



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 9th October, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

Hon. Speaker(Mr. Alex Magelo): I want to welcome our Hon. Members who travelled and I want to thank God for bringing you back and also for giving you journey mercies. Thank you.

Hon. Member for Njiru Ward(Ms. Karen Githaiga): Point of Order.

Hon. Speaker: Hon Karen, we cannot take a Point of Order until the quorum is settled. Serjeant-At-Arm, please ring the bell for 10 minutes.

(The quorum bell is rang for 10 minutes)

PAPERS

Hon. Speaker: The Hon. Chairperson (PIC) I saw him here, so let's wait for him. Go to the next order before he comes.

MOTION
ESTABLISHING THE OFFICE OF THE COUNTY ATTORNEY GENERAL

Hon. Member for Eastleigh South Ward(Mr. Nelson Masiga): Thank you, Mr. Speaker sir.

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

Mr. Speaker sir, are you aware that this County has been losing many cases when it comes to cases of the land and the properties that the County owns? As the Legal Department, we know that we have some people who have been given these duties to guide the resources of this County. They will fail in making sure that they protect the properties of this County in that they collude with the people who take the County to court and lose their cases in terms of legal services. The County uses a lot of money to compensate the cases which we have lost. I do not have much more to contribute and I hereby wish to call Jaffer Kassem to support this Motion.

Hon. Member for Parklands/H/Ridge Ward(Mr. Kassam Jaffer): Thank you, Mr. Speaker sir. I quite agree with the Mover. Throughout my stay here from working in the defunct City Council to now working with the Nairobi County, it is very true that the Legal Department--- I happen to be the Chairperson of the Oversight Committee or the House Committee and has really let us down in several cases. I remember in my Ward I lost a whole clinic, Highridge Clinic which was worth millions of shillings. It was taken through clandestine means and taken over by a private developer. Then we lost a case with the Kenya Airport Authority where we used to have revenue of over 2, 3 hundred millions a year. However, we lost the right to get this due to their non-diligence we lost the right to collect this revenue. There are many other cases which we continue losing so it is a very sad case. It is a very sad scenario and I quite support that we should have a County Law Office with properly trained staff and all the necessary equipment they need. So I beg to support. Thank you, Mr. Speaker sir.

Hon. Speaker: Thank you Hon. Members. I now propose the question.

(The question is proposed)

Hon. Member for Viwandani Ward(Mr. Samwel Nyangwara): Point of Order, Mr. Speaker sir.

Hon. Speaker: Yes, Hon. Nyangwara, the Point of Order is on what?

POINT OF ORDER ON GROSS MISCONDUCT IN THE HOUSE

Hon. Samwel Nyangwara: Mr. Speaker, I am standing on a Point of Order, number 104. Yesterday this Assembly was plunged into some kind of madness and I understand that the Standing Orders were breached in one way or the other. It is all over the newspapers and I would like if you would give direction to the same. Mr. Speaker, these were divisionary tactics that some Members of this House were actually playing to the floor of this House and that is actually playing with the public. They contravened that particular Standing Order and we would like to be told the way forward. I am sorry, a Member is being disorderly by asking me whether I am sure. Mr. Speaker, we have got evidence which can be tabled on the floor of this House that they were divisionary tactics. Mr. Speaker, to restore the dignity of this House we actually want your guidance in this particular issue.

Hon. Speaker: Thank you, Hon. Nyangwara. Indeed, there was gross misconduct yesterday. I just want you to familiarize yourself with Standing Order number 79(4). This is on Point of Order. *'The Speaker or Chairperson shall order any Member who unnecessarily and persistently interrupts proceedings or consults loudly and disruptively to withdraw from the Chambers as Standing Order number 104 states gross disorderly of conduct shall apply to any such Member'*.

Hon. Members, we come here solely guided by the Standing Orders when we are discussing and interacting. Therefore, it was indeed an unfortunate incident and I hope this will not be repeated again because it gives the Nairobi County Assembly a bad name. As I said yesterday, we have been very sober and as you are aware you had two very successful *kamukujis* outside the precincts of the Assembly. I thought those the meetings and what you deliberated on was our way forward in getting what we are supposed to get from the Executive. Thank you, Hon Members. Hon. Bishop is on the floor and he has already stood up.

Hon. Member for Waithaka Ward(Mr. Anthony Karanja): Thank you, Mr. Speaker. I would like to stand on Standing Order number 104. Mr. Speaker, to give weight to what my colleague Hon. Nyangwara has said, that the happenings of yesterday in this Assembly were divisionary and it is becoming a habit now, that every time resources are being divided in the County of Nairobi we have drama.

Mr. Speaker, I am sure you remember a few months ago we had the Ad Hoc Committee and every time resources are being shared or distributed to our various Wards we have drama in this County which is divisionary. I would like to take exception to the Development Budget of this County and what was happening yesterday. I have personally done some research and I would like to bring to the attention of this House that this County needs to be saved. We have heard a lot of talk about *okoaing* this Country we need to *okoa* this County.

(Applause)

TABLING OF DOCUMENTS ON STREET LIGHTING PROJECTS

Hon. Antony Karanja: We must first of all preach in Jerusalem before we preach to the whole world. A few months ago his Excellency the Governor released 196million shillings for street lighting in this County.

Hon. Speaker: A hundred and what?

Hon. Antony Karanja: 196 million, Mr. Speaker. From previous development budgets this is enough money to give every Ward in this County 7 lights, 7 12 meter lights in this County. I would like to bring to your attention - and I take exception with the Transport and Public Works Committee who are our representatives in oversight in this very important development docket. In the last few months, beginning February this year this money was shared but yet a lot of MCAs and Ward Representatives are complaining that there is no development in this County. We went to Ruiru and we tried to look at the CIDP and what we are hearing from the Executive is that there is no money when actually, money was released and spent and projects were worked on in this County.

I want to take exception to the Public Works Committee. We know yesterday there was drama because the Chair of this very powerful and very important Committee was withdrawn by the Majority leader. I want to know why. I have looked at the development record and I have taken 4 Wards in this County which have consumed almost 95% of the Nairobi budget. I want to take exception with a Ward in the east of Nairobi called Mihang'o. I want to take exception with Wards in the name of Ngara, South C and Kasarani. These Wards have consumed a total of almost a billion shillings in development. One billion shillings!

Hon. Members: Shame, shame.

Hon. Antony Karanja: I would like to table 3 documents, a list of projects---

Hon. Speaker: I will give you a chance.

Hon. Antony Karanja: I want---

(Loud consultations)

Hon. Speaker: Order, Hon. Members!

Hon. Antony Karanja: Mr. Speaker, I want you to protect me. I would like to table a list of street lighting projects---

(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Antony Karanja: I would like to table a list of street lighting projects totaling 196 million shillings and I want to take exception starting here. I want to take the Ward of South C. In South C, Ole Sangale drive has a budget of 5.57 million shillings. I want to take Ole Shapara Bandari Drive which is in the same Ward. It has a budget of 6.57 million for lighting. I want to take the highway leading to Mombasa Road, it has a budget of 9.47 million. This money has been spent and work is going on in some Wards in this County. We are all waiting for 20 million shillings from the Ward Development Fund which we are fighting for and which we are eagerly awaiting. Some of us cannot even sit in our Wards because the residents of Nairobi are crying for development.

I want to also take exception with the Ward in the name of Ngara, Desai Road which has a project of 4.57 million for lighting. Park road which has 5.77million for lighting and I want us to keep in mind that 2.4million shillings can give a Ward 7 12 meter floodlights. I want to take the Ward of Mihango. Mihango spine road has a budget of 8.47 million. Kasarani, the biggest beneficiary in lighting projects in this County has a budget close to 50 million shillings for already started and finished projects. Along Kasarani road, Njiru there is a lighting project which is up and running, it was completed this year for 21,981,176 shillings. Santon Ochieko has 3,170,000 and Gumba has 6,070,000. I want to table this document as document number 1 for street lighting.

(Hon. Karanja tables the document)

ROAD BUDGET IN NAIROBI COUNTY

Hon. Antony Karanja: I also want is to scrutinize the roads budget in this County. Works have been going on and I am sure we are all aware that roads are a key component of development in this Country. I also want to take exception of the same 4 Wards because those are the Wards whose Members are in that Committee. I want first of all to go to South C. South C has a project of 21.72 million. The tarmacking of South C shopping center is ongoing and almost completed. We have an access road to Akiba Estate which has a total of 41 million shillings, a public transport facility which is a total of 15 million shillings, an MNT facility from Mombasa road to KPA worth 7 million. I also want to talk about the Aviation/Total road with a budget of 20 million shillings. I also want you to note Ole Shapara road with a budget of 35 million shillings.

I think of the Hon. Members who have to report to this Assembly early to escape or to hide from their Wards. This is not fair. The biggest beneficiary of this road budget is none other than Mihang'o Ward. Mihang'o Ward has a bypass of 98 million shillings. There is a road in the name of Kimondo Road. I have tried to locate this road and not even an engineer who has been in this County for 20 years can locate it. I have discovered that this road is disguised as Kimondo road yet it is Kiguathi road in Mihang'o estate. It

has a budget of 90 million shillings. It is called Kimondo road in the documents but on the ground it is called Kiguathi road. I also want to take note of a project from DOD to Kayole. That is not the actual name of that road but it is in Mihang'o Ward, it has a budget of 20 million shillings.

The other part of Mihang'o which is work in progress had an allocation of 130 million in the 2013/2014 budget. I also want to take exception to Ngara Ward which has a public transport facility at a cost of 59 million shillings. The maintenance for the 2014/2015 budget for the same facility is KShs. 3million. On further scrutiny of this document, I have realized that this is very developed Ward because it is very close to the city center. It has a budget of 261million in roads and public works. I want to move on to Kasarani Ward. It has a budget of 50million in public lighting and street lighting. This small Ward has a road from Clay City to Githurai. It is actually a box culvert, and at a cost of 15million shillings. In the same Ward, Kasarani has a road called Santon Ochieko road at a cost of 30 million. This Ward has a budget of 181 million shillings. Kasarani has 181 million as a budget for public works and street lighting. With this strength I want to table this document named the Roads and Drainage Project, as document number 2.

(Hon. Karanja tables the document)

Hon. Antony Karanja: I also want you to look at all the new documents on public lighting which will give you more insight into the issues of lighting in this County. I also want to table this document as document number 3. Finally, there was a review done by the County auditor and this is the document submitted by the County Director, County Internal Audit. I want to take exception to two projects here. The first one is project number 10. Project number 10 is a tender number NCCCST249 2013/14--- Sorry, it is tender number NCCCET160 2013/2014 50/326,586, construction of a public transport facility along Park Road and the contractor is Jofreem East Africa Company Limited. The very first observation that this auditor made is that the contractor was on site and work was in progress.

Another very key comment; 'the road and walkway were in fairly good condition and thus did not require any repairs and were not a priority in this Country'. We need to wake up. When my Hon. Member says these are diversionary tactics, every time resources are being shared we have to come up with diversionary tactics of Speaker must go, Ngwele must go, our Majority Leader must go, our Minority Leader must go. This has to come to a stop.

(Applause)

Hon. Antony Karanja: I have been a victim of ridicule, torment and abuse because I sat in the Ad Hoc Committee which was here a few months ago. I saw the light and I saw the truth. Like I stated before, it is only a matter of time before the truth floats. I am sure the CEC Member who is now in the Environment docket had a very hard time dealing with this. I want to also take exception to a contract, tender number NCCCET058 2013/2014, Rehabilitation of Central Bus station and Hakati road terminus at KShs 44,402,054 and the contractor is Ragot Limited. The observations of the auditor; 'the terminus was in fairly good condition with some sections requiring rehabilitation and not the entire terminus'.

The entire terminus was repaired at that cost and as if that was not enough, this terminus is being fitted with an 11.5 million automated parking meter. As we are all aware this is a bus stop for people who pay seasonal tickets. This is corruption and it is a great loss for this Assembly in its oversight role. This is a big omission in our mandate as Nairobians are crying for development. Money is being spent as we watch. The Members of this very powerful Committee have failed this House.

(Applause)

Hon. Antony Karanja: They have treated this Assembly to acrobats, to politics, to name calling, to finger pointing. We have always pointed the problems of this County in the wrong direction and the time is now to do something about this County. I can also take exception to comments by Members of the County claiming that they know which particular Members will come back and who will not after 2017. They are sure they have manipulated the process of which projects go to which Ward. If the trend is not stopped or if the systems are not changed I am going down because personally, I have not been able to deliver anything to my Ward, but I will go down fighting. We must fight, we must tell the truth. I want to table this document as document number 4, 'A review of tendering for various Wards between February and April 2014.' I have 2 requests for this House. I want an immediate reconstitution of the Transport and Public Works Committee. I also request that we investigate the works and hold officers in the Executive and in the Assembly and Committee Members and contractors to accountable for their actions.

(Applause)

Hon. Antony Karanja: This is a gross violation against the people of Nairobi. This is a gross violation to the rights of the Wards representatives and the Members of the County Assembly of the Nairobi County. I beg that we take immediate action as most of these projects are being advertised in the next few days by the Executive. Kindly let us restore the dignity of this House by doing the right thing. With those very few words, Mr. Speaker, I beg that you grant me my request. Thank you.

(Applause)

Hon. Speaker: Hon. Ochola and then Hon. Diana Kapeen.

Hon. Member for Utalii Ward(Mr. Wilson Ochola): Thank you, Mr. Speaker. I am so shocked, totally and terribly, terribly shocked to hear all this. There is no development that has been done in some Wards in Nairobi and here comes one Ward which has more than 100 million! Is it really fair? I would like to take this opportunity to thank whoever brought this Motion and whoever investigated this. If the positions have not yet been advertised, Mr. Speaker, take quick action and stop the whole project. Let those who do not have projects in their Wards be given these positions. Thank you. From today let us focus on finding a way forward to help Nairobians. Let there be no issue of Ngwele must go or issued of the Speaker or of the Majority. We are tired of heckling. Let us work and let us deliver. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Diana then Hon. Kambi.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker sir. I would not want to answer the question as it is because I am not the Chairperson of the Committee as many people wish. I want to bring to your attention that in the Transport Committee--- There is the parking that was done for South C and it is on record, it is documented. I protested and I wrote to the Engineer. It is in the minutes that I complained because I did not ask for a renovation for South C Ward. It is in the minutes and the Clerk of the Committee can bring the Minutes to the Assembly. Unfortunately, by the time I went to the Deputy Governor the contract had already been done. I have been chairing the Committee, my Hon. Friend, Bishop. I do not know if he has a personal vendetta against me and he has not mentioned that in his Ward there is a Kihoro road which is worth 80 million.

Hon. Stephen Kambi: *Mulikaneni.*

Hon. Diana Kapeen: It is not my work and I gave him his time. Njiru road is represented by Hon--- I don't know his name, I think he is called Thuge. Even the Majority leader here has put Desai Road in the documents. He did not canvas and I did not give out projects. The documents were laid in the Assembly and they were put in the pigeon-holes for verification. People who came to that Committee with issues like Hon. Kwamboka were given a road and she came and presented it herself. I sit in the Transport Committee, I have not seen any project for Education and Culture in my Ward. I have not seen any project for Trade and I have not seen anything from other Committees because---

(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Diana Kapeen: ---because I dedicated my time---

Hon. Member: Shame.

(Loud consultations)

Hon. Speaker: Order!

Hon. Diana Kapeen: I dedicated myself to the transport---

(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Diana Kapeen: I also want to bring to your attention to Ole Sangale road, it is not in South C. Ole Sangale is in Nairobi West. Members had the opportunity to present their project, I do not give projects and I will not carry the laxity of Members. People have roads here. I wish the Chairman, Mr. Oduru, would be given that document so that he can state each Ward--- You cannot come and just quote the lump sum and say this is Kasarani, Kasarani has several Wards. We cannot use personal vendetta and if your road was not there why weren't you coming to the Committee?

Hon. Speaker: Hon. Kambi.

Hon. Member for Dandora II Ward (Mr. Stephen Kambi): *Mwanzo kabisa nataka kuchukua fursa hii kurudisha shukrani zaidi kwa mwenyekiti wa kikao hiki cha bunge la Nairobi, Spika wetu Magelo. Pia ningependa kurudisha shukrani kwa mwenyezi Mungu. Ningependa kusema kwa haraka sana ili hata wanaotoka waeze kusikia, Mungu ni mkubwa na halali.*

(Loud consultations)

Hon. Stephen Kambi: *Nyinyi mulikaneni hapa tujue. Sisi wengine kama Dandora II haikuwa captured kwa CIDP plan. Seriously, my Ward was not captured. Haikuwa captured katika CIDP plan. Mimi kile kitu kikubwa nimewahi allocatiwa na nilisoma kwa karatasi sijawahi ona kwa ground ni 2.4 million. Kuongea kweli hii dhuluma ni kitu ambacho kimekuwa kikijulikana na diversionary tactics hizi na hii michezo ilianza kitambo sana. Iianza upande wa Executive na umekuwa ni mchezo wa mtupe ili umsanye. Sisi tumekuwa tunatupwa kwa muda mrefu ili tuweze kusanywa. Kamati inakaa chini na ni kamati ambayo inafaa ituwakilishe sote hata mimi ni mwanakamati katika hili bunge na nikikaa kwa zile kamati ambazo nimenukuliwa niweze kuwakilisha sijiwakilishi kama kambi ninajua ya kuwa ninawakilisha Nairobi kwa sababu hakuna pahali ninaweza kubali dhulma katika Wodi yoyote ama sehemu yoyote hapa Nairobi nikijua kabisa.*

Yule Mheshimiwa mahitaji yake ndio sawa na yangu. Sote tumekuja hapa Bwana Spika ili tuweze kufanyia watu wetu kazi. Wengi tulisimama hapa na tukaapa mbele ya mwenyezi Mungu ya kwamba tutatumikia kwa uaminifu tena kwa bidii wananchi ambao walitupa fursa ya kuja hapa. Lakini nakaa hapa katika hili bunge na ndio maana nilikuwa ninarudia hata jana nilisema. Hii ni nyumba mtu anafaa atafute mwanafunzi huko nje. Hii ni nyumba ya waalimu. Kila mtu hapa ni mwalimu na tuko waalimu mia moja ishirini na tisa. Tusidanganyane, tusibebane hivi ama tubebane vile. Sote, kila mtu amekuja hapa na hitaji lake an akiwa anajua ni nini amekuja kufanya hapa.

Kamati inakaa chini na ni kamati ambayo inafaa ituwakilishe zotenimenukuliwa niweze kuwakilisha, sijiwakilishi kama Kambi...kwasababu venye ninaweza kukubali...sehemu yoyote hapa Nairobi nikijua kabisa yule Mheshimiwa...sote tumekuja hapa, ili tuweze kuwafanyia watu wetu kazi. Tena kwa bidii...na tuko walimi 127, Wengine tulisimama hapa na tukaapa ya kwamba...at jana nilisema. Hii ni nyumba

ambayotusindanganye, tusibebane hivi ama vile...Mwanzo kabisa ningetaka kuunga mkono mapendekezo ya mheshimiwa Bishop ya kuvunjilia hii kamati...yao ya kibinafsi na ikatuacha sisi.

Kamati hii si ya mtu binafsi...inakaa kamati ni extension yetu. Na venye hatuwezi tukakaa kwa kamati zote....Na ndiyo maana mimi nina fursa y kukaa katika kamati yoyote....kwasababu hakuna kitu ya siri inafaa ifanywe, kwasababu hizo kamati sinatuwakilisha sisi bwana Spika sir. Na jambo la huzuni kuona ya kwamba wankamati ambayo wamevalia ngozi ya kondoo na kumbe ndani ni mbwa mwitu, wamekuwa wakitukula kichinichini.

Hon. Speaker: Order, Hon. Member! Order!

Hon. Stephen Kambi: *Hapana. Sikiza, huo ni msemu.*

Hon. Speaker: Order, order!

Hon. Stephen Kambi: Na Mr. Speaker, *mimi nikisimama hapa kama Mheshimiwa Stephen Kambi ningependa iende kwa record sina sababu ya kukuwa na umbaya ama na chuki kwa Mheshimiwa yeyote. Mimi nilikuja kama Kambi nililetwa na wana Dandora II na tutakapofika wakati wakurudi kwa kiwanja nitarudi kwa Dandora II, mwingine atarudi kwake. Kwa hivyo sina fursa ama nafasi kwa roho yangu ya kuchukua mtu yeyote.... Kitu mimi nafanya nikunga hiyo mapendekezo ya Bishop mkono, ni kutaka kupigania watu wangu. Pia mimi Mr Speaker singechukua kwa watu wangu kukiwekwa....ndio hii rami iliwekwa. Kwa hivyo mimi ningetaka kuunga mswaada huu mkono bila kumukosea Mheshimiwa yeyote heshima na hatusemi, ni haki kwa kamati kureshuliwa.... Mapendekezo ya mheshimiwa Bishop ya kutupilia hii kamatiMimi sitaki nafasi kama Kambi...mimi sitaki hiyo nafasi kama Kambi, lakini nataka kuwa na imani na hao ambao wale watuchaguliwa kwa hiyo kamati. Hayo tu ndio mapendekezo yangu. Asante.*

Hon. Speaker: Hon. Ogeto then Hon. Thuo, formerly Gathundo.

EQUITABLE DISTRIBUTION OF FUNDS

Hon. Member or Kilimani Ward(Mr. Moses Ogeto): Thank you, Mr. Speaker sir. First I want to commend my fellow Bishop who prays for me. I remember when I was attending a wedding he prayed for me. Mr. Speaker sir, I am a Member from Kilimani and we have potholes in Kilimani. Some Wards needs to be rehabilitated. First, the Ad Hoc Committee should be formed to investigate how the Transport Committee allocated this money to specific Wards. I have heard about Mihango, South C and Ngara and how the allocation was done. So in this financial year we hope the exercise of procurement or indeed, in any exercise which wants to award the projects, that we agree and ensure that the 85 Wards have been allocated resources evenly.

Mr. Speaker sir, as you may realize that has being done and it will go to the Chief Officer for Audit with queries. We cannot reverse how the resources were allocated. However, we have the budget which

we passed which is in process, so the money which was allocated, for example, Ngara Ward which was allocated 100 million, it be divided equally among the Starehe Ward, 20 million per Ward. When you come to our Constituency in Dagoretti North, if it has been allocated 120 million shillings that money should be allocated evenly to the various Wards because in every Ward Mr. Speaker sir---

(Consultations between the Speaker and the Clerk)

Hon. Moses Ogeto: I beg for your attention, Mr. Speaker sir.

Hon. Speaker: Yes, please continue.

Hon. Moses Ogeto: In every Ward as a representation, different Wards have different issues. We as the Members from the various Wards, we represent half. Let us not divert the attention of this Assembly in witchhunting different Members that, today the Speaker must go, today the Clerk must go, today Diana Kapeen must go. No! Let us focus on the issues that are touching us as Members. You see we gave birth to our new born the Ward Development Fund which we must be reporting. I am a Member of the same and we must be reporting to this Assembly that this part of the Executive is frustrating us in these issues. So that for every Member from each Ward who has 19 million he or she should know how much he/she has budgeted for his Ward so that when we stand in this Assembly, we know very well that in my Ward I have not being allocated 17 million which I was supposed to target. Mr. Speaker sir, I recommend my Bishop to also continue in the way I have told you. Bring the Ad Hoc Committee to investigate this situation. Mr. Speaker sir, I beg to leave.

Hon. Speaker: Only two now so that we close. Hon. Thuo, then Hon. Elkana and then Hon. Manyala, ladies and then we finalize with the---

Hon. Member for Dandora III Ward(Mr. Charles Thuo Wakarindi): Thank you, Mr. Speaker sir. I think you have noticed that I like addressing the Assembly from this position because it is the government side. Mr. Speaker sir, the chicken has finally come home to roost. This is D-day, Mr. Speaker sir. I have been saying this---

(Loud Consultations)

Hon. Speaker: Hon Members, please give Hon. Thuo formerly Gathundo, some time to speak.
(Laughter)

Hon. Charles Thuo: Thank you, Mr. Speaker sir. Maybe they do not recognize me without the *thundo*, but they will get used to my handsome look. Thank you. *(Laughter)* So Mr. Speaker, this is very serious, I should not be even laughing; I should be weeping for this County. It is indeed a very sad day

and the revelations that have been made here are what we can call ground shaking. Mr. Speaker sir, hell has been transferred to this County and if indeed what we have heard here is true, then the people who have done that do not deserve any public position. Mr. Speaker, the people of Nairobi pay taxes and the Constitution demands that everybody who pays taxes should get services. That is why we are represented and if one Ward is going to get 300 million shillings while in Dandora we don't even have one bulb of 30 shillings. One 30 shillings bulb.

There is no single project from that department that has happened in Dandora, it is very sad. Now we cannot just walk we need to walk our talk. We need to act and we need to be seen to act. Justice must be done but it must also be seen to be done. It is time we must move fast because they say that justice denied is justice delayed. Mr. Speaker sir we must disband that Committee. Mr. Speaker sir, as the first step I would suggest that we disband the Committee. As the second step this Assembly with your able leadership must move with speed and communicate to the Executive that those projects must be stopped. Why? Because there is no equitable distribution of resources.

Mr. Speaker sir, the distribution of resources is something that is key in the Constitution of Kenya--- The people who wrote this Constitution realized that there is going to be equity and we need to do something or history will judge us harshly. So Mr. Speaker, I beg that you please make sure that these projects are stopped. Thank you, Mr. Speaker sir.

Hon. Speaker: Then we close.

Hon. Member for Kwa Njenga Ward(Mr. Elkana Mauti): Thank you. It is a very sad moment because we have been complaining about development. Mr. Speaker, this is what we meant, it is only that the people did not calculate and know where our arrows were heading. I think the people here are the ones who passed the budget. I am wondering where we were when they were passing the budget. Were we asleep and no it is only that we have woken up?

Hon. Samuel Nyangwara: Point of Order.

Hon. Speaker: Order, Hon. Nyang'wara, let him finish.

Hon. Elkana Mauti: Mr. Speaker, I am from the slum area where we have never seen the lights that you are talking about. We have never even seen the tarmac roads. However, my major concern is this, where were we when they were passing the same budget? Were we sleeping? We have a question for the Budget Committee and it is the one which brought all this. We have a question for the Public Works and Transport Committee. We have the Chair of the Budget Committee who is the eyes of this House and he does not even complain. Mr. Speaker, are we fooling ourselves? That is what I am worried about. We do not want to see any Members who were in the Public Works and Transport Committee return. We want to see new Members and that also applies to the Budget Committee. That is what will help us in this Assembly.

(The Hon. Leader of Majority rises to his feet)

Hon. Speaker: Hon. Members, the Leader of Majority is on the floor, is on his feet.

Hon. Members the Leader of Majority(Mr. Elias Otieno): It is very sad indeed. Mr. Speaker, I think I agree with Hon. Mauti on what he has just said here about the Budget Committee and I do not mince my words. Yesterday the Deputy Speaker told me very clearly that there are some people even being bribed. He parted with KShs. 270,000 to get some allocation in his Ward. I am telling you and he said it very clearly yesterday. It is very sad if only four Wards scooped 1 billion Kenya Shillings, very sad indeed. In Kileleshwa it is maybe about 5 million and the other Wards 316 million. Do you think that it is only the 4 Ward that are tax payers in Nairobi? This Committee must be disbanded like yesterday.

(Applause)

They always divert our attention with the Clerk must go, the Speaker must go, we must remove 2/3, we must remove the Executive, just because they want to share 1 billion in their pocket. Mr. Speaker you all know I don't handle any monies. The way these people are talking--- Bishop has allocation in his Ward and he is still fighting up to date. I met Bishop with that contractor called Kiato and the representative of Riruta, if I am not wrong. He did not know the person and he did not know the time he started that work. Am I wrong? He is not aware. Maybe that contractor is just a gimmick. Let us be realistic, there is no way somebody can tell us--- This Committee of Transport in Nakuru, it forced the Deputy Speaker to go to Nakuru and persuade them. The Budget Committee, where are they?

Hon. Members: They are here.

Hon. Leader of the Majority: The Budget Committee, they are also letting us down. Nevertheless, the docket belongs to the Transport Committee. Mr. Speaker, the word 'may' even the President used the word 'may' I assign my Deputy to be the acting President when I am away. So, the word 'may', if I 'may' suggest that we disband this Committee and we reconstitute it with new blood.

Also, Mr. Speaker, I want a good letter from the Office of the Clerk and I want to take this letter to the Governor's office and we stop all the projects. We want equal distribution to all the 85 Wards. This is very bad. Thank you, Mr. Speaker, I rest my case.

(Applause)

Hon. Speaker: Can we very quickly have Hon. Manyala and then Hon. Chege. We should finish, the time is up for this.

Hon. Member for Kayole South(Ms. Elizabeth Manyala): Thank you, Mr. Speaker sir. Today is a sad day indeed. Some of us, our Wards have not even been listed in the development plan. However other are having an iron shell, I am likening it with what Laswell said, defining politics as authoritative distribution of values and resources which are scarce. Having said that however, everything has been said and I think the Majority has spoken. I think this is a pointer to all Committees that the time for honeymoon is over. All Committees must style up.

If I may sum up by reading Standing Order number 181(1), where I think the rain started beating us, Mr. Speaker. If we really want to write something home and say that we have been working, then we must adhere to Article 181(1) of the Standing Orders which says, '*Unless a more regular interval is prescribed under any written law or these Standing Orders, each sectoral Committee shall submit half yearly progress reports to the Liaison Committee*'.

2. *The Liaison Committee shall, within twenty one days compile the Reports under paragraph (1) and submit a report to the County Assembly.*

If this was being done, I think we would not have experienced what we are experiencing now. We thought we had colleagues who are Hon. Members, but alas, we have sheep in wolves' skin that are just thinking of their Wards and marginalizing others. If the Sectoral Committee is an extension of the whole Assembly and the Members constituting every Committee decide that they pursue their own interests, I do not think this County will go anywhere.

I beg you indulgence, Mr. Speaker, but every half year report should be brought from each Committee and if they are not performing they should be dissolved and we get new blood so that we do some reshuffling and we do not have a repeat of what has happened today. I beg to support.

Hon. Speaker: I will take one Member only, Hon. Chege then we close. Time is not on our side. We have a Motion here to discuss.

Hon. Member for Ngara Ward(Mr. James Chege): Thank you, Mr. Speaker. I also rise to support the developments of the House. Mr. Speaker, in the interest of the rules of justice that if you have been mentioned adversely that you are also given a time to respond and to respond in a fair process. Mr. Speaker, it is in this regard that I also ask that I be furnished with all Table documents and also be given the support to be able to dig deeper so that I see how Ngara - as a place that has been adversely mentioned - be able to come up with a comprehensive answer on the same so that I am able to respond on that issue. I also pray that you will also give me ample time to be able to exonerate and state the facts as I see them.

Hon. Speaker: Fair enough, it shall be done. I will now finally call the gentleman who brought this statement to come forward and we close.

Hon. Member of Waithaka Ward(Mr. Anthony Karanja): Thank you, Mr. Speaker. I am not surprised by the reaction of the Members because, on a serious note, it is a very serious situation in this County. Mr. Speaker, I am a God fearing person and I would like to clarify or respond that I have no personal vendetta against anybody. I would also like to say that I did not mention any Member of this County Assembly. I have only mentioned Wards and the reasons why some of these projects go to these Wards are not within my knowledge. Mr. Speaker, I would also want to bring to your attention that personally, I am in two Committees which have no budget to allocate. These are the Labour Committee and the Implementation Committee. I have nothing to share. I have no reason and no Member has any reason to go to any other Committee to beg for development in their Wards.

Mr. Speaker, development is a right. I can state here today that personally I am ashamed to take a salary every month knowing that the people of Waithaka have never benefited from my being in this Assembly. Mr. Speaker, I also want to clarify that during my very thin investigation, because I was not operating on any budget, I also realized that not all Members in the Transport Committee are involved in this very heinous act against this County. Mr. Speaker, I would want to clarify to the Members who are sure that they were not involved--- That is why I asked for proper investigations be ordered by this House to get to the bottom of this matter. Thank you, Mr. Speaker.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Very well. Hon. Members, this was as a result of yesterday's incident where the wise men and women of this House made it a habit that we do not continue with the smooth running of the County Assembly of Nairobi which has been rated the best in the Country. Hon. Members, I want to take you back. After your two *Kamukunji* meetings outside the precincts of this House, you deliberated on issues which I, as the Speaker, agreed to take head on with your support together with the leadership of this House, the Hon. Otieno and Hon. Ali Hassan.

Little did we know that after the cries that the Governor or the Executive must go was a calculated move to divert the attention of Hon. Members in incidences where when other Members are crying for Ward Development Fund, even on Whatsapp using vulgar language because of perhaps anger, others are on top of stools in Intercontinental refreshing themselves.

I as the Speaker of this County Assembly, I am ashamed and I am angry. However, as an elder person, I want to ask you, Hon. Members, live and let others live. Do not leave and let others die. *(Applause)* Hon. Members, it is no wonder when my Members here go to Kampala they go like paupers, an incident where I want to blame the Budget Committee also on this. Hon. Members, your Members played very well, they did a wonderful job for this County.

Nevertheless, this is what I have to say in regard to these documentations which I have received and I have to say this. I particularly want to say that I am sorry for the Members who were brought here by the power of the vote and by the power of the people. Whether you are elected or special elect, you all deserve

respect and I respect you as a family. We are all a family here unless one otherwise thinks not and that does not matter really much. Hon. Members,

HON. SPEAKERS RULING ON AD HOC COMMITTEE

I want to give a direction that an Ad Hoc Committee be tabled here on Tuesday, 2.30 p.m. to investigate the issue of roads or works Committee. A letter should go to the Governor of Nairobi, His Excellency Dr. Kidero, to immediately suspend ongoing works and investigate the officers involved. Secondly, I want the Ad Hoc Committee which shall give the direction on Tuesday because it will only have a week to report back.

Hon. Member: Another one?

Hon. Speaker: No, no, the same one. It will be on Tuesday. The Ad Hoc Committee standing for the Committee on which I now want to ask the leadership of this House to reconstitute with immediate effect. Hon. Members, that Order takes effect as from now. The Committee on Transport will have to be reconstituted by the leadership of the House. However, also going on ahead, all the other Committees are charged with this responsibility of this Assembly. Please do your work, do not play with the lives of the Members of the Assembly. I am very closely watching the Ward Development Fund, we want results, we want to feel you. If you have a problem let us know, but not when you have done your things like Transport and "Magelo must go, Kidero must go". How?

How and where? Who is going where? You will go and you will leave me here. I have been here since 1992 and I have seen men and women come and go. I will go when the destiny of my God says that I should go. I want to thank you, Hon. Members, for your contribution. Indeed, we are not blaming any Member here, but the actions are the ones we are blaming. Where I live I border Hon. Majority and Hon. Ogeto and we have a very big problem even with lights for the school in Lavington. Therefore, Hon. Members, do your job and that includes the Hon. Select Members. Thank you very much.

(Applause)

Hon. Member for Njiiru(Ms. Karen Githaiga): Point of Order.

Hon. Speaker: Hon. Karen Wanjiku, you have a burning issue?

Hon. Karen Githaiga: A Point of Order, yes.

Hon. Speaker: On what?

Hon. Karen Githaiga: On the Order Paper, Standing Order number 35(2), Mr. Speaker. We have just been supplied with the supplementary paper and that is contrary to our Standing Order. Standing

Order 35(2) says, “*The Order Paper shall be published in the County Assembly website and shall be made available to Members at least twelve hours before the County Assembly meets, but a supplementary Order Paper shall be made available at least one hour before the County Assembly meets.*”

Mr. Speaker sir, we were given this supplementary paper when we are already seated. Therefore, I think we should go on with our Motion because we cannot go on with this supplementary.

((Consultations between the Speaker and the Clerk))

Hon. Speaker: Hon. Karen, the information is that it was already published but the information was delayed. So, let us go on. Point noted, Hon. Karen, but it was already there.

Hon. Karen Githaiga: But we did not see it.

Hon. Speaker: Yes, it was an oversight and I promise you that it will not be repeated. Can we proceed with Hon. Masiga. Hon. Masiga is still seated. So it is now for Members to contribute on this. Yes, Hon. Issa.

Hon. Member for Mwiki(Mr. Isaac Ngige): Mr. Speaker, we keep saying that this is a House of rules and procedure and what Hon. Karen has raised here is a genuine concern. If at all the procedure has not been followed we cannot say that it is an oversight.

Hon. Speaker: Are you questioning the Speakers ruling or what?

Hon. Isaac Ngige: Mr. Speaker—

Hon. Speaker: Order, Hon. Member. I have just told you that it was an oversight.

Hon. Isaac Ngige: Mr. Speaker, I am not questioning—

Hon. Speaker: Hon. Issac, we have done that, with due respect. You are a good citizen. Can Hon. Masiga reply.

Hon. Member for Eastleigh South(Mr. Nelson Masiga): *Shukran, Bwana Speaker, kwa kunipatia fursa hii kuweza kuwarudishia shukrani. Bwana Speaker, naamini ya kwamba katika County hii tunahitaji ofisi ya mwana sharia mkuu ambaye anaweza kutusaidia katika maswala ya kuweza kusaidia katika maswala ya kuweza kusaidia County hii katika kushugulikia mambo yake katika mambo ya casi zinazoambatanishwa na County hii.*

Hivyo basi, tunahitaji watu ambao wanatajriba, wanaufasa, kwa mambo haya. Hivyo basi narudishia shukrani wenzangu waheshimiwa kwa kuniunga mkono kwa swala hii. Shukrani, Bwana Speaker.

Hon. Speaker: I now put the question.

(The question is put and agreed to)

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

Hon. Leader of Majority: Thank you, Mr. Speaker. After not being alerted by the Committee, we are still going to add some more Members in that Committee. Mr. Speaker, it is very important for this House to know today why it is always one Committee who know those who are not good in this County. The same Committee knows that Evans Ondieki was bad; the same Committee said the County Secretary is bad. The same Committee is always collecting signatures from the Clerk for the Majority Leader and they know very well they cannot remove me. The same Committee knows that our Speaker is bad, the same Committee knows what the Leader of the Minority is eating. At the end of the day we realize that the same Committee are the people who eating 1billion Kenya Shillings. That was on a light touch.

PROCEDURAL MOTION APPOINTMENT OF MEMBERS TO RESPECTIVE COMMITTEES

Mr. Speaker, this is a procedural Motion; that pursuant to Standing Order number 156(1), this Assembly approves the appointment of the following Members nominated by the Committee on selection to their respective Committees.

1. Helen Katangi – Sectoral Committee on Transport and Public Works.
2. Catherine Opiyo – Sectoral Committee on Health Services.
3. Florence Athembo – Sectoral Committee on Health Services.
4. Elizabeth Manyala – Sectoral Committee on the Ward Development Fund.

Mr. Speaker, I now call upon the Members and they do not need to discuss because you know the Committee which is already dying. We do not want to dwell too much on it because Hellen Katangi will just be there for about two or three days before we disband the Committee. So, let her just travel to Kisumu because the Transport Committee is going to Kisumu today and after they come back she will no longer be there. However, this is a challenge to this Hon. House, Members must ask themselves why it is only one Committee all the time are collecting signatures. Why is it one Committee all the time who know that the Executive is bad? Why is it only one Committee who know that the Speaker is bad and the Clerk is bad? You must reason why. I heard that Madam Veto asked them during a meeting that, today *mumekuja na gani tena? Leo iko challenge ingine mumekuja naye*. Those are their tactics *ile wanaficha chini ya meza*.

So we want everything on the table and we must thank Bishop because you exposed them a lot and that Committee they need fresh blood and I repeat, fresh blood. *(Applause)* There is no way we are going to just sit and watch. In Kileleshwa there are a lot of potholes and you know that place is *uzunguni*, they do not want those potholes but they cannot get money to fill those potholes. Even the street lights are

not working nowadays because money is going somewhere in the slums. That is very bad, that Committee must work for all Nairobian, not for themselves. *(Clapping)* It is very painful for a Member of this House to go and bribe people just to have allocation in this Ward, that is very bad. 270,000 is a lot of money and they met at City Cabanas to receive the money. Shame on them. Let me call the seconder to come and second this Motion. That is none other than *farmer Kadundo* Thank you, Mr. Speaker.

Hon. Member for Dandora Area III(Mr. Charles Thuo): Thank you, Mr. Speaker sir. It seems I am receiving a lot of attention in this House after--- Mr. Speaker sir, I feel honoured to be asked by the Leader of the Majority to second this. It is a very nice move because I personally sit in the Health Committee and we have been down by two Members. Mr. Speaker, we have missed the contribution of one Hon. Athembo who is a very good contributor. We have missed her, she contributes a lot, she speaks very fine English and we want her back and it is because if that I am supporting this Motion. Thank you.

Hon. Speaker: Hon. Members, I propose the question.

(The Motion is proposed)

Hon. Speaker: Bishop.

Hon. William Abuka(Nominated Member): Thank you, Mr. Speaker. I really want to appreciate the appointment of the Hon. Members to the various Committees. I know their participation in the various Committees was fairly challenged hence a little bit of gloominess. This is because of loss of not only allowances but also the fact that they were not feeling that they were part of the system. I really want to appreciate the Leader of Majority for employing a fatherly spirit and saying that we cannot leave our colleagues in the cold, let them feel like part of the family and do everything that they can do. I am supporting what the Hon. Gathundo said, some of them like Hon. Athembo have very fluid English, a sharp memory and she is very strong in her approach to debates. I also think Catherine and Helen Katangi are the same way. These are very strong Members of this Hon. House whose contributions should not be lost.

However, in contributing and supporting the inclusion of these Members in the various Committees, allow me, Hon. Speaker, to vary a little bit. That in reference to the Committee of Transport, how I wish that my boss and friend, the Hon. Majority Leader would have chosen to use the word 'some' or 'a section' because I sit in that Committee. If there is anything that I am strange or foreign to is the kind of behavior I have been told or I have heard from this floor so I am not destroyed alongside others especially with the very violent Media. They would be very quick to point out that one of the Committee Members is Hon. William Abuka. Please, Majority Leader, you know I respect you too much, please use the words 'some' or 'a section'. I wish for the very strong participation of the Members in the formation of the Committees and their inclusion and the whole House family. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Bishop.

Hon. Anthony Karanja: Thank you, Mr. Speaker. I would like to support this Motion and I also want to thank the Majority Leader for having selected these people. I would take exception to one Helen Katangi, who is going into a Committee that is sinking. Mr. Speaker, I am sure she will not sink with this Committee because she is innocent. Nevertheless, I want to remind Bishop that I used the words 'some Members' when I read my statement, Bishop. Maybe it is high time that as we constitute this very important Committee, I want to challenge Helen to try and get to the Chairmanship of this very important Committee. *(Applause)*

You need to work yourself through the Members to get that position with the support of your nominated Members and the ladies. The Committee is being disbanded as I heard, so I would like to congratulate the Majority leader. I am very sure that he had a very difficult time yesterday dealing with the divisionary tactics of the people who are bringing down this County. Mr. Speaker, as we are being crucified in the mountain of no development in Nairobi, let us take action and Helen, I am sure that you are up to the task. Thank you very much. I support this Motion.

Hon. Speaker: The Mover of the Procedural Motion to reply. Two words.

Hon. Leader of Majority: Thank you, Mr. Speaker. Time is limited on my side so I will not say too much. I must thank the Members for accepting--- I think this time I have not seen anybody who asked about gender because they are all women. Nobody asked why there is no man there. So, we are not fair to the opposite gender because I have not seen Karen come and ask about gender balance, they are four and they are all women. Why did you not ask about gender balance? Mr. Speaker, I thank the Members for accepting these appointees and also the Committee that is going to sink into the sea. So, Mr. Speaker, I thank you all and may God bless you until we come back again on Tuesday. On Tuesday I am going to come with the names for the Ad Hoc Committee for Planning. You all know well there is an Ad Hoc Committee formed for the issue in Ruai.

So I will come with those names and the names for this Committee of Transport. I am not sleeping. Clerk, you must give notice for elections because we do not want to play now, we want to work. There is also another Committee which was supposed to be constituted and which is overdue, the ICT. I think this ICT Committee we must also--- We must constitute about two or three more Committees because upcountry, they have more Committees than us. So, Clerk, I think we must do this because the Members are still the same. We are not going to bring new Members from outside, it will be these Members. However, some of them want to be Chairpersons in those Committees, maybe Karen wants to be the Deputy or whatever. So, I thank all the Members and may God bless you all.

Hon. Speaker: Thank you, Hon. Leader of Majority. I now put the question.

(The question is put and agreed to)

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

PAPER ON THE REPORT OF THE SELECT COMMITTEE ON PUBLIC INVESTMENT

Hon. Charles Thuo: Thank you, Mr. Speaker. I want to lay a paper, that pursuant to Standing Order number 186, I beg to lay the following Paper on the table of the Assembly, today 9th October, 2014. Mr. Speaker, it is the report of the Select Committee on public investment on the report of the Auditor General on the Financial Statement on Nairobi City Water and Sewerage Co. Ltd, for the year ended 30th June, 2012. I lay the Paper.

(Hon. Thuo lays the papers)

NOTICE OF MOTION

Hon. Charles Thuo: Mr. Speaker, I also wish to give a Notice of Motion. I beg to give notice of the following Motion; **That** this Assembly adopts the report of the Public Investment Committee on the report of the Auditor General on the financial statement of Nairobi City Water and Sewerage Co. Ltd for the year ended 30th June, 2012 laid on the table of the Assembly on Thursday, 9th October, 2014. Thank you, Mr. Speaker, sir.

Hon. Speaker: Very well, thank you very much, Chairperson. The House is adjourned until Tuesday, 2.30 p.m.

The House rose at 5.30 p.m.