



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Tuesday, 9<sup>th</sup> December, 2014

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker *in the Chair*)

#### Prayers

**Hon Temporary Deputy Speaker:** Hon Members, under Standing Order 32(1) I direct the Sergeant -At -Arms to ring bell for a period of 8 minutes.

*(Quorum bell rings)*

**Hon Temporary Deputy Speaker:** Can we confirm if we have the quorum? OK I direct the Sergeant-At-Arms to ring bell for 5 more minutes.

*(Quorum bell rings)*

**Hon Temporary Deputy Speaker:** The Sergeant-at-Arms, Members are not supposed to leave the House. Order Members, be seated we need to start the business of the House. Clerk proceed. Sergeant – At- Arms open the door.

#### COMMUNICATION FROM THE CHAIR

Hon Members I have received request from office of Clerk regarding sitting of Members for two days that is Wednesday and Thursday. They are requesting if we could have a sitting in morning and afternoon session because of the business which has timelines, these are in regards to bills which we need to dispense off before we close for the holidays.

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## BILLS

Hon members this is for your ears and maybe your concern, the Bills in question are the Nairobi City County Urban Agriculture Promotion and Regulation Bill 2014, we have the Nairobi City County Regulation Development Bill 2014, we have Nairobi City County Solid Waste Management Bill, and we have Nairobi City County Finance Bill 2014. All these bills..., I have with me here under Order Paper number 5, the report of select committee on Ward Development Fund on vetting of nominee to Ward Development Fund and County Management Committee so that you may approve the names for the purpose of the Bank accounts to be opened. Maybe you consult in low tones, that one at least we will deal with it before we adjourn the house.

**Hon Temporary Deputy Speaker:** What is it Hon Isaack

**Hon. Member for Mwiki Ward,** (Hon Isaack Njoroge): Mr. Speaker I rise on Point of Order number 74 to address you as the Speaker with regards to your communication requesting members to sit in the morning tomorrow. First is to ask whether it includes Thursday morning or is it only Wednesday morning? So Wednesday and Thursday, sitting in the morning. It is also in the request of the Members that the sacrifice that we are making as the Members of this Assembly, that we also get an update on the issue of mortgage, the issue of the Clerk of the County Assembly of Nairobi and the issue of Ward Development Fund and even Mr. Speaker considering that today, there was meant to be a meeting at Bomas organized by the County Assembly forum. We would also want to know the position from the President of the Republic of Kenya on whether Members are getting their car grants. Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Thank you very much Hon. Isaack. Proceed we will dispense on that later.

**Hon. Deputy Speaker:** Order! Order Member!. We really have crucial Businesses to...

**Hon. Member for Clay City Ward,** (Hon. Erastus Mburu): Thank you Mr. Speaker. I am a very annoyed for the first time, because of what we are undergoing. The essence of adding extra days to was to discuss important issues. In fact we are not discussing what made us to extend our sittings here. What we are discussing are things we call "by the way." Though the Clerk will read the Order of the day, I am requesting you Hon. Members to remain mum until we discuss what made us extend our sittings. Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Order Member! Can you come clear because not everybody is aware of what you saying?

**Hon. Erastus Mburu:** I am saying, even the mood of the House is not ready to discuss any business under this Order Paper. We are ready to discuss three issues and Mhesimwa Isaac from Mwiki has stated very clearly; Ward funds, mortgage and the status of our projects. Nothing else.

**Hon. Deputy Speaker:** Granted.

**Hon. Nominated Member,** (Hon. Leah Mumo): Thank you Mr. Speaker. I just want to let you know that I think the sitting of the Assembly is going to interfere with our committees. We also have our committees that we are supposed attend. I do not know what is going happen? So you can give us a way forward on that.

**Hon. Deputy Speaker:** Thank you Hon. Mumo. Welcome Hon. Karen.

**Hon. Nominated Member,** (Hon. Karen Wanjiru): Thank you Mr. Speaker Sir. Regarding the communication from the Chair, when we extended this Assembly, as the Hon. Member has said, there were particular things that we were supposed to discuss; Ward fund, if I may repeat, projects, we also had the mortgage and particularly as Karen, I am interested in the health committee and the health status in Nairobi. We don't have a CEC member of health and we need to vet that CEC member. I do not know what you are going do because there will be no CEC member for health in Nairobi. Health is devolved and it is very important.

Again I don't think I will go home without my salary. I do not even have mortgage. Even the staff of the Nairobi County Assembly does not have salary. You are telling me to come tomorrow morning, some of us have classes in the morning. Do you expect us to lose two committee sittings so that we can have one sitting and for what? We don't understand. Thank you.

**Hon. Deputy Speaker** (Mr. Kennedy Ng'ondi): Thank you Hon. Karen.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Thank you Mr. Speaker I think we are missing the point. First and foremost we should ask ourselves, why did we adjourn? We did not adjourn because of what is in the Order Paper today, this is very wonderful. One, we said if there is an issue with the Clerk we wanted to approve the Deputy Clerk of this Assembly. Two, we wanted to know about the Ward Development Fund and the projects in every Ward, up to now there is nothing. Only to tell us about the naming of roads, how will that one assist us? What will be the impact of naming roads? That one cannot assist us.

We are very ready to adjourn for even two weeks more so long as you bring us an Order Paper about Ward Development Fund, development projects, which has not been done in Nairobi, we don't know where we are heading to. We said we wanted to wash our House before we go home; we want the name of the Assistant Clerk of this Assembly to be approved, as we wait for the other one to come. Right now there is no salary for the all workers of this County and even the Hon. Members, when you ask you are being told about the seal, unfortunately the County is in court whereby even the Hon. Members do not know about the court case with the Controller of Budget.

Members these are the frustrations which we are undergoing. If possible Mr. Speaker, we were to adjourn everything and discuss development in Nairobi so that we tackle and finalize matters concerning development. We cannot go home now, it is now or never. Because as we know the calculation is when you go for recess, when you come back you will find that so many things have happened. It is better we adjourn and talk about development because I cannot lose my political career because of one person. I beg you we adjourn all that are in the Order Paper which does not assist us.

We have also seen that even the Family Bank loan has not even been reduced, these are the issues we want to be addressed. We did not adjourn because of the naming of the roads. Sincerely are we sleeping members? Can we wake up and do what is necessary. Right now the naming cannot assist us, like naming of a given road. We want to know how we can we get money for development to take place?

**Hon. Deputy Speaker:** Thank you, Hon. Member.

**Hon. Member for Umoja I Ward** (Mr. Njoroge G. Maina): Thank you Mr. Speaker: I wish to lay some papers.

**Hon. Deputy Speaker:** Not now.

**Hon. Njoroge G. Maina:** Okay thank you Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Alex what is it?

**Hon. Member for Mugumoini Ward** (Mr. Alex Otieno Ouda): Thank you Mr. Speaker: I would also wish to support what the Hon. Members have said. Mr. Speaker you can remember 2013/2014, we did not do anything and now we are in 2014/2015, and we are reliably told that the Chief Officer in charge of Works, that is covering roads and everything, is on leave, and they are given three months leave which ends in March. Now, that one translates that the projects will start in March, so when will you float your tenders? When will you evaluate and award them so that the tenders are done in good time? This is just a gimmick and on my side I feel that someone somewhere is sending us home because here are some small issues we are discussing here which are not going to assist us in anyway. These small things that we have been discussing here are not helping us. What we should have been discussing here is development within our Wards and on my side I am not ready to discuss any Bill unless we start with Ward Development Fund and that is what brought us here as elected and the Special Elected Members of Nairobi. So Members I wish to remind you that our priorities should be the projects so that we see the projects rolls down to the people who elected us. Thank you.

**Hon. Deputy Speaker:** Hon. Members let me juggle your minds a bit, it is in this House where you passed a resolution and formed an Ad hoc Committee, and you suspended all the projects under Transport and Public Works that is one. The Ad hoc Committee has not brought in their report, a letter was written to the Executive to suspend all the projects and it was a resolution in this House. Hon. Members we have the report now which should be laid on the table today in regard to the Ward Development Fund. You would have waited may be and listen to hear whether it is in line with your interest, and make a comment.

On the issue on what to appear on the Order Paper, it is a reserve of the House Business Committee to slot in all the activities which are supposed to appear on it. So, that communication should be directed to the House Business Committee for any further concern. I am talking; I am on the floor, Hon. Member. So please can we proceed?

#### PAPERS

**Hon. Njoroge G. Maina:** Thank you Mr. Speaker, I wish to lay the following paper, pursuant to Standing Order No. 180 (6) I beg to lay the following paper being Tuesday 9<sup>th</sup> December 2014, on the table of the Assembly; Report of the Select Committee on the Ward Development Fund on the vetting of nominees to the Ward Development Fund County Management Committee. Thank you, Mr. Speaker.

#### NOTICES OF MOTION

**Hon. Njoroge G. Maina:** Thank you Mr. Speaker again. Pursuant to Section 5 Cap 4 of the Ward Development Fund Act 2014, this Assembly approves the following four (4) nominees from outside the Nairobi County Public Service. The appointment for the Ward Development Fund and County Management Committee by Nairobi City County Committee by the County Executive Committee Member for Finance:-

1. Mr. Dominic Dan Ayah
2. Mr. Yasmin Mohamed Ismail
3. Mr. Peter Nyaga Munyi
4. Ms. Irene Karimi Riungu

Thank you.

**STATEMENTS**

**Hon. Deputy Speaker:** Hon. Leah Mumo.

**Hon. Leah Mumo:** Thank you Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding the purchase of garbage collection equipment and garbage trucks by the Nairobi City County. Hon. Speaker, several garbage collection equipment and garbage trucks were purchased, under the 2013-14 budget by the Nairobi City County in order to improve the standard of cleanliness and proper disposal of garbage in the city. Hon. Speaker, in the Statement the Chairperson should inquire into and report on:-

1. The actual cost of the equipment and trucks purchased in the 2013-14 budget and their supporting documents i.e. invoices, LPOs and payment details;
2. Number of vehicles currently in good condition and number of trucks that have been delivered and their registration numbers.

Thank you.

**Hon. Deputy Speaker:** The Chairman Agriculture and Environment.

**Hon. Member for Kariobangi North Ward** (Mr. Michael Wainaina Wanjiku): Thank you, Mr. Speaker. I think because my Chairman is absent we would request for one week so that we give proper feedback. Thank you.

**Hon. Deputy Speaker:** Order Member! We will not be having Assembly in one weeks' time.

**Hon. Michael Wainaina Wanjiku:** Thank you for reminding me.

**Hon. Deputy Speaker:** Let the earliest period be specified. Can it be with us here on Thursday?

**Hon. Michael Wainaina Wanjiku:** On Thursday it shall be complicated but we shall try as a Committee. Thank you.

**Hon. Deputy Speaker:** I wish you just try and give us that report, I think it is possible.

**Hon. Michael Wainaina Wanjiku:** We will try our level best.

**Hon. Deputy Speaker:** Thank you, Thursday, 2.30 p.m. The Clerk is trying to highlight out some of the complications arising from your request Hon. Member, so she is advising that the Committee of Agriculture and Environment, may be if you could fast rack within the period the committees will be sitting and you give us the appropriate response in the first week when we come from the recess. So you consult with your

committee and then respond towards this as to when you are able to fast track this on Thursday, but the report, let get the response the first week when we come back from the recess. Thank you.

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

**Hon. Member for Baba Dogo** (Hon. Shadrack Nyambu): Thank you Mr. Speaker, I rise on point of Order No. 80. I have asked several statements here but it's very unfortunate that I have not got any response. Now that we are going for the recess, I don't know what I will be telling the residents of Lonry which is part of my Ward.

**Hon. Deputy Speaker:** Order Hon. Member! Can you be specific on which one?

**Hon. Shadrack Nyambu:** Yes Mr. Speaker, I am addressing this to the Statement that I asked the Committee on Planning that there were private investors who had encroached and build in the riparian. It is very unfortunate being that he is a rich or an Asian. I don't know how the issue has been treated but if this was the issue of local *mwanainchi* hustler down there, that structure could have been demolished as early as 6 a.m. Mr. Speaker I want you to...

**Hon. Deputy Speaker:** Thank you. Can we get a response on the allegation from the Chair of Planning?

**Hon Member for Korogocho** (Hon. Maxwell Ochar): Thank you Mr. Speaker. Our response is ready; we are just waiting for NEMA to bring us their take on this issue, what has pulled us back so much is NEMA. On our side, it is ready and in fact we agreed that the demolition should take place. We were waiting for report from NEMA so that we attach them together and bring them to the House. Thank you.

**Hon. Deputy Speaker:** Hon. Ochar, bring the report in that status whether you have communication from NEMA or not on Thursday at 2.30 p.m.

**Hon. Maxwell Ochar:** Most obliged.

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

**Hon. Member for Mwiki Ward** (Hon. Isaac Ngige): Thank you Mr. Chairman for this opportunity. I rise on the Order No.7 on Statements. There is a Statement I requested here more than a month ago from the Chair Person on Committee on Roads and Public Works concerning an issue on street lighting within the Kasarani-Njiru Road, until now I have not received any communication. I would like Chair Person to give an undertaking on the same.

**Hon. Deputy Speaker:** Hon. Chairperson for Transport and Public Works.

**Hon. Member for Lucky Summer** (Hon. Kennedy Oduru): Thank you Mr. Speaker sir. We had a response but it is not satisfying the Committee, therefore we took it back to the Executive. What I am appealing to the Hon. Members, just be patient you will get it because you see it is unnecessary to give you a non-responsive response. Thank you very much, sir.

**Hon. Deputy Speaker:** The Chair Budget and Appropriation. Hon. Mumo.

**Hon. Nominated Member** (Hon. Leah Mumo): Thank you Mr. Speaker again. I rise on point of Order No. 80. About five months ago, I stood in this House and asked for a Statement from the Labor Committee, from then I have never gotten a report from them.

**Hon. Deputy Speaker:** It was about what?

**Hon. Leah Mumo:** It was about salaries on health workers.

**Hon. Deputy Speaker:** Hon Chairperson for Labour.

**Hon. Member for Utalii** (Hon. Wilson Ochola): Thank you very much Mr. Speaker. It is indeed a true story and therefore it is a process going on, tomorrow the Hon. Member will get the feedback. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Tomorrow at 2.30 p.m.?

**Hon. Wilson Ochola:** Yes, tomorrow at 2.30 p.m.

**Hon. Speaker:** Budget and Appropriation Chairman.

**Hon. Nominated Member** (Hon. Petronilla Achieng): Thank you Mr. Speaker Sir. Is it okay if I read it because the Members are not in the House again?

**Hon. Deputy Speaker:** That was the ruling.

**Hon. Petronilla Achieng:** Hon. Speaker, I have the response requested by Hon. Imwatok from the Chairperson of Budget and Appropriation Committee.

On Tuesday 11<sup>th</sup> November 2014, the Hon Peter Imwatok, rose on the floor of the Assembly pursuant to Standing Order 41(2) (c) and requested the Chairperson of Budget and Appropriation Committee for a Statement regarding revenue collection in the County over the last financial year. In the Statement, the Member requested the Chairperson to inquire into and report on;

1. Revenue collection per month per fiscal year from 2011 and before the passage of the Finance Bill 2013.
2. Increase in revenue collection after the passage of Finance Bill 2013 which increased the revenue base for the County Government.



3. Revenue collection from the increase in charges for parking within the County compared to previous years.

Mr. Speaker Sir, the Committee wrote to the County Treasury to seek for the answers raised and the details to the issue raised have all been attached in this report. Consequently, I wish to highlight the following;

1. The revenue collection before the passage of the Finance Bill 2013 was in an upward trajectory rising from Kshs 6,384,000 in 2010/2011 to Kshs 7, 068,000 in 2011/2013 and to further Kshs 7.4 million in 2013/2014. The detailed breakdown of the revenue figures over the period have been passed to Members.
2. Since the passage of the Finance Bill 2013, the revenue collection continued in upward trend, rising from 396 million in October 2013 to an all-time high of 1.6 million in 2014. In the succeeding periods, there were low revenue inflows downsizing from 889 million in April 2014 to 666 million in June 2014. The total internal revenue in the financial year 2013/ 2014 totaled to 909 million representing an increase of 25% from the injections experienced in the previous financial year.
3. Since the beginning of financial year 2014/2015, there has been steady increase of revenue with the month of July receipts being 599 million compared to 467 million during a similar period last year.

**Hon. Deputy Speaker:** You can raise that later, Hon Alex. Give the Member time to proceed.

**Hon. Petronilla Achieng:** The internal sources hit Kshs. 629 million last month which is slightly more than 50% increase from Kshs. 396 million collected in October 2013. Similarly, the total revenue including from the external sources have remained healthy with a positive growth of between 6% and 36% in the last three financial years.

One of the main strengths for the County is parking fees which have also been increased over the period under review. The highest mark achieved in parking fees in the year 2013 was in the month of January at Kshs.141 million while the most in 2014 was noted in the month of March at Kshs. 209 million. Between the two years, there has been 129% expansion in parking fee collection with the inter-month collection also recording considerable growth. The month which recorded the highest was March at Kshs 209 million being equal to 327% compared to March 2013.

It is important to note that these dates coincide with period during which most of the SACCOS renewed their seasonal tickets. The detail laid down has already been forwarded to the Members.

Thank you, Mr. Speaker Sir, on behalf of the Chairman Hon. Michael Ogada.

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

**Hon. Alex Ouda Otieno:** Thank you Mr. Speaker, think I'll read the statement and then ask a question, the revenue collection per Month per fiscal year from 2011 and before the passage of the finance Bill 2013.

2) Increase in revenue collection after the passage of the finance bill 2013 which increase the revenue base for the County Government.

3) Revenue collection from the increase in charges for parking within the County compared to the previous years.

Mr. Speaker Sir, the statement reads. That the revenue collection before the passage of Finance Bill 2013 was in an upward trajectory rising from 6,000,384 that's in 2010-2011 then to 7,000,068. Mr. Speaker are those figures correct or wrong? Are we getting the correct statement or the wrong statement? Because as far as I know the County are supposed to be raising revenue in terms of hundreds of millions not in terms of six or ten. So this statement Mr. Speaker I don't agree with it, it's not correct, you read it and you see the correction that I am talking about. It can't be 6000384. Am I right or wrong? Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Elkana Mauti.

**Hon. Elkana Mauti:** In addition to that Mr. Speaker they've said it is important to note that this date coincides with the period during which most Sacco's renewed their seasonal ticket. The details laid down has been attached. We have not seen what has been attached we don't know whether it's me who's not seeing. Can they produce the document which they were given to attach here so that we confirm whether it's true or false? Mr. Speaker we are demanding for the attached document which is not here.

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

**Hon. Nelson Masinga.** *Shukrani Bwana Sipika kwa Mtazamo wangu napotazama esabati hizi sioni yakwamba tunahitaji namba, bali tunahitaji esabati kamili. Tukiambiwa yakwamba tuna elfu 6,000,384 milioni hiyo esabati haingii kwangu. Hakuna kitu kama hicho na hatuitaji kupatiwa tu namba na naomba kamati hii iweze kufanya nieze kutambua ripoti ambayo wameza kuletewa kwa sababu hatutaki kupoteza wanainchi kwa kuwapatia nambari ambazo hazieleweki. Inachangamoto kama sisi wajumbe hatuelewi hizi nambari zinamanisha nini hivyo basi wasiweze kutuchachawisha kwa kutupatia tu namba bali waweze kutuchachawisha kwa ukweli.*

**Hon. Deputy Speaker:** Thank you. Can we get a clarification from the Hon. Member on behalf of the chairperson for Budget and appropriation?

**Hon. Petronillah Achieng:** Thank you Mr. Speaker Sir, I know that our Clerk made a mistake instead of writing 7.4 billion he wrote 7.4 million, which is an error and I apologize for that.

**Hon. Deputy Speaker:** Order Member! At what point did you notice the irregularity?

**Hon. Petronillah Achieng:** Because when we were in the meeting and we wanted to know how much he had collected as at the end of the year. The year 2013-2014 we collected 9.8 billion so that's why am saying that.

**Hon. Deputy Speaker:** So during the time of Statements tomorrow 2:30 can we get at least the correct question and ascertain an official document in regard to that.

**Hon. Petronillah Achieng:** Thank you Mr. Speaker Sir.

**Hon. Deputy Speaker:** Tomorrow at 2:30

**Hon. Karen Gathaiga:** Thank you Mr. Speaker Sir, I also think they should bring the Annex which they are referring to in that report, we don't have the Annex.

**Hon. Deputy Speaker:** Thank you. Granted, proceed

**Hon. Petronillah Achieng:** Thank you Mr. Speaker Sir, I have a response to a statement requested by the Hon. Samuel Kagiri from the chairperson of Budget and appropriations Committee. Hon. Speaker Sir on Tuesday 11<sup>th</sup> November 2014, the Hon. Samuel Kagiri rose on the floor of the Assembly pursuant to Standing Order 41 (2) (C) and requested the chairperson of the Budget and appropriation Committee for a Statement regarding the status of Kshs: 5 billion loan obtained in March 2011 by the defunct City Council of Nairobi. In the Statement, the Member requested that the chairperson should inquire into and report on.

- 1) Which Banks the Loan was transferred to
- 2) The reasons that led to the transfer of the loan and the terms
- 3) The date when the said transfer took place and the outstanding amount as at that date
- 4) Provide the documents coinciding to the transfer
- 5) The criteria used to arrive at that other Bank
- 6) Provide details of the current Status of the loan

Mr. Speaker Sir the committee wrote to the County Treasurer to seek for answers on issues raised. The Committee at its sitting held today that was, 19<sup>th</sup> Nov 2014 interrogated this response and noted that it was satisfactory for the presentation in this Hon. Assembly. In this regard Mr. Speaker Sir, I wish to report to the Assembly as follows: That the loan was transferred to Kenya Commercial Bank. It is worth noting that this was done after Equity Bank by the letter dated 24<sup>th</sup> March, 2014 had demanded for a lump sum and immediate repayment of outstanding balance of 3.3billion shillings within 14 days or by 9<sup>th</sup> of April 2014. It was the unwavering position of Equity Bank that until the full amount was paid the lump sum interest was to accrue at 18% per annum. With the amount outstanding attracting additional default interest of 16% per Month being compounded Monthly.

This Mr. Speaker Sir, were indeed the punitive measures that the County had to think outside the box, to provide viable solutions for. The repercussions of failing to honor this demand would have included; court action being instituted against the County at its own cost, as well as the County file being referred to the credit reference Bureau. This would have had vast ramifications on the overall credit worthiness of the County Government of Nairobi.

In this regard, the County Treasury made most conscious decisions to allow the Kenya Commercial Bank which was willing to accommodate the County at favorable rates the chance to buy off the loan from Equity. That the loan was transferred to Kenya Commercial Bank on 30<sup>th</sup> August 2014 with actual amount referred being three billion, zero sixty, one hundred and seven, nine hundred and thirty four. The County Treasury approached various Banks with the intention to transfer the loan facility to a commercial Bank that would offer more favorable and better terms. In this undertaking, the County engaged the National Bank, Co-operative Bank and Kenya Commercial Bank, which quoted interests of acquiring loan facility at 14.394%, 13.5% and 13% respectively.

It is conspicuous that this were better terms compared to 18% interest rate that the loan was attracting at Equity Bank. The loan was therefore assigned to Kenya Commercial Bank at 13% interest rate. It is important to record that the County Government earlier received communication from the transition authority to the effect that, the County's only do Business with Banks where the National government has an interest.

Mr. Speaker Sir, the County Treasury is well on track in servicing the loan and it intends to remit 31.7 million arrears to KCB sometimes that particular week, the week of 19<sup>th</sup>. The total outstanding balance including the arrears equal to three billion, zero eighty four million, one hundred and eight thousand, nine hundred and eighty four. Hon. Speaker I beg to lay this statement. Thank you on and behalf of the chair Hon. Michael Ogada.

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

**Hon. Deputy Speaker:** May he respond tomorrow if he's in the House tomorrow. What's it Hon. Member? OK.

**Hon. Elkana Mauti:** Thank you Mr. Speaker Sir, as far as the loan of Equity Bank is concerned; of what the County Executive has done is a total violation of Law. Because it was this House to approve for the Loan from Equity Bank to be transferred to Commercial Bank, which they've not done. PFM Act section 206 says that such item should be approved by the County Assembly and is when the Executive side should take a step which they have not done.

Sincerely Mr. Speaker we are very much worried, even the Budget and appropriation Committee has not even noted this. We don't know where we are heading because they've not even told us if 13% is a flat rate, reducing balance or it's going to be paid continuously. They have told us that this money the Equity Bank was demanding as lump sum, we don't have that prove in the report, how do we believe by

what's just written that they demanded lump sum? They have said they were given a letter, where is that letter in this document to prove to us? The Committee Member or the Committee on Budget and Appropriation should have a meeting and clarify to us whether what the Executive side has done is legal or illegal? Because they have brought us a loan which was of those days and they've taken their powers and changed from where it was to the next Bank. Whereby, we don't know the logic behind it, they have not told us how much was there by then and what interest the Equity Bank was demanding.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Mr. Speaker, I would like the Budget and Appropriation Committee to clarify whether this action which was taken is it right according to the law. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank Hon. Member, Hon. Alex.

**Hon. Member for Mugumoini Ward** (Mr. Alex Otieno): Thank you Mr. Speaker sir I am lost somewhere, may be I didn't get it right or wrong because I can remember, it is in this House.....

**Hon. Deputy Speaker:** Order Hon. Member, Serjeant- At- Arm how did you allow the Hon. Member to be in such kind of attire? Sergeant-At-Arm, proceed.

**Hon. Alex Otieno:** Mr. speaker as I was saying, I don't know weather I am lost or am right because I can remember concerning the equity loan it is this House that had refused the transfer unless they are given a proper reason or clarification of why, that one has to take place. But from the Statement Mr. Speaker sir, am noticing that the loan was transferred sometimes back without the approval of the House.

So Mr. Speaker sir, I am also worried because recently this House rejected the approval of 4 billion and if this one could have taken place then am worried that even that loan has already been taken and in that case Mr. Speaker I tend to think that this House is being taken for a ride. So I think the House Members, we should be serious on what we are discussing if it is something that requires the House approval, we should see that it is the House that approves it.

If the House does not approve, then if any officer approves, then there are ways of dealing with such officers. This is because we are here to transact the business of the House and if the law stipulates that it is supposed to be approved by the House, then I don't see reason why somebody somewhere can go ahead and approve the loan and yet we have our competent Budget and Appropriation Committee and they have been doing a good job. I am wondering why they could allow such a thing to take place and then come and give us the report that is negative to what Members had agreed on. Thank you, Mr. Speaker.

**Hon. Eastleigh South Ward** (Mr. Nelson Masiga): *Shukrani Bwana Spika, kwanza ninaanza kwa kusema ya kwamba nina majonzi kwa sababu, wale wanja wangu wa Eastleigh Kusini ambao walinipatia fursa ya kuja katika Nyumba hii, waliamini ya kwamba natanjibani naukwazi na uelendi wa kuelewa mambo haya. Hivyo basi nikitazama katika mutazamo wangu naona ya kwamba upande ule mwingine wa serikali*

ya County unatuchezea shere. Kwa sababu ukiangalia yale mambo tunaambiwa hapa yanamaana kuwa tumefungua mutulizi na mufelenji ya watu kuweza kuponda, kuiba na ufisadi. Kwa sababu gani ninasema hivyo?

Naelezwa ya kwamba hapa kuna milioni thalathini na moja nukta saba ambayo ilitolewa na sijui ilitolewa kwa muda gani. Hii ni dhidi ya kwamba pesa za Kaunti hizi zimeweza kupotea kwa wingi. Wanja wetu waliweza kutupatia fursa ya kuweza kuwahudumia hivi sasa tunavyo weza kuongea hata mulandi moja katika wodi yangu aiyonekani ni kwa sababu tumeweza kufungua mijilizi kwalia wachache, kuweza kupyona mali ya selikali na wanichi.

Hivyo basi kamati hii ya bajeti twawaomba mwende mketi chini na mwandikie wale ambao wana husika na muwajulishe ya kwamba, ujumbe ambayo wametupatia hatukubaliani nayo kwa sababu waswahili husema usimpinge mtumishi ama aliyetumwa na ujumbe, bali mpinge aliye patiana ujumbe. Basi mimi na watuma nyinyi mulieleza ujumbe huu, wasiwapatie, wasiwazungushe huku na huku wakiwapatia uongo ya kwamba mnataka kutuletea hesabati ambayo munafikiria hatutaelewa tunaelewa hesabati mzuri na wengine wetu, tumepitia katika vyoo natunaelewa hesabati kwa hivyo tafathalini murudi mfanye kazi nyingine. Hii kazi si kubali kama mimi, ambaye nilipatiwa furza na wana wa Eastleigh kusini kuja kuchunguza na kutathumini na kuangalia fedha za uma zimetumiwa katika njia liyostahili. Hii hapa kwangu inawalakimu. Tafadhali kamati hii naninamuliza Bii Petronilar aeleza kindalo wako ya kwamba kama wajumbe wa Kaunti ya Nairobi tumeweza kuhuzunika sana kwa sababu hauwezi kufanya mambo kwa mingongo yetu. Shukrani Bwana Spika.

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

**Hon. Member for Makongeni Ward (Mr. Peter Imwato):** Mr. Speaker sorry for coming late because I was informed that you made a ruling last week on this question despite the fact that I have confirmed with the Chairlady of Budget and Appropriation Committee. I left with the Clerk last week had a proper answer which you cannot compare with this but she has assured me she is going to bring the tabulation tomorrow. This is because what I wanted to do is a comparison before the County Government came into force and the City Council then. The previous answer I received is not this one.

So the Chairlady has promised tomorrow she will avail me that document so that I bring into place what I meant where this County is headed too. Having said that Mr. Speaker, I think it is time we really understand, I am told that you ruled that we will discuss this later, but am really shocked that the House so far as it is, we are demoralized already.

On the same I want to put across one thing to this County especially the Treasury Department, it is uncalled for if to date nothing so far as taken place in this County, despite the fact as the temporary answer the Chairlady has forwarded here, she has talked of big figures. Let me just rest there until I give the tabulation tomorrow Mr. Speaker, as I wait to discuss the mighty issues that is affecting me even in the morning if you allow me to discuss that.

**Hon. Deputy Speaker:** Thank you before you respond I believe this is a task that should not be left to the Member of a Committee because we need a very official position in regard to the response of the Budget and Appropriation Committee, but if you could consult with the Committee tomorrow before you present the final report make sure you capture whatever the Member has raised on the floor today, so that you include it among the response you are going to give tomorrow. I hope that is okay.

**Hon. Petronilla Achieng** (Nominated Member): Thank you Mr. Speaker Sir, The Hon. Member has asked about when the loan was obtained. For those who were in the defunct City County, this loan was obtained by the defunct City Council and not the County Government. Approval from the House and the duty of the Committee is to bring the response to the House so that it can be decided to censor either the Member or the MP because the Committee is an extension of the House that has already brought the response as it was required.

The rejection of the loan by the Equity, which was 4.5, is a matter in Court. The attachment, I promise will come tomorrow. Thank you.

**Hon. Deputy Speaker:** For the benefit of Members, the Budget and Appropriation Committee, you can give us the insight as contained in the Court proceedings so that we are aware that there is a Court case and what it entails. Tomorrow thank you.

**Hon. Deputy Speaker:** Okay, permission granted, Hon. Imwatak.

**Hon. Peter Imwatak:** Mr. Speaker allow me with your indulgence to invoke order No. 80 at this particular moment as a matter of concern. Today around 10.00am in the morning, I was within the precincts of the County Government of Nairobi and one person who is a bouncer in a former campaign team of our current Governor one Obuya accosted me on the corridors. Mr. Speaker I wonder if today this County the Hon. Members can be accosted by the bouncers who we know their history, when they were fired from the armed forces because of colluding with thugs outside the barracks. I was accosted by this one Obuya in purporting I am one of those people who are criticizing the Governor of this County Mr. Speaker.

I want to go into record saying one Obuya threatened me with death today. Before many people simply because there is a page which is running in this County which is purported to be anti-the Governor. He accosted me purporting that I am the sponsor of the page, of which Mr. Speaker I want to say categorically, I do not know who the hosters of the page are. Therefore I will request your seat to take due diligence on my security issues. Mr. Speaker as I say this, one Obuya and one Elisha Odhiambo. These are names I will pronounce without fear or contradiction. I happened to be in one of the Chief Officers office last week and found Elisha threatening a Chief Officer with a sack if he does not expedite his tender. When

I walked in I had to storm and say no Elisha this is not right, however much this Chief Officer was vetted by this Assembly and appointed by the Governor, you have no moral authority to threaten him with a sack simply because he has not authorized your tender to go through.

Mr. Speaker the reason as to why I am saying this as a personal Statement, it means now as Hon. Members of this House we have no respect from a watchman to a bouncer, to a secretary, to a messenger, to a cook, to whatever. This calls upon the directive from this House and even the County Governor's office. I believe there are securities attached to the Governor from the Government. The campaigner should go back to the campaign zone and wait for the campaign period because I am not the fast one.

Last week our vice CFO, Osiro was accosted by the same Obuya in a vernacular language. It is wrong Mr. Speaker. It means as Hon. Members of this House we neither walk nor pass through the corridor of our Excellency the Governor. I am saying this for those who are intimidated and I want to tell one Obuya and Elisha, I have never picked a shilling from the Governor's officer, neither am I ready to go and beg for one shilling because I know how to look for money and so far I have been given days to count by myself by one Obuya. Elisha called me and asked me the same.

Mr. Speaker, take to note that our security as Members of the County Assembly is at risk from the brokers. I do not remember which zone Elisha voted in this County. The information I am privy to, is that Elisha is a voter in Homabay or somewhere but now he is the one controlling the entire system of the County. This is wrong Mr. Speaker. Our Chief Officer's cannot work because Elisha is always in their offices threatening them. If they do not effect this tender or that one, he threatens them with a sack.

As we talk it is coming that other Members of the Assembly were threatened with dire consequences even to an extent of a beating. That is Hon. Janet by the same hooligans, Mr. Speaker. We want you as the Speaker of the County Assembly to send a request to the Governor. Either we are being governed with these hooligans from the streets namely such as Obuya and another wheeler-dealer called Elisha because some of us Mr. Speaker, we will not show cowardice until we see the development of our areas effected but if this development can be hampered by one who is terrorizing all the Chief Officers with a sack threats then we are in a terrible County.

As a House of rules and procedures, these are non-entities in this County. They are non-entities because they are simply not appointees of the Governor, they are not vetted by this House and so they



have no moral authority to question anyone. Mr. Speaker, imagine Obuya asking me to swear before God whether I support the Governor or not. Seriously! My support for the Governor is not questionable. I have a moral duty to support the Governor positively or negatively as elected Member under Article 1 of the Constitution.

Mr. Speaker as you give this communication to the floor of this House, I beg to request the Governor of this County to take note his failures, successes may come or may not come simply because of the hooligans who have taken charge of his office. Mr. Speaker I beg to rest my statement.

**Hon. Deputy Speaker:** Thank you Hon. Imwatok. Hon. Member may I respond to the statement of the Member. Any claim related to criminal act on Hon. Members is something which must be taken seriously. We have with us here the department under Assistant Inspector General. I would kindly request the Member to make a statement with that office, the Chair Labour Committee and our Sergeant-At-Arm Ndunda to go out and verify with the Chief Officer who was threatened by one Elisha, because it is under your prerogative as the Chair of Labour to protect the staff of the County. You and Ndunda to go and collect a statement and let us verify this. Bring it into the House tomorrow so that we can be in concurrence with what the Member has just said and Hon. Imwatok, on the allegation referred to the one Obuya. You need to take up this with the police, do a statement and then on the Assembly side we will as well follow the matter and report on Thursday what steps that needs to be taken. Thank you. *Mheshimiwa*

**Hon. Elkana Mauti:** I think it is very painful but God forbid. I wanted to make clarification to the Chairlady for Budget and Appropriation Committee. The case which we have in court was the one that we were requesting for a loan but not for Family Bank transfer to Commercial Bank. Two, we want to know who authorized the transfer of the Equity loan to Commercial bank? Whose authority without the approval of this Assembly?

**Hon. Deputy Speaker:** Order Hon. Member. Don't mislead the House. That is administrative duties. It is a reserve of the executive. You have no business---

**Hon. Elkana Mauti:** No. No. The PFM Act, Mr. Speaker, is very clear.

**Hon. Deputy Speaker:** On the transfers of account, it does not---

**Hon. Elkana Mauti:** Not account.

**Hon. Speaker:** Yes.

**Hon. Elkana Mauti:** Of the loan. The Family Bank loan which we had.

**Hon. Deputy Speaker:** Okay. Let them interrogate it and come up with a clear position in regard to the Constitution.

**Hon. Elkana Mauti:** What I am concerned with is that I wanted to know who authorized, whether it was legal or illegal.

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

**Hon. Wilson Ochola:** Thank you Mr. Speaker. I think we have a business in this House to do. There are things that are not in our mandate to tackle or to ask. Therefore, the Member should know at what time and what to ask. Thank you. He was irrelevant.

**Hon. Deputy Speaker:** No. Can you withdraw that statement?

**Hon. Wilson Ochola:** Mr. Speaker, I have withdrawn.

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

### MOTION

**Hon. Deputy Speaker:** Under Order number 8, I think the mover of the motion is not in the House. So, I don't think it is in order because he has not even delegated a Member to respond after the motion is dealt with. So, can we bypass motion number 8?

Chairperson, Sectorial Committee, Labor and Social Welfare? Hon. Members, this is just but a resumption of the motion. The Question had already been proposed and seconded. So, can we proceed from where we left?

**Hon. Peter Imwatok:** Point of order Mr. Speaker.

**Hon. Deputy Speaker:** Yes.

**Hon. Peter Imwatok:** Allow me, Mr. Speaker, to say one thing before proceed to this motion. I don't know, as a House, if we are really capturing the mood of this House or the mood of the entire County. Pursuant to the standing order that the Minority Leader stood last week, the reason for the adjournment or postponement of recess of this House to this week, I believe we are not addressing the core reason as to why we postponed the recess. Last week---

**Hon. Deputy Speaker:** Order Member. The issue you are raising was not brought to the House Business Committee to be slotted in the Order Paper. So, we don't have anything---

**Hon. Peter Imwatok:** But Mr. Speaker, on the same that you were tabling here last week, we had a talk with you and the Chairman and we agreed on a few issues of which we discussed today. I don't see why it should still come before this House today and there are issues to address.

**Hon. Deputy Speaker:** Hon. Member, I was chairing the House Business Committee and among the consideration which was slated in for the business of this week, there was nothing in regard to what you are raising on the floor of the House.

**Hon. Peter Imwatok:** Then, Mr. Speaker, I rise to request for the bell to be rung according to the quorum of the House.

**Hon. Deputy Speaker:** Can the Clerk confirm whether we have a quorum in the House. Sergeant-At-Arm, Hon. Members are holding a parallel meeting just within the premise of the Assembly.

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

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

**Hon. Peter Imwatok:** Members are still going out. Why don't you direct the---

**Hon. Deputy Speaker:** Order! Can you sit down? Order! The Clerk is still counting the Members. Why is the sergeant-At-Arm ringing the bell?

Hon. Members, we lack quorum in the house. Under Standing Order number 32, can the sergeant-At-Arm ring the bell for ten minutes? The Sergeant-At-Arm to ring the bell for ten minutes.

*(Bell is rung for ten minutes)*

**House rose at 4:33 PM**