we do not park always. I want to remind this County Assembly that there is something that we really need to think about that had a deadline today and that is the finance Bill. I am aware that this particular Bill has not been presented to this House because the House is regarded hostile. There's an illegality which is taking place among my fellow Members. An illegality that has to be corrected by you Members, if you do not correct this, I stand before you to inform Nairobians that starting tomorrow they should not pay any revenue.

*(Applause)*

**Hon. Maurice Akuk:** I stand before you to inform Nairobians, that starting tomorrow they should not pay any revenue.

*(Applauses)*

**Hon. Maurice Akuk:** I am backed by the Constitution (PFM) Act 2012 and the standing order that guidance this House. Mr. Speaker sir, I understand that the purported Attorney of this County has advised that in the last Finance Bill act he had indicated that we can move on with the Finance Bill of 2013/2014 which is illegal. If you read this Standing Order any Finance Bill of a particular year is guided by the budget of that particular year, because it gives us the guidance to revenue collection measures.

Mr. Speaker sir, a budget was presented to us in this Assembly on June 26<sup>th</sup> for the year 2014/2015. If you go back to the Standing Order I think it is 2004 or something there, it does give us the procedures of how to present this Budget and how it goes to the committee and when this CEC Members present the Budget he should or ought to have presented the Finance Bill at that particular time. Meaning that on the day he presented the Budget to this Assembly the Finance Bill of 2013/2014 ceased to exist. Mr. Speaker, sir.

So Members, we are dealing with an illegality, Nairobi will soon crash into our House and I want us to take this stand together Members so that we help Nairobians, they don't be surcharged illegal. This is our only opportunity to bring this Governor back to us. This Governor has been elusive, he has disregarded this Assembly, the Governor and his Executive Members have ignored our plight.

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Mr. Speaker sir, I want to remind the Members that we are told that there is no money do you know where the problem lays, Mr. Speaker sir end of July this County of Nairobi borrowed 1.1billion Kenya shillings to pay salaries. It never came to this Assembly for approval that amount alone is quite a lot and it missed your eyes. I know you always tell me that you are elderly, but when I look at your eyes sometimes and I think that you still don't wear spectacles meaning that you can read well and you can also be able to tell when something is wrong.

This is wrong Mr. Speaker sir, we cannot be cheated for long we need to be given the respect that we need but as I remind members did you know that the loans that we were given as car loans were borrowed from Co-operative Bank are you aware, was this captured or told to you, did it come back to you to ask if you should borrow your car loan from Co-operative bank and at what percentage are we paying this loans? We are paying these loans at 4% and not actually 3% you can recalculate your loan.

As we are paying it at 4% but what did Co-operative Bank give this loan at what interest? I want to ask one question Mr. Speaker sir; sometimes back I stood before this House and informed them how my family suffered with my daughter who was asthmatic and I told this House how we were duped into getting into a Health Insurance cover and it was not enough. And coming back into this same house later something was changed. We were told that the Rocket Scientist our Clerk, I don't believe he is a Rocket Scientist (*Applauses*) we were told that the Rocket Scientist who seem to know everything from Law, Engineering and Doctor I don't know Mr. Speaker sir, it is not practical it is not possible. I am better because the same Insurer has been given an extension at the same policy cover.

When I asked I was told SRC. I want to ask about SRC today, if SRC gave us a guideline, then what is the ex-gratia that has been paying at 75% to Members coming from? it is not captured in the Budget. Can you tell us the votes of the County Assembly at the head of County Assembly where the 75% that we have been paying to this same Insurer is coming from? Are we not going through an illegality in this Assembly? PIC I am requesting you to please monitor this office of the Clerk thorough, because we would like to know where this 75% is.

The other day Mheshimwa Hashim exhorted his cover when he went back to the Hospital he was given the ex-gratia of 75% was it captured in the budget, tell me where we are getting the money to capture this. You are telling me that we cannot go for Capacity Building. The other days the Journalist were taken for Capacity Building. Are you telling that it is captured in our Budget no, it is not? No one is born a Rocket scientist in this world. If we have they have gone through some training to become Rocket Scientist.

Mr. Speaker sir, when Hon. Ngaruiya stood here and asked you where is this other Member of the Board Mr. Speaker we must cleanse our House first. The Executives are taking advantage of the problems of this House and one of the problems is for example like today in the Justice Committee, an issues relating to Inspectorate, which our able Chairman of that Committee should have been consulted so that we know how to go about the Inspectorate issues because it lays under Legal and Justice Committee. Your

Rocket Scientist replied Mr. Speaker sir. So I am wondering is he going to reply for the Planning Committee because it has been disbanded.

Is that where we are going, do you know what the Executive side are saying, Mr. Speaker sir I happen not to drink alcohol but sometime when I taste it and when I taste it I go to very nice clubs because you know my background. I happened to sometime share this beautiful places with some of the Executive Members of the County and the things they talk about, they tell us and even it is a shame because some of them call you an extortionist, which is a big shame, because they think that the County Assembly Board is not properly constituted they will always get away with murder.

Mr. Speaker they are getting away with murder because when you look at the 1.1 billion when we were given 1.4 billion by the National Government do you know what they did, it all went to Co-operative Bank and it was all taken. I am asking Members these interests that are accumulated Mr. Speaker sir from our car loans they gave us 240 million you aware a loan from Co-operative at what interest are we paying from Family Bank the 1.1 billion at what interest? When are we Members going to get our Ward Development Funds, if we continue with that trend? That trend is illegal.

Mr. Speaker sir, please stand up and tell us where to go and lead us and I urge you to find a way of collecting our House first. Bring Ngwele's name here first this is one of the thing we are being accused of. *(Loud Consultation)* Don't let him go and talk about this things and saying that the Board has confirmed him. Which board? The Board is not legally constituted. It is just that Members of the Public have ignored this Assembly but if they were interest we could have been having court cases Mr. Speaker sir.

Why is it until today that we don't have a Deputy Clerk, you see that it is our House that is not in order. If it was in order we would have had a Deputy Clerk, we would also challenge the Employees of the County Assembly. Today People are complaining when they went through the list of people, whom you have employed here, they looked at their tribes and relations this is a time boom, this Members today and Hon. Ngaruiya has come up with a Motion, but it is a time boom that later will emanate to something that we are seeing in Makueni County.

Mr. Speaker you are a kind hearted man, you are someone whom I have come to love, I love you because of how you participated in my issues, which are not related to this Assembly, but I wouldn't like to cry when I see you go, also mishandled, also insulted and you don't deserve it . it is time you should lead us and by leading us let us clean our House first and I agree with the Members that after we clean our House and we are complete, let us approach our Executives and we will also participate with Hon. Millicent in striping me. I don't think I look ugly without clothes and we will do it Mr. Speaker thank you.

*(Loud Laughter)*

**Hon. Speaker:** Order! Hon. Members, can we only have two Members because our time is up. *(Loud Consultations)* Okay! Hon. Petronilla.

**Hon. Petronilla Achieng** (Nominated Member): Thank you Mr. Speaker sir we were told when we were trained, be trained that you have to catch the Speakers eyes. I just caught Mr. Speaker eyes. First it is very sad that the Members you see here today are very angry and you can imagine the combination that is what is happening.

On Saturday I was in Soweto and I was so shocked there at Soweto in Lower Savannah where Mheshimiwa Ambani comes from that there are no roads. My Prados got stuck I had to walk to my venue with my sick leg I forgave the County Government and the Executive. I am shocked that when you were in a Workshop somewhere, we were shown some copies of cheques given to the Executive Children, 161,000 Kenya shillings each, when the Special Elect Members of this House begged, even we did not ask we begged for us to be given just two forms, which we were denied. Do we leave in the same Society and can I be answered.

Mr. Speaker when the Finance Bill came to our Committee I was the first one to question why the Committee and not Assembly, I was told somebody called the Interim Clerk who now calls himself the Clerk of the Assembly, had said we just continue and discuss that Finance Bill and if there is any problem and we are taken to court, it is not the MCA's who will go to the court it is the Clerk who will go to Court, will he pay the Legal Officers.

As I continue, it is sad that if you look at the pay-slips of the Members of this Assembly this month, some they even have 11,000 Kenya Shillings. Mr. Speaker sir, as the CEO of this Assembly I thought that your main work is to protect the right of these Members of this Assembly. That is why we were confidence to elect you as the Speaker of this House. I would be a very happy woman to see it to wherever I am and say I have a number one Speaker. However, I don't know who you fear, may be you tell us so that we can help you.

The Clerks of this House, have become the bosses of the MCA's (*Applauses*) it is hard that you will find a Clerk telling you with due respect Mheshimiwa, don't I know the respect when I came here first of all my integrity had to be correct and that is why I am here. I was brought here to represent the interest of the women of Nairobi. So am an MCA of Nairobi. Am I representing the interest of the women? I can't even visit Mheshimiwa wife and tell her that I represent the women of Nairobi. Why? Because my pocket is tone and why is it tone because none of has anything. If you talk they victimize you, and why are you victimized. It should end here.

Mr. Speaker sir, it is unconstitutional, it is wrong that the County Assembly Service Board has gone as far as employing people in this Assembly without the full composition. That is wrong, so as it stand write know unless this person comes into that County Assembly Board then it means that whatever we are doing is un-procedural. Why are we getting ashamed, why can't we wake up today and change our habits from MCA's to Majority Leader, to Minority Leader, to Minority Whip and Majority Whip. When a Member Makes

a mistake it is like Satan has come to earth. But when leaders make a mistake they are very fine to make that mistake.

The Executive Members, especial in the Finance, which I want to talk about. Last year we broke the Law we passed so many Acts without following the Law. We passed the Act of Finance Bill without a CA4. So the question is why we are refusing to pass this time? The answer is there is no development in Nairobi and we are not interested in passing this Law.

We were shocked one day when we were told that Mheshimiwa Ambani was chased away from his Ward when they went for CIDP they are laying. When Mheshimiwa stood up and asked if he is the one who was chased out, they couldn't even answer the questions. Mr. Speaker sir, there is a group called Economist in Nairobi County that they are incompetent, I don't know where they were picked from and they are leading this County to the pit, very soon Nairobi will be suffering.

Architectural Association of Kenya are ready to take us to court because in the Finance Bill the amendment that we did in this House were never effected that is why they are going to court. The rates bring 50% of the income to this County, if they go to court what we are going to be doing here nothing. There for I don't know maybe I should ask him the Duale's way is that money for their fathers or mothers. (*Loud Laughter*) it is wrong, forgive me for using that language thank you Mr. Speaker sir and I beg to rest.

**Hon. Speaker:** Hon. Otieno.

**Hon. Member for Sarangombe Ward** (Mr. Pius Otieno): Thank you Mr. Speaker, I am very happy that today the chicken has come home to be roasted. This are some of the things that I saw one year ago, when we were going for the elections. Give me my time Dianah; while you were speaking I was quite. This is not somebody monopoly I saw this thing one year ago when Members were going for the election for the leadership of this House.

I am very happy that they are happening because Members were not keen on those people they were electing because by then they were been told, that I will take you round the City Hall and you are still new you don't know the Chief Officer and I will also give you land, that there is piece of land that we left somewhere and two years down the line, some of the monies that they were being promised and lands that they were being promised are not forthcoming and in that event you must find somewhere that you are going to ventilate your anger. So these are human situations also a very noble thing when you ventilate your anger. I do not want to speak much because some of the things that I had said Mr. Speaker had been said but allow me to say this, today is just a matter of ventilating anger.

The motion has not captured how we want to insulate or address some of the issues that we've said. I would even ask you Mr. Speaker it is not bad probably to call now for a Kamkunji if there are things that would need to be legislated let us legislate on those things. If there are things that would call for a meeting between we as legislators and even as executive to iron out these things very fast, let us move

with that speed. If there are other things that would involve naming, shaming and even impeaching the executive, let us now go that way because the first one is to accept that mistake was done which you have already accepted that a mistake was done.

The second one is to go the Chinua Achebe way, the Nigerian writer and ask yourself where the rain started beating us from. If the rain started beating us from by electing poor leadership, let us sit down that leadership, address that leadership and inform it because for me I am not the type of a person who discuss the conduct of the individual, no, I know the individuals are never bad but individual exploits the bad system that they feed on just as in the class of Philosophy I was being told by my good Philosopher that nobody is born poor. People inherit poverty from a system that feeds on imbalances of power.

So nobody was brought here to cry, but we are crying because the leadership they have seen there is a gap somewhere that we should exploit these people, so before we seal these loopholes, let us sit these people down if it is the Majority Leader, if it is the Minority Leader, if it is the Chief Whip or if it is the Governor kidero sit them down and tell them this is how we want to go. Because two years down the line Mr. Speaker, I think now am the only person who is still living in his Ward. I am living there because if I just happen to move out probably I may not see the door of this Assembly but that is also a strategy that is also an expensive one because everyday people ask you what have you done.

Where is this money that you keep on telling us? Where are these promises? Mr. Speaker it is only a fool who can leave on promises. Even those people who live on informal settlements read newspaper. Some of them even come to the gallery. I cannot go and chase somebody from the gallery that you are not a member of the Assembly and some of them are being even incited by our competitors which is also healthy for democracy. So I have lived to a point where I cannot lie to these electorates anymore. If it is even a question of impeaching those people who are standing on the way of this true funds particularly the mortgages and the Ward Development Fund Mr. Speaker then we need to do so. With those few remarks I beg to support.

**Hon. Speaker:** We have only other two members Hon. Kamau and Hon. Jaffer.

**Hon. Member for Karura Ward (Mr. Kamau Thuo):** Thank you. Thank you, Hon. Speaker for the opportunity. Indeed much has been said by the previous speakers Mr. Speaker but we also read from various books Mr. Speaker. If you see a tanboi Mr. Speaker jumping during the daytime Mr. Speaker, something is very wrong Mr. Speaker. We have been jumping jumping Mr. Speaker and something is very very wrong Mr. Speaker.

Mr. Speaker I would start with the issues of the Assembly Mr. Speaker. We make laws Mr. Speaker, we represent and we oversight Mr. Speaker but as an Assembly Mr. Speaker, we need to build capacity Mr. Speaker. We need programs from your office and the office of the Clerk Mr. Speaker and these programs Mr. Speaker have not been forthcoming Mr. Speaker. For us to have an Assembly Mr.

Speaker that has capacity Mr. Speaker, your office and the office of the Clerk must be deliberate Mr. Speaker in making sure that the members of this Assembly have that capacity Mr. Speaker.

Mr. Speaker I would say we have tools of work. We work through motions Mr. Speaker. We pass motions in this County Assembly but they are never implemented Mr. Speaker. We can start here with the implementation Committee of this Assembly Mr. Speaker. It does not follow up to see that issues and various resolutions that are made by this Assembly are implemented Mr. Speaker. I would give a good motion or a classic example of a motion that we passed here Mr. Speaker. We have passed numerous motions Mr. Speaker. I would give an example of a motion of barriers in Runda Mr. Speaker. 60 days down the line Mr. Speaker those barriers are still Mr. Speaker impeding freedom of movement Mr. Speaker for the residents and Kenyans Mr. Speaker.

We also work through Bills Mr. Speaker. We pass Acts here. The only thing they have been able to implement is the Finance Act because the Finance Act would give them money. Money to pocket Mr. Speaker. Money to steal Mr. Speaker. But a good example also is Ward Development Fund Mr. Speaker, six months down the line there is no CEO of that Fund Mr. Speaker, we only have a single office Mr. Speaker with only one staff Mr. Speaker. Will one staff see to it that the Ward Development Fund come into completion Mr. Speaker? We also work through petitions Mr. Speaker and we pass petition in this County Assembly but the Executive is not ready to do this Mr. Speaker.

We need to identify the chief officers who are the accounting officers in those departments Mr. Speaker and send them home. We have that power Mr. Speaker. We also work through statements. We have sought numerous statements Mr. Speaker but they are not forthcoming and when this statement come to this Assembly Mr. Speaker, they are half baked Mr. Speaker. Are we being set up for failure Mr. Speaker? Mr. Speaker lastly, we have passed budget, a budget is also an item of our work Mr. Speaker. It is also a tool of our work Mr. Speaker. We have passed two budgets Mr. Speaker. We just pass figures Mr. Speaker. Projects are going to be done in your Ward Mr. Speaker but down the line when the financial year is over there are no projects.

I would give a good example, we were told that, and that money was appropriated 15 million to every other Ward last financial year and we were told there is no a Committee, there is no Ward development Committee to write that we have passed this certain project and we were told for example that that 15 million is going to do either road or write our Wards Mr. Speaker. To this day Mr. Speaker, nothing has happened. We need to ask the Chief Officer responsible for that Department. Where is the 15 million Mr. Speaker for every other Ward? Was it pocketed Mr. Speaker or this money was just in the papers Mr. Speaker.

Lastly Mr. Speaker and am sure my colleagues on the other side. We need a referendum to Okoa City Hall Mr. Speaker and that referendum must should here okoa before we go to other counties Mr. Speaker, we need a referendum to okoa City Hall Mr. Speaker. Lastly Mr. Speaker, you have seen what has happened in Makueni Mr. Speaker. I think it's time if you cannot act as a County Assembly Mr.



Speaker it's time we write the President to dissolve this County Government of Nairobi Mr. Speaker. With those few remarks I beg to support. Thank you.

**Hon. Speaker:** Hon. The last one is Hon. Jaffer

**Hon. Member for Parklands Ward** (Mr. Jaffer Kassam): Thank you Mr. Speaker sir. I will not repeat to what my colleagues have said which has been very exhaustively discussed---

**Hon. Speaker:** order! Members Order! Listen to Hon. Jaffer.

**Hon. Jaffer Kassam:** Hon. Speaker sir. My main concern is the security issue which we have been talking about, discussing, debating. Mr. Speaker sir we take a lot of time and we use a lot of resources in the Committees to discuss the reports and come up with reports we bring them here. It is always highlighted that we take lot of sitting allowances but they do not look at the work which we put in and that work is never implemented. We came up with a report that our colleague, Hon. Munga was assaulted but nothing has been done so far and these people have grown horns 'wamemea pembe.' They are even becoming more aggressive. I was with the Hon. Chege in Ngara and I saw personally what they were doing. Actually stabbing members of public and looting and Hon. Chege can bear me witness on that. So my issue here is, we need this thing to be implemented. We are using the resources, sitting allowances coming up with reports but these reports must be implemented so that we can tame these rogue city askaris. It is too much. Enough is enough.

Secondly Mr. Speaker sir, If High Court can have a fence around it. If Central Bank can have a fence they are all National monuments. If Museum itself can have a fence around it because they want to feel secure. How come the County Assembly which has 128 elected members in here they can't be secured by putting a simple metal fence? Mr. Speaker sir I am speaking here today as an ex-police officer. I was an SSP and let me tell you the intelligence reports filtering in through we are at great risk. Whole Nairobi is at great risk and somebody here is joking here saying we have to remove the fence saying we have to remove the fence. We can't do this we can't do that. 'Maisha haina spare' maybe next time when this thing happens maybe I will not be here. Somebody will not be here but that will be history. This is high time Mr. Speaker sir you use your office, stamp your authority and make sure we are secured.

The other issue as it has been mentioned here some journalists were taken for a outing for three-four days. Mr. Speaker I think public accounts Committee should investigate and come up with a report at earliest in this Assembly. Thank you Mr. Speaker sir.

**Hon Speaker:** Thank you Hon. Members. Hon.Ngaruiya.

**Hon. Member for Kahawa West** (Mr. Patrick Ngaruiya): Thank you Mr. Speaker. I stand here to reply. First of all I want to thank the Hon. Members in this Assembly for agreeing with me that yes indeed we are aggrieved. Mr. Speaker you will also agree with me that it is true. The Nairobians are not getting the services they deserve and as I conclude Mr. Speaker. The Finance Bill, which is in the Budget Committee it's the one that is going to send the signals because I cannot allow Nairobians again to be taxed at the

expense of development Mr. Speaker. They will ask those questions. We gave you money, a lot of money last year. What have you achieved? What have you done to us? So can the Executive of this County know that the Finance Bill will not see the light of the day.

Number 2, Mr. Speaker It is also very important that the Executive should realize that whatever has been passed in this particular house cannot be reverted. We passed the projects and I hear because they are not favouring some officers Mr. Speaker, they want to re-do them again. I think we don't have time for such issues and if they want us to lecture them on issues to do with this legislation we will do. From the boss that is the Governor to even the people who are in the lowest cadre. We are ready to do that Mr. Speaker.

Mr. Speaker we respect you and we want you to lead us from the front. We will support you in your endeavors Mr. Speaker. We will not allow you to be frustrated but before we do that we have to give you an ultimatum that come next week on Tuesday, we need the name of the Clerk here so that we can do the necessary. Number 2 we will also allow you to give us the other name of the County Assembly Service Board so that first of all we clean our house then we can go to the other house.

Mr. Speaker heads will start rolling. Because even our money, the gratuity money that we are deducted it is not remitted. It is going to somebody's pocket. We will also know whose pocket that money is going. And as I finish, I am thinking of bringing a motion to form an adhoc Committee that is going to look at the County Assembly Service Board, its activities so that atleast we can see whether all the activities they have been doing in this particular Assembly are legal or illegal. And because I don't want the mortgage money by Tuesday next week I think the Hon.

Members you should agree with me it should be in the account by tomorrow isn't it. If that one is not done, we paralyze everything in this particular County. If the Ward Development Fund Account is not put the money for development of this Nairobians who are watching us and the Nairobians you should know we are trying. It is them who are failing you. And we are warning you the people of the fourth estate, that if this is not reported. Don't come to this Assembly and cover what is here Mr. Speaker.

*(Applause)*

So Mr. Speaker I rest my case and also the Ward Development Fund money as we resume like yesterday Mr. Speaker we need that money or else we will put the list of all those people who are the road blocks and we will send them packing. Mr. Speaker. Heads will start rolling and mortgage we have said tomorrow the money should be there. Thank you Mr. Speaker and God Bless Members and we are hoping people will not be seen in those corridors begging and asking for handouts. We need to know why we are here. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you Hon. Members you have said. I want to thank you for your well-manicured contributions. Hon. Members. On the onset I am part of you. I remain part of you but to you members you must also stand tall because you are the same members. Some of you who are impediments

to our actions across the Executive because in this Assembly, there is a Luo, there is a Kamba, there is a Kikuyu, and there is a Maasai which is my tribe. So when you rightfully blame the leadership of the house which I accept and I take full responsibility, I also ask you Hon. Members let us move then on one step. I am not a begger and I don't beg.

I am a strong man to lead you. But if you want to be led, you will be led by this warrior who fears nothing for those who know me when we were Councillors. The same way you are complaining I complain with my Deputy Speaker. And I told you the other day in my community we don't hit somebody before you ask him a question. I will answer all these come next week Tuesday because I have suffered the same way you members have suffered.

Some of you are aware of the tribulations that are in the office of the Speaker. There is no respect in that office and why there is no respect is because when I remove my spears to strike Members stand in front of me. I want to ask you one question Hon. Members. Will you allow me to lead by the front? I will do that. I am sorry for what has happened to you because I know you are Hon. Men and women who deserve respect from all the corners.

I and my Deputy one time we were going to a function sometimes in December. Hon. Members Order! We were looked upon like rats. We were with the Deputy Speaker. The respect has been minimal across the Executive. And I am glad I have answered to your call. Speaker, we don't want to see you there and I have said thank you, you will never see me across those doors again. I will do the needful, the necessary as you have said, when we come back on Tuesday next week. Hon. Members, for most of you who know me, I am a businessman and I travel widely. Allow me to travel when I have time to do my business because I don't use the county funds.

Hon. Members, next week, I will issue a communication which will not be very pleasant to the executive. And for this time, I will name and shame any member who will be a sellout. For example, Hon. Members, I issued a communication here in regard to your security when Hon. Mari was attacked, when Hon. Jacky Nyagala was humiliated, sent a text message. We reported and the person who did that still moves freely in this county of Nairobi. I held meetings with the security personnel who were with the chairman of the Justice Committee. Nothing has happened. I go with the security myself with the *firimbi*, with the whistle. It is that kind of disregard to the assembly.

Hon. Members, your speaker, if there was a problem around today, university rampage where cars are stoned, will be stoned because my security already was withdrawn two days after he was given when we came to this assembly. There are a lot of things, if I put them out, you will know that I am more or less in your shoes. Hon. Members, their defense, one Executive Member, actually a Chief Officer, came with power source to put it down. It was the intervention of our Sergeant-at-arm who stopped it and I was called. I was somewhere in town. And I was told the executive has said we cannot cover ourselves. Imagine we were in that hall, who would stop the human rats carry us to move into the assembly. That means somebody does not care about us. I am giving instruction today here before you that the construction starts immediately tomorrow.

Hon. Members, I want you to be the supervisors of that security because it is yours. Hon. Members, as you sit here, you are sitting under a basement. I called the security chiefs of this county. Do you know whose cars are there? Down there? They didn't know. Why don't you remove them? I want to put an office of our Sergeant-at-arms. I was told it is not possible. Hon. Members, you remember they were bringing a hotel here and it was a big war. It was a big war. Hon. Members, I want to thank you once again and I want to tell you I am not scared of anything because the only House I can come to eat and drink and sleep is the house of a Member of County Assembly who sits here with me because you are my family. I will never let you down. And you have given me a communication that was lacking. And I will hit before you know it. Before you know it, I will hit so hard that they come again to you to hit me. Hon. Members, when Hon. Mberia called me on an early morning. We went there with the Leader of Majority. We found a Member of the County Assembly screaming, holding his lower touse. Hon. Muga had broken legs.

Hon. Members, in this Assembly, here, you recommended the suspension of an officer in the county. The speaker cannot go and remove him from office. It is up to the Justice Committee to come and beg. Because when they realized that we are taking action against them, they took Hon. Muga to court. They took him to court. The same officer we have recommended to be removed like today, on a Tuesday and Thursday. I had a letter in my office taking my MCA to court. I said dare you. I am very good in those things and most of you members know that. Hon. Masiga, the other day had warrant of arrest but I thank God because the things we know to do best are those. So, Hon. Members, my dear brothers and sisters, we will move with one leg and let there be no rumors that because the finance bill did not go through, this County Assembly perishes. We will come out like what we call the best flowers from a dirty ground. I want to thank you one again. Thank you.

## MOTION

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

**Hon. Deputy Speaker:** Hon. Speaker, I wish to move the following motion. that notwithstanding the resolution of the assembly made on 26<sup>th</sup> August 2014, pursuant to the provisions of Sanding Order number 25 (4), this assembly resolves to alter its calendar and move the period of resumption from recess from Tuesday 30<sup>th</sup> September 2014 to Tuesday 7<sup>th</sup> October 2014.

Members had it in their wisdom that they needed more time to concentrate on various businesses we have been undertaking during the period of recess and because they are not done yet, this Hon. House was requesting if they could be granted an opportunity and privilege to carry on with the business which is also of importance to the nation building. They have several issues to tackle in their committees and for that reason, this honorable house is asking if you could grant them leave to proceed with the recess for an extension of one week and for that reason, allow me to call upon the Hon. Member Njoroge Kairu to second my motion. thank you.

**Member for Woodley Ward** (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir. Allow me to second the motion from the chairperson of Chairs Committee. The reason we are asking for that

extension. It is just because, there are many things that we want to exhaust because some of us are in a class and the courses that we are taking is happening in our minds on how we are going to interrogate things that are going on in this assembly. For that reason, I beg to support. Thank you.

**Hon. Speaker:** Hon. Members, I know put the question that notwithstanding the resolution of the assembly made on 26<sup>th</sup> August 2014, pursuant to the provision of Standing Order number 25 (4), this assembly resolves to alter its calendar and move the period of resumption from recess from Tuesday 30<sup>th</sup> September 2014 to Tuesday 7<sup>th</sup> October 2014. Hon. Members, can we have two members to vent it? Yes Hon. Bishop.

**Hon. Member for Waithaka Ward** (Mr. Antony Karanja): Thank you Mr. Speaker for this opportunity. I would like to categorically oppose this motion. I think we need a proper explanation why we are going on recess. And we have a huge backlog of things we need to do in this assembly. We have been on recess for the last one month and I suggest it is not fair for Nairobians for as to think being on recess. I beg to oppose this motion and hope that we stick to our original calendar of going on with our session.

**Hon. Speaker:** Hon. Mumo.

**Hon Leah Mumo** (Nominated Member): Thank you Mr. Speaker. I rise to oppose. Why I want to oppose is because some members like the members of planning, we have only one committee. Secondly, there are members like Elizabeth and Atembo. They only have one committee. We were depending on the assembly because at least we can have something. We have loans. Tell us how we are going to pay. Honestly, we need to be in the assembly because at least we can reach the maximum time we were supposed to be in the assembly to have our committees. Kindly, I rise and I want to oppose because I don't see why we want to oppose. Thank you.

**Hon. Speaker:** Hon. Millicent.

**Hon. Millicent Mugadi:** Mr. Speaker, I rise to support this motion. The reason for adjournment is more important than one committee. The committee that my fellow honorable member is talking about cannot be successful to implement or give services to Nairobians if the problems we have just discussed here are not tackled. So, I believe the problems that we have spoken about are the foundation of proper leadership and proper services and this one week will give us a chance to find a clear way and it will also send a message to Nairobians and Nairobi County that we are serious we want development, we want change and we want it now. So, I rise to support this motion and I call upon my fellow Hon. Members to support this motion. Our fellow members who are in planning, we will sort you out later. Thank you.

**Hon. Speaker:** Hon. Petronila.

**Hon. Petronila Achieng:** Thank you Mr. Speaker sir. I rise to support the motion, however, with reservations. I hope the leadership of the County Assembly are not going to travel outside the country because they have many things they need to manage first. Thank you.

**Hon. David Mberia:** Thank you Mr. Speaker. As much I want to support this particular motion, I think this altering of the calendar is new to us. But more so, I want to support the adjournment. I thought it was an adjournment because the members of this house have argued and argued and they have said everything which was in their minds and stomachs and everything. I hope this one week will give the executive some time to ponder and ponder again knowing that when we resume on Tuesday, things will be even hotter and hotter until these members get what is due to them. So this one is more or less of an adjournment to me than altering the calendar of this house. Thank you.

**Hon. Speaker:** Can we have Hon. Diana and then Hon. Jack Wetu.

**Hon. Dianah Kapeen:** Mr. Speaker sir, I rise to support the adjournment. The reason being we have just set timeframe for the leadership of the assembly. We also are intending to come back as different members. I would like to support the motion so that we can have the executive members put their house in order because once we come back, we have the energy and we shall see what they have done at that particular time. As for the Planning Committee, you should not be worried because there is a liaison committee that has been taking care of you without the committee meeting. I believe that we are going for a good course and I believe by the time we come, the message is very clear. For those of us who take the message to the executive, by now they know that knives are sharpening. Thank you.

**Hon. Speaker:** Can we have one Jack Wetu then.

**Hon. Jackson Ngare:** Only one word, Mr. Speaker. Thank you. I rise to support the motion of adjournment. Considering the debate that has kept us busy for the last few hours, it is very crucial. If we say we continue with the sittings and then we keep you at your desk for the next three days, when you come here on Tuesday, we expect you to tell us how are the formula of accessing our mortgage. Mr. Speaker, Hon. Members, if you sit here for the next three days, you will not have an answer for the mortgage thing.

I would like to tell Hon. Members that America was not a superpower in 1900. When the Portuguese and the Britons went there, they got the new land because America is one of the new found lands. So, when they met there, they disagreed and they fought. There was very fierce fight there in America until one day they decided to work together. And that is how they developed into a superpower. In Kenya, we have people like Dedan Kimathi, K'Otieno but not the Hon. Member, and others who fought for this county. And that is why we are able to sit here and deliberate these things freely.

I would like to pay tribute to the late Mr. Mwenje who used to give people of Embakasi land freely with reservation. Mr. Mwenje could allocate you a piece of land and tell you, "Remember my friend, the late Jaramogi Oginga Odinga said 'Not yet *Uhuru*'. So, I give you this land, and whenever somebody comes to chase you out, you throw stones". That is why you find stones being thrown in Embakasi every time. I want

to tell you, Hon. Members, while you sit there, do you expect development in your wards as you sit there in committees in the assembly without a fight? It is not yet *Uhuru*. It is no. you must do what? Thank you.

**Hon. Speaker:** Sorry Ho. Members. I now put the question (Question put and agreed to). Hon. Members, motion number 11 will be on the order paper on Tuesday as soon as we resume. Thank you. Hon. Members, the house adjourned to Tuesday, 2:30PM. Order Hon. K'Otieno. Of course, committees continue as usual.

House rose at 5:32PM