



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Tuesday, 29<sup>th</sup> April, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### NOTICES OF MOTION

**Hon. Speaker** (Hon. Alex Sanaika Ole Magelo): Hon. Ngaruiya Notice of Motion. Order, Adam!  
Hon. Alex!

**Hon. Member for Kahawa West Ward** (Mr. Patrick Ngaruiya Chege): Thank you, Mr. Speaker. Hon. Speaker, I beg to move the following Motion that **AWARE** that Article 62 of the Constitution recognizes that both the National and the County Government are distinct and interdependent and that devolution is an important principle in the new Structure of Governor; Further, **AWARE** that the function of Village polytechnics is vested in the County Government pursuant to the provisions of Part 2 of the 4<sup>th</sup> Schedule of the Constitution of Kenya 2010; **NOTING** that, these Polytechnics are key pillars to creation of employment to the youth and achievement of Vision 2030; deeply **CONCERNED** that the institutions are lagging behind in terms of infrastructure and technology due to lack of adequate finances; this Assembly urges the County Government to move with speed to improve the physical infrastructure and provide financial support to all the Village Polytechnics within the County.

#### STATEMENTS

**REQUEST – STATEMENT ON VETTING OF COUNTY DEBTORS**

**Hon. Member for Makina Ward (Mr. Alhad Ahmed Adam):** Thank you, Mr. Speaker for this wonderful opportunity. I just want to request for a Statement. Pursuant to the Standing Order 41 (2c); I wish to request for a Statement from the Chairperson of Select Committee on the Budget and Appropriation regarding the vetting of creditors in the County. Hon. Speaker, according to the current record the Nairobi City County Government has Ksh 2.1 Billion outstanding debts for contractors. The Governor has introduced vetting of the pending debts before payment is done and the vetting was to take duration of only 3 months of the working days. Unfortunately, Mr. Speaker, the vetting has taken more than 6 months and it is not yet accomplished. Hon. Speaker, the County is supposed to start an implementation of the yearly Ward Development Project and the same contractors, who have not been paid their pending debts for the last 5 years, are the same ones who are expected to give services to the Nairobi City County.

Hon. Speaker in the defunct City Council of Nairobi, Local Authority Transferred fund that is LATF the Projects had not been completed due to delay of payments of the contractors. Hon. Speaker, in the Statement, the Chairperson should enquire into and report on:

1. How long the vetting of the outstanding debts will take place;
2. How many hours the vetting officers work in a day on the pending debts and how many days in a month;
3. Measures being taken to clear the pending debts.

**Hon. Speaker:** The Hon. Chairperson for Budget and Appropriation this is a very important Statement.

**Hon. Member for Embakasi Ward (Mr. Michael Ogada Okumu):** Thank you very Much, Mr. Speaker sir. Taking into account that it is quite an important and urgent question that has been raised, I give a commitment that by tomorrow afternoon, I will have all the answers ready.

**Hon. Speaker:** Very well so tomorrow 2.30p.m. Next. What is it, Hon. Chairperson? What is it in your paper? But the response of Mr. Kamau is coming. There will be a response to the Statement. Hold your horses! Hon. Imwato, please.

Very well, Hon. Imwato; debate on the response to the Statement requested by Hon. Peter Imwato from the Chairperson of the Sectoral Committee on Labour Social Welfare regarding the ballooning wage bill of Nairobi City County; with the consultation of the Hon Member, this comes tomorrow at 2.30 p.m. Thank you, Hon. Imwato.

Hon. Leader of Majority, we will move a Procedural Motion for the deduction of Publication Period of Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 5 of 2014) from 7 days to 6

days. There was this Hon. the Chairperson of Sectoral Committee, before the Leader of Majority comes in. Can you quickly dispense off with this pending little businesses?

**Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere):** Mr. Speaker I gave a respond to a Statement that was requested by Hon. Kamau Thuo, MCA of Karura Ward and by the time I was giving my Statement Hon. Member was not in the House. I want to get his Statement because as far as it is concerned he is not satisfied. I think it is important that I air the sentiments instead of him attacking me at a personal level.

**Hon. Speaker:** What is he not satisfied with?

**Hon. Peter Warutere:** Let him come over may be on the floor of the House.

**Hon. Speaker:** What?

**Hon. Peter Warutere:** I wish he would come over and tell the House what he is not satisfied with in terms of---

**Hon. Speaker:** No, can you please satisfy the House? What is he not satisfied with? Order, Hon Thuo! Order!

**Hon. Peter Warutere:** He is not satisfied by the whole response. he is the only one who can tell the House why?

**Hon. Speaker:** Then your business waits for tomorrow at 2.30 p.m.

**Hon. Peter Warutere:** Thank you.

**Hon. Speaker:** Next order please? Order!

**Interim Clerk (Mr. Jacob Ngwele):** Order No 8; Procedural Motion

### PROCEDURAL MOTION

#### NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL (ASSEMBLY BILL NO. 5 OF 2014)

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

**Hon. Leader of Majority (Mr. Elias Otieno Okumu):** Thank you, Mr. Speaker, I can see the Leader of Minority smiling and I don't know why; maybe it is something which is very much unique. Thank

you, Mr. Speaker. I Beg to move procedural Motion; that pursuant to the provisions of Standing Order 117; this Assembly resolves to reduce the Publication period of the Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 5 of 2014) from 7 days to 6 days.

So, Mr. Speaker, I think we must just give the reasons why we are reducing this one day because it is from 7days to 6 days. The reason has been that the Supplementary Budget was tabled on 24<sup>th</sup> but by virtue of this we want this Bill to mature by tomorrow. So, I don't think, you people, are going to take too much time because we have a lot of business to do today. So, I just beg the Leader of Minority to come and second the Motion.

**Hon. Leader of Minority (Mr. Abdi Ibrahim Hassan):** Thank you, Mr. Speaker sir, I do second the Procedural Motion.

**Hon. Speaker:** Hon. Members I now propose the question that pursuant to the provisions of the Standing Order 117; this Assembly resolves to reduce the Publication period of the Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 5 of 2014) from 7 days to 6 days. Hon. Members, I now call the mover to reply.

*(Applause)*

**Hon. Leader of Majority:** That means it is comrade power. I can see it is comrade power. So, thank you, Members for allowing this Procedural Motion to pass without any debate because I know the reason is we have very important business in the House. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Members I now put the question that pursuant to the provisions of Standing Order 117, this Assembly resolves to reduce the Publication period of the Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 5 of 2014) from 7 days to 6 days and as many of opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it. Next.

**Interim Clerk:** Order No 9; the Nairobi City County supplementary Appropriation Bill, First Reading; an Act of the County Assembly to authorize the issues of a sum of money out of the County Exchequer account and its application towards the services of the year ending 30<sup>th</sup> June, 2014 and to appropriate that sum and a sum voted on account by Nairobi City County Assembly for certain public services and purposes. First Reading. Order No 10; Motion.

## MOTION

### MOTION OF CENSURE OF THE CONDUCT OF THE CEC MEMBER FOR TRANSPORT AND PUBLIC WORKS

**Hon. Speaker:** Order, Hon. Chege! (*Loud consultations*) I am on my feet and you should freeze. Hon. Members--- Order, Hon. Thuo! Warutere! Order, Hon Ochola! Nairobi City County Assembly: Second Session; communication from the Chair.

Hon. Members removal of Member of Executive Committee, Pursuant to the County Government Act Section 40 and Standing Order Number 62 (1); (*Loud consultations*) Order, Members! Order! Please! Hon. Members, before we proceed with the Motion, I wish to highlight the following:

Section 42 (of the County Government Act) provides that a Member supported by at least one third of the Members of the County Assembly may propose a Motion requiring the Governor to dismiss a County Executive Committee Member on any ground set out in subsection (1) of this section; which sets out grounds, of removal of a County Executive Committee Member.

Standing Order No 62 (1) provides that before giving a Notice of Motion under section 40 and County Government Act 2012, a Member is required to have delivered a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made for requiring the Governor to dismiss a County Executive Committee Member, on a ground of Gross violation of the Constitution or any other law or where there are serious reasons to believe that the County Executive Committee Member has committed a crime under a National or International Law or for gross misconduct.

Notice of Motion shall be signed by the Member, and the Clerk shall submit to the Speaker for approval. Standing Order 62 (2) further provides that once a Member has obtained the Speaker's approval under Standing Order 62 (2(1)) He shall give a three days' notice calling for a dismissal of a Member of the County Executive Committee by the Governor.

Hon. Members, the Notice of Motion was given on 23<sup>rd</sup> April, 2014 and it was supported by a third of Members of the County Assembly, so the Member has duly complied with both the Standing Order and the County Government Act 2012.

(*Applause*)

Hon. Members, after expiry of 3 days after notice is given the Motion must be placed on the Order Paper and shall be disposed of within 3 days. I wish to inform you that the three days have expired and therefore the Motion has met all the requirements of the law and therefore I direct that the Assembly proceed with the Motion as it appears in today's Order Paper. Thank you, Hon. Members. Signed by, Hon. Alex Ole Magelo, the Speaker of Nairobi City County Assembly. I thank you. (*Loud consultation*)

Order Members, who said "*chapa chapa*" you, utter one more word and you will be out of this building. (*Laughter*) This is not a laughing matter. It is not a joking matter. Hon. Chege Mwaura. Hon. Nyang'wara; are you tired? Order, Hon. Nyang'wara!

**Hon. Member for Ngara Ward** (Mr. James Mwaura Chege): I read again? Thank you, Mr. Speaker--- (*Loud consultations*)

**Hon. Speaker:** Order, Hon. Mutiso! Order, Members!

**Hon. James Chege Mwaura.** Thank you, Mr. Speaker, for giving me this opportunity to move this Motion and pursuant to Standing Order No 62; Hon. Speaker sir, I beg to move this motion; that **AWARE** that the County Executive Committee Members are State Officers bound by Chapter six of the Constitution of Kenya 2010 and more so Article 75 (1c) ; **CONCERNED** that the County Executive Committee (CEC) Member for Public Works and Transport, Mr. Evans Ondieki, recently made allegations in the media imputing improper motive against the Members of the County Assembly (MCAs) thereby casting aspersions against their integrity and standing against Nairobians, further alleged that the MCAs were compromised and received bribes in order to block the purchase of the City buses that had not been budgeted for in the FY 2013/14; **NOTING** that he has gone against the provisions of section 39 (2) of the County Government Act 2012, wherein, he has on numerous occasions repeatedly failed to appear before the Sectoral Committee on Transport and Public works without justifiable reasons and while when he has, he has failed to answer questions relating to his responsibilities satisfactorily; further **NOTING** that on Tuesday, 22<sup>nd</sup> April, 2014 when he appeared before the said Sectoral Committee on Transport and Public Works, he was rude and insulted some Members of the County Assembly terming them as hooligans. On the said day, he also incited members of public to picket outside the Assembly in order to intimidate the Committee against carrying out its mandate; **AWARE** that on a previous occasion, the said County Executive Committee (CEC) Member asked elected County Assembly Members to bring lists of proposed 5 roads per ward— (*Loud consultations*)

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

**Hon. James Chege Mwaura:** ---of five roads per Ward knowing very well that there were not budgetary provisions for the same and to date nothing tangible has come out of the request thereby causing Assembly Members embarrassment; this Assembly resolves that Pursuant to Section 40 of the County Governments Act and Standing Order number 62, this Assembly censures the said CEC member for Transport and Public Works and resolves that the Governor do dismiss him from office forthwith on grounds of gross misconduct. (*Applause*)

Mr. Speaker as I begin this journey of moving this Motion, I wish to fasten and foremost thank you and I thank the member of this County Assembly for overwhelmingly signing this Notice of Motion. Mr. Speaker, as you rightly put it I only needed a third which is translating to forty Members to sign this motion and bring it to play.

Mr. Speaker out of the 127 Members of this Assembly I managed to marshal 115 Members. (*Applause*) this shows that these Members are actually involved in this matter and are very keen on how it

proceeds. Secondly, Mr. Speaker, to these Hon. Members and my dear colleagues, I also want to say thank you so much for remaining focused and steadfast and faithful to the course. They say a day in politics, Mr. Speaker---

**Hon. Speaker:** Order!

**Hon. James Chege Mwaura:** ---a day in politics is a long time. It has been a week since the Motion was brought to this Assembly and now it is being debated. Mr. Speaker, there has been numerous calls and whatever but these Members have remained steadfast, focused and faithful to the course. I therefore, thank you. Mr. Speaker, as I move I also want to bring out the issue of credibility. Credibility is what makes a character and comprises the person of a person.

Mr. Speaker, the MCAs are State officers hence the term Hon. Members. Mr. Speaker these Members, are not Councilors, they are not Councilors in thought, not Councilors in behaviour and we are not Councilors in our approach. (*Applause*) So, Mr. Speaker, when Evans Ondieki imputes improper motives, casting aspersion against our integrity and standing to all and sundry unjustifiably for that matter, then it means he needs to be investigated.

Mr. Speaker, anyone who raises issues about your credibility or integrity or especially for a person who is elected because we are elected, fast and foremost because people believed in you; can such a question about somebody emerge without justifiable reasons? Yet when asked, the person cannot properly substantiate that matter. Such a person must be brought to account and his conduct should be investigated, Mr. Speaker. When this CEC Member came to our committee and was questioned about the newspaper allegation and the Media, was brought in too, Hon. Evans Ondieki flatly refused and said he was misquoted.

Mr. Speaker, every morning all this Members buy newspapers and at 9 and 7 every evening we would listen to news and as a communication specialist I will tell you that source credibility is what makes you buy a particular newspaper or watch a particular channel to receive the news of the Country. If a Member of the Executive Committee brings into doubt members who cannot defend themselves in this Assembly, it is important that a committee be formed that they also have a chance to present their case and to present their recordings and so that the credibility question may be answered. Mr. Speaker, Article 39 (2) of the County Government Act clearly states that a Committee of the County Assembly may require a CEC Member to appear or attend its Committee meetings.

Mr. Speaker, the member must answer the questions that are relating to his responsibilities. Mr. Speaker, the question of buses was brought in front of this Committee and Hon. Kambi raised the question. Mr. Speaker, when the chair of the committee came to present a date when she should answer, she poured out her frustrations of how hard it has been to work with the said CEC Member.



Mr. Speaker, it was hard and very emotive at the time but then again, Mr. Speaker, through your ruling, you gave the CEC Member a chance to make sure that he attended and gave his side of the story. Much as I personally was for the opinion that we go for the conduct of the CEC Member on that particular date, Mr. Speaker, you stood your ground and gave the CEC Member chance to prove himself on the 22<sup>nd</sup> of April, 2014. But, when Mr. Evans Ondieki, the Hon. CEC Member arrived in this committee, he didn't see Hon. Members, he saw hooligans, Mr. Speaker.

Mr. Speaker, when he was asked questions pertaining to pertinent issues of transport, he reiterated and I quote him; that he will not be intimidated. Mr. Speaker, while we were debating in the Committee, Members of the Public, sanctioned by him were incited and then were picketing right outside the Chamber intimidating the Committee not to do its work. And this is in clear violation of Article 75 of Kenyan Constitution 2010 and part C and may I read Mr. Speaker; *"that a State Officer shall behave, whether in public or in office or in official life, in private life, or in association with other persons, in a manner that avoids- (C) demeaning the office the officer holds."* Demeaning that office, Mr. Speaker is by bringing out people to demonstrate against Members who are actually doing their work. That is wrong and the conduct of such a member must and should be investigated.

Mr. Speaker, earlier on when we entered this Assembly as elected representatives, the Hon. CEC Member asked Members to bring 5 roads per Ward, 5 roads Mr. Speaker, a year has passed and nothing tangible came out of the promise, nothing from his haphazard policies has come to materialize, Mr. Speaker. This has lead this Members to be embarrassed because we sent our Personal Assistants to look for those roads and today there is not 5 roads and there is not one road, there is no road. And you beg this question; where are our roads, Mr. CEC Member? But as my friend and Chief Whip of Majority will answer on his behalf *'hiyo ni kipindi'*.

Mr. Speaker that conduct is out of order and the conduct of such a CEC Member must be investigated. Mr. Speaker, the Transport and Public Works Committee is a docket that is very powerful and indeed it is the face of any County Government or National Government and is viewed and taken seriously. Mr. Speaker, 80% of infrastructural development lies in this docket. Any key virtual area that is going to ensure adequate services or adequate development infrastructural-wise is being seen in the area of roads; in the area of lighting; in the area of transport or probably in the area of clean environment. Three out of four, I just mentioned happen to be in the Transport and Public Works Committee.

Mr. Speaker, this docket is the nerve center. I said before it is the engine of this County Government and it is the cockpit of making sure services are delivered. Mr. Speaker, the policy Director, the CEC Member, the boss of this docket has not understood this and has not seen it either and if he has, his conduct has betrayed the same, Mr. Speaker. As I beg to conclude this, this is not a show of might by these Hon. Members against the CEC Member or against the Governor or against anybody, Mr. Speaker.

But again, one year has passed, four years are counting and our time is running short. Our term is nearly ending but we have nothing to show. I also want to remind the Executive Member that we are neither



monos nor fresher's nor beginners, we have now learnt the ropes we do not want anyone to hold us accountable if we need to do anything, we will do it, Mr. Speaker. Mr. Speaker the Nairobians are asking where their services are. Mr. Speaker we raised taxes, so that this issues and this infrastructural development might be seen; but where are these roads; where are the lights; why is the transport docket in disarray? Mr. Speaker, for the dignity and the credibility of the Nairobi County Government as a whole to be restored, Mr. Evans Ondieki must be censured.

Mr. Speaker, the law has to be heard and adhered to, to the letter with specific reference to Article 75(1c) of the Constitution of Kenya and Article 39(2) of the County Government Act, to which we also say we will protect and defend our oath. Evans Ondieki ought to be shown the door on grounds of Gross Misconduct, Mr. Speaker. *(Applause)*

Finally, Mr. Speaker for proper services to be delivered to Nairobians and the already overburdened tax payers to see the value for their money, I urge my colleagues; I plead and humbly request them to stand up to the occasion, stamp their oversight authority and declare the CEC Member of Transport and Public Work Committee unfit to hold office by passing this Motion. Mr. Speaker. I beg to move and I want to ask my friend and comrade, Hon. Masinga to second me. Thank you.

**Hon. Member for Eastleigh Ward (Mr. Nelson Marakalu Masiga):** *Shukurani Bwana Spika,*

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

**Hon. Nelson Masiga:** *Kwanza, wacha nichukue fursa hii, kushukuru kaka yangu Mwaura kwa kuleta mswada huu mbele yetu, tuweze kujadiliana kwani waswahili husema hivi; mbiu ya mugambo ikilia, jua kuna jambo. Hayawi hayawi, kisha huwa. Hivi basi kwa msemu huu nitaanza kwa kusema ya kwamba azma ya wajumbe hawa---* *(Loud Consultations)*

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

**Hon. Nelson Masiga:** *---nasema azma ya wajumbe hawa inaweza kudunishwa kwa kuweza kuitwa wana sarakazi, wanavipindi, vikaragozi---*

**Hon. Speaker:** Hon. Oscar Lore!

**Hon. Nelson Masiga** *---hivyo basi kwa kutudunisha hivi, hata wale ambao tunawawakilisha hapa, hawatupa ile heshima ambayo tunastahili kupewa. Nakumbuka hivi maajuuzi nilisema ya kwamba tulichanguliwa kama Waheshimiwa tukaja tukawa Waishiwa. Sasa hivi sisi ni wadharauliwa na nikisema hivyo nasema ya kwamba Wana Eastleigh Kusini walinipa fursa hii ili niweze kuwawakilisha katika hali ya kuangazia nakuleta maendeleo katika jamii hii.*

*Jamii hii kufikia sasa ninavyo fungua kurasa za kalenda hawana hata mradi mmoja ambao wanaweza dai ya kwamba kama Kaunti ya Nairobi tumewapa. Nafikiri kitengo hiki ndicho ambacho kinasimamia miradi katika Wodi zetu na katika dhuluma hizo nasema mimi nataka nikome kilio cha kusema ya kwamba, waja wangu hawafanyiwi jambo lolote. Nikitaka barabara kwangu ziwe safi basi nauliza wenzangu tuweze kumpa lango ndungu Ondieki aweze kuenda zake. (Makofi) Nikitaka barabara nzuri ama taa ziweze kung'aa katika Wodi yangu, basi nawashauri wezangu tumeze kumupatia mlango Ndungu Ondieki aende zake. (Makofi) Tukitaka sifa za jiji la Nairobi ziweze kuenea kama jiji ambalo liko juani basi nawashauri wezangu, ya kwamba ndungu Ondieki hatoshi kazi hii. (Makofi) Tukitaka kuweza kuwa kama kurunzi katika taifa hili kama jiji la Nairobi basi, nawakerekeza wenzangu kwa, basi tuungane mikono kwa kusema Kaka Ondieki hana tajriba, hana misuli ya kufanya kazi hii, basi aende nyumbani. Shukurani, Bwana Spika.*

*(Applause)*

**Hon. Speaker:** Hon. Members, I now propose the question that **AWARE** that the County Executive Committee Members are State--- Order Members!, order! Please, order! ---that **AWARE** that the County Executive Committee Members are State Officers bound by Chapter six of the Constitution of Kenya 2010 and more so Article 75 (1) (c); **CONCERNED** that the County Executive Committee (CEC) Member for Public Works and Transport, Mr. Evans Ondieki recently made allegation in the media imputing improper motive against the Members of the County Assembly (MCAs) --- Hon. Members! Hon. Akuk!

**Hon. Member for Nyayo Highrise Ward (Mr. Akuk Maurice Omondi):** Thank you, Mr. Speaker sir, I rise to support this Motion, and I must state categorically, Mr. Speaker, that this is the happiest day of my life in this Assembly and it is definitely going to bring back life or rejuvenate Members to contribute to Motions that will actually make Nairobi see some light. Mr. Speaker sir, a lot has been mentioned on the Motion but I just wanted to add one particular issue that will guide Members in debating and will help members realize that indeed, Mr. Ondieki must go. Mr. Speaker sir, today reminds me of the day, a very respected senator of this County Hon. Khalwale stood before the Speaker Marende and talked of Kimunya must go. Mr. Speaker today I am repeating the same on this gentleman known as Ondieki, that he must go *(Applause)* Mr. Speaker sir, I am more interested----

**Hon. Speaker:** Order, Manyala! Order!

**Hon. Maurice Akuk:** Thank you, for protecting me, Mr. Speaker sir. I am more interested in the allocation that was given to this department, Mr. Speaker sir. I sit in the Budget Committee and I was very depressed, when I looked at the figures that we did allocate to this particular---

**Hon. Speaker:** Order, Hon. Hashim!

**Hon. Maurice Akuk:** That we allocated to this particular department and I was very optimistic at the time, that by giving this particular department Ksh 1.2 billion and putting somebody who could actually

manage it was going to help Nairobi have some development, Mr. Speaker sir. I am opposed to this gentleman for lack of control over this particular amount which was nearly 1.2 billion shillings. This Money was not for debt repayment but what has been happening in this department even though we set aside a certain amount for debt repayment, Mr. Speaker sir, they have used this money to repay back some developments that were done seven years ago; some development, that were done five years ago, Mr. Speaker sir.

This money as we speak today is exhausted and no new development is in place. Mr. Speaker sir, my Ward is suffering. Last year in October I had an approval of security lights to be installed in my Ward. When I went to check on the approval and the development on this particular approval, Mr. Speaker sir, I was told that the budget that had been allocated to the lights had been exhausted. If truly we had a CEC Member who knew how to control what has been given to him/her; who knew how to allocate what has been given to him/her, Mr. Speaker sir, this would have not been the case.

We have 85 Wards. The financial year is nearly over, Mr. Speaker sir. We are only left with two months. What did this money do? Nothing. When we asked for explanations from him, Mr. Speaker sir, he gave a very poor explanation. He told us that he has been sabotaged by the Engineers, Mr. Speaker. I don't think you can be the head of this particular department and still give reasons that you were still sabotaged by your juniors. It means that you definitely have no control over that particular department, Mr. Speaker sir.

*(Applause)*

This is something that has made me actually fear my Ward, because until today, I thought that if I had even been given this public Security light they would have seen as if we are doing something. But because it was headed by somebody who was not serious, somebody who is actually looking at what he has at the budget and is still going ahead and looking for some buses which actually is a soft loan. The Standing Orders are very clear, the County Government Act is very clear; anything like a soft loan must come before this House, Mr. Speaker sir and it has to be approved by this House.

I was really--- I don't know what to say, Mr. Speaker sir, but I was really disturbed by the fact that a document had already been prepared that this CEC Member had signed on, allowing some Company from Netherlands to supply us with buses. How do these things happen without our knowledge? I only think that it is best that we get someone who given an opportunity to control a big budget that we had given to this particular department can actually act. With those few remarks my request is; Hon. Members, as you debate on this it is important that we get somebody who can actually come and give us some meaningful development and control the budget without excuses of being sabotaged by his juniors. I ask you to support this Motion and Ondieki must go. Thank you.

*(Applause)*

**Hon. Speaker:** Hon. Ngaruiya.

**Hon. Patrick Chege Ngaruiya:** Thank you, Mr. Speaker, for giving me this opportunity to support this Motion. I rise here as a Hon. Member for Kahawa West who is a very worried man, Mr. Speaker. One; when I went through those people who sought this job, Ondieki never applied to be a Member of this particular Department, Mr. Speaker. He never applied for the job and I fail to understand where he had come from. Mr. Speaker, the allegations he made on MCAs, I being one of them I would wish he gave---

**Hon. Member for Kayole South (Ms Elizabeth Manyala):** Point of Order, Mr. Speaker!

**Hon. Patrick Chege Ngaruiya:** I would wish he gave the opportunity that to the Committee so that he could name and shame those particular corrupt MCAs---

**Hon. Speaker:** Okay let's hear what, Point of Order on what? You must be specific.

**Hon. Patrick Chege Ngaruiya:** Manyala, must speak.

**Hon. Speaker:** You must be specific.

**Hon. Elizabeth Manyala:** Mr. Speaker sir, this post was advertised and you sat in the appointment Committee, chairing it and the Member cannot mislead the House saying that he does not know from which planet, Mr. Ondieki came. Even having said that, Mr. Speaker sir, we have the Standing Order that guides this House and Standing Order number 63; if I can read to be heard; Mr. Speaker sir 63 (1);---

**Hon. Speaker:** Order, Hon. Manyala! Order! Order! Hon. Ngaruiya.

**Hon. Patrick Chege Ngaruiya:** Thank you, Mr. Speaker. Hon. Manyala should wait because that is coming and here the business of today is to ensure that Hon. Ondieki is sent home, thank you. Mr. Speaker, it is against the procedure that the CEC Member would go ahead to solicit for funds so that at least the Nairobian have those buses. Mr. Speaker, we are not against the buses. We are not against our people, who I represent to be paying Ksh 35, Mr. Speaker. What I am against is the process that has been used; the process that has been followed in the concessioning and in the agreement that has been occasioned by none other than the CEC Member for Transport, Mr. Speaker. Mr. Speaker, ignoring a Committee and yet that Committee expects to report to this particular House, amounts to gross misconduct and there is no other way we can send this gentleman home other than on that clause, Mr. Speaker. I am waiting here; Mr. Speaker, I did ask a question on the five roads. Up to now the CEC Member has refused to answer that question. Up to now, the roads have not been budgeted for. I looked at the budget of 2014/15---(*Loud Consultations*)

**Hon. Speaker:** Order, Members! Order! Consult in low tones.

**Hon. Patrick Chege Ngaruiya:** --- and Mr. Speaker, when I was going through that budget I didn't find the five roads. The 2013/2014 budget; the roads were not there. Where would the CEC Member get that money so that he could fund the rehabilitation and the construction of those five roads in every Ward, Mr. Speaker? That means that Mr. Speaker, the CEC Member for Transport and Infrastructure lied to these Hon. Members. *(Applause)* There is no way we are going to allow an individual to come and lie to the Members and he wrote a letter to us asking every Member, every Member hang on the lie hoping that now they will see the light in their Wards but, Mr. Speaker, that has not taken place.

Mr. Speaker, on issues of buses we are stakeholders, we are Nairobians and we are supposed to be involved in every process. What has happened here, we are also hearing just like a person from the village that there are buses. Somebody was telling me over the weekend, and when you are hiring drivers can you ensure that I am one of the drivers of those buses? And you see you cannot argue with a villager. Mr. Speaker, this is a process that we should be knowing, it should be brought to this particular Assembly, and that shows that the CEC Member---

**Hon. Member:** Point of Order, Mr. Speaker!

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

**Hon. Patrick Chege Ngaruiya:** ---that he has no respect for this House---

**Hon. Speaker:** Order!

**Hon. Patrick Chege Ngaruiya:** ---and therefore Mr. Speaker, this particular CEC Member should go home *(Applause)* on issues to do with his performance. What we budgeted for in that particular Department was 1.2 billion, Mr. Speaker, and we also budgeted for 2.7 billion to pay for the pending Bills, yet that money that we set aside for infrastructure development went to the payment of those pending Bills, Mr. Speaker. We need somebody to stand up and say what that Department has done for this Nairobi County for the last one year. Therefore, Mr. Speaker I have no objection that this County Executive Member should go home. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Ogeto.

**Hon. Member for Kilimani Ward (Mr. Moses Ogeto):** Thank you, Mr. Speaker sir, first and foremost I want to congratulate this House, Mr. Speaker sir, as you may realize it is very full. I would wish every day when we have very serious Motions this House would also be full. Mr. Speaker sir, I want to oppose this Motion *(Applause)* *(Loud Consultations)* I want to oppose this Motion, Mr. Speaker sir---

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

**Hon. Moses Ogeto:** Mr. Speaker sir, protect me---

**Hon. Speaker:** Yes, you are protected

**Hon. Moses Ogeto:** ---and Members should be quiet the way others who were supporting the Motion were quiet. We were not making noise when others were supporting this Motion, Mr. Speaker sir.

**Hon. Speaker:** Continue, Hon. Ogeto.

**Hon. Moses Ogeto:** Mr. Speaker sir, I want to tell my fellow, Hon. Member, who is shouting from the other side that I can't be managed with Ksh 10,000. And I want to oppose this Motion on the ground that, Mr. Speaker sir, this House can't be directed by allegations. *(Applause)* There is nowhere in this House--- Mr. Speaker sir, my fellow Member *Mheshimiwa* Chege is a great friend of mine. I do understand the word called gross misconduct, Mr. Speaker. In cases I remember, Mr. Speaker sir, when I was doing law, *(Loud Consultations)* 'gross misconduct'; I can define this using my small tablet, Just give me time, I want to read to the Members. *(Loud Consultations)*

**Hon. Speaker:** How many minutes do you have? *(Loud Consultations)*

**Hon. Moses Ogeto:** Mr. Speaker sir, in a case of Flemming Vs Flemming, which was conducted in UK about gross misconduct; the gross misconduct couldn't be testified to unless and otherwise. I can see *Mheshimiwa*, my fellow Hon. Member, *Mheshimiwa* Chege, has categorically said that the gross misconduct was brought because the Member never attended the meetings. The Member came and became arrogant, Mr. Speaker sir, there is nobody who is not arrogant in this House. *(Applause)* Every person is arrogant. Is that the degree of arrogance---

**Hon. Speaker:** Order, Hon. Member! Order! Hon. Ogeto---

**Hon. Moses Ogeto:** Yes, *Mheshimiwa*---

**Hon. Speaker:** Withdraw those words.

**Hon. Moses Ogeto:** Mr. Speaker sir, I withdraw---

**Hon. Speaker:** Thank you.

**Hon. Moses Ogeto:** ---I want to also clarify very well that the gross misconduct, the arrogance of a human being or degree of a human being's arrogance cannot be testified to even in court, Mr. Speaker sir, because you don't know whether this person is under duress or not. It has been *(Loud Consultations)* my---

**Hon. Speaker:** Hon. Ogeto, *(Loud Consultations)* Order, Members! Order! *(Loud Consultations)* Order!

**Hon. Moses Ogeto:** Mr. Speaker sir, the Members of this House, I am very sure are very happy about this because you must also understand that the CEC Member only gives instructions for the implementation of the projects. You must understand this House also approved the Chief Officer who should ensure that the communication from the CEC is followed up for implementation of the same projects. *(Applause)* There is no way, Mr. Speaker sir, you will see the tail wag the dog but the dog wags the tail because the tail is the one which wiggles not the dog. We must understand, Mr. Speaker sir, that---

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

**Hon. Moses Ogeto:** We can't do and, or we can't go to an Executive Member when we have not seen the source of the problem. It is not in order, Mr. Speaker sir, to start hitting the head before knowing the tail and if in any case this Assembly starts hitting without knowing where the problem started from then this House will lose focus. *(Applause)* Mr. Speaker sir, I want to stipulate categorically that as we proceed with this censure Motion--- *(Loud Consultations)*

**Hon. Speaker:** Order, Members! Order! Order! Allow the Member, please! Hear the Member out. *(Loud Consultations)* Order, Members! Listen to the Member.

**Hon. Moses Ogeto:** Mr. Speaker sir, we as the House know very well when we start this censure Motion, it will be a time for the break or a time for the makeup---

**Hon. Speaker:** Yes.

**Hon. Moses Ogeto:** ---and you must understand very well, Mr. Speaker sir and Members also must understand this; that this House should neither victimize nor allege. I have not. *Mheshimiwa* Kambi, I want to say that I have not spoken about---

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

**Hon. Moses Ogeto:** Mr. Speaker sir, I can't be intimidated by my fellow Hon. Member about tribe. I have not spoken anything tribal in this Assembly--- *(Loud Consultations)*

**Hon. Speaker:** Order! Order, Hon.! I've heard. Order! Go on. Order, Hon. Member!

**Hon. Moses Ogeto:** ---so, Mr. Speaker sir, I want to conclude that as we proceed with this Motion let us not lose focus. Let us maintain the focus and know very well that one time, one moment it will also dawn on others who do not want to perform, Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Jacky Nyang'ala. *(Loud Consultations)* Order, Members! Order! I thought you were ready. Okay, Kambi, sit down. Hon. Thuo.



**Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo):** Thank you, Hon. Speaker sir. I must say that I rise to oppose incompetence. Hear me right; I rise to oppose incompetence, lack of vision, misplaced resources and lack of soberness exhibited by this CEC, Mr. Speaker. I also want to tell Hon. Members that, in brief, to bring sanity in the Department of Transport and Roads, Mr. Speaker, Ondieki must go. *(Loud Consultations)* He is the overall coordinator. The buck stops with Ondieki, Mr. Speaker. When he came here last week, Mr. Speaker, he lamented that he is somehow a useless bull. That is what he said, Mr. Speaker that he was a useless bull and he cannot perform. So, this guy, Mr. Speaker, in the first place should not be in this City Hall. The guy should have resigned like yesterday, Mr. Speaker.

To bring total overhaul in that Department, we must start with him and also to the Department, we must put them on notice that we have just started. We are coming to overhaul that Department, Mr. Speaker, because that Department has failed Nairobi. That Department has failed us as elected Members and has failed the stakeholders of Nairobi County under the watch of Ondieki. All this is happening; lack of development in our Wards is happening under the watch of this guy. We cannot blame the Governor of this County. He is a very busy man, Mr. Speaker, and that is why he appointed this man, and we thought he is able, Mr. Speaker. Also, Mr. Speaker to avoid, in future selective development, because I understand development is happening in some Wards, but not all the Wards in Nairobi, Mr. Speaker. Lights are being put in some Wards in Nairobi. I hear---

**Hon. Speaker:** What did you--- *(Loud Consultations)* Order! Order! What did you say? Development is what?

**Hon. Stephen Kamau Thuo:** Mr. Speaker, I have said, to avoid selective development in the City, Mr. Speaker, this man must go because I understand--- *(Loud Consultations)* ---because I understand, Mr. Speaker *(Loud Consultations)* ---

**Hon. Speaker:** Order, Members! Order! Can you specify, please? *(Loud Consultations)*

**Hon. Members:** Which Wards? Which Wards? *(Loud Consultations)*

**Hon. Speaker:** Order! Order! *(Loud Consultations)* Order, Members! Order! *(Loud Consultations)*

**Hon. Stephen Kamau Thuo:** Thank you, Mr. Speaker, I have only said that to avoid selective development, Mr. Speaker. Like there are some developments that are happening in Wards, Mr. Speaker, and this is public knowledge. Let the Member go ahead and identify which Ward, Mr. Speaker. And also as I conclude Mr. Speaker, to give a clear statement on other Members of the Executive, Mr. Speaker, Ondieki must go; and also to bring order in that Department he must go.

A while back, Mr. Speaker, as I conclude we approved this guy with a word and with a word Mr. Speaker, we must remove this guy.,So, I join the rest of the Members in this House, Mr. Speaker, to say this guy called Ondieki must go.

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

**Hon. Karen Wanjiku** (Nominated Member from Njiiru): Thank you, Mr. Speaker sir, I am standing here as a representative of Nairobi City County. My party brought me here to represent Nairobi. Therefore, Mr. Speaker sir, I cannot sit down when such an important Motion is going on. I stand here to support this Motion to take--- (*Loud Consultations*) Mr. Evans Ondieki home because he is not sober enough to work in Nairobi. He does not understand his mandate. Transport is very important in Nairobi. I take for example Komarock Road, Mr. Speaker ---

**Hon. Speaker:** Order, Members! Order! Order! Order, Members! Down that group!

**Hon. Karen Wanjiku:** Mr. Speaker sir, Ondieki promised every representative in the 85 Wards, 5 roads and I believe if the roads were constructed, Komarock Road would be smooth. Komarock Road connects Juja Road to Kangundo Road. You can imagine that road looks like a *shamba* and the people are saying even when it rains they might plant some maize on it. Mr. Speaker sir, Mr. Ondieki must go home. I don't want to waste more time because many people seem to say Ondieki must go.

**Hon. Speaker:** Hon. Kotieno.

**Hon. Member for Sarang'ombe Ward** (Mr. Pius Otieno): How Mr. Speaker, I wish you would protect me. Thank you Mr. Speaker, as I rise to oppose this Motion because it is within my confined right--- (*Loud Consultations*)

**Hon. Member:** *Hata wewe.*

**Hon. Pius Otieno:** *Hata mimi, (Loud Consultations) hata mimi, (Loud Consultations)hata mimi.* Mr. Speaker I wish you would protect me the way proposers of this Motion have been protected. (*Loud Consultations*)

**Hon. Speaker:** Order, Members! Give the Member a---

**Hon. Pius Otieno:** When I am not being protected I will construe other things otherwise. I want to say that first of all, Mr. Speaker, any County Government or any Government in any jurisdiction is as good as its Parliamentarians or its Assemblers. I begin with the issue of the roads that Ondieki promised Members. I got the communication in my pigeon hole and probably I think I am the only Member who did not submit a list of roads because I knew how the Government works. It is also very difficult, (*Loud Consultations*) it is also very difficult to comprehend. I am trying to comprehend and even go through this

Motion. In my opinion I think it is ill intentioned. It is intentioned in the fact that Governments are interwoven with what we call a bureaucratic system. Protect me! Protect me, Mr. Speaker. I gave him time. I gave him time---

**Hon. Speaker:** What?

**Hon. Pius Otieno:** I gave you time Akuku---

**Hon. Speaker:** Order, Hon. K'Otieno, you don't stand, both of you.

**Hon. Pius Otieno:** Then, let him sit down.

**Hon. Speaker:** I'll go back to my book--- order Hon. Otieno, sit down. *(Applause)*

**Hon. Maurice Akuk:** Mr. Speaker sir, I just stand here to correct the fellow Member who is actually misleading this House. We are not even sure whether he is supporting this Motion or opposing this Motion because from my point which I gave here, Mr. Speaker sir, I just mentioned the incompetence of the gentleman and he has supported it by saying that he saw the roads but because he knew that the guy was doing a wrong thing, he never gave the roads, Mr. Speaker sir. *(Applause)* so what are you telling us? What are you trying to tell us? *(Loud Consultations)*

**Hon. Speaker:** Order Members, *(Loud Consultations)* order, order. *(Loud Consultations)*

**Hon. Pius Otieno:** Thank you, *(Loud Consultations)* thank you--- *(Loud Consultations)* thank you, Mr. Speaker. I still want to maintain that position that I saw the communication and I never acted upon the communication simply because I knew that as a legislator and there is no way an Executive would ask me to table or to bring names of the roads while I clearly know that there are Engineers; there are bureaucrats and there are people who are competent enough to do that particular job. *(Loud Consultations)* Mr. Speaker, it is also very important--- it is also very important for you to understand and for this House in particular that---

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

**Hon. Pius Otieno:** I want even as Ondieki will be going home, but I must also get into the records that I opposed this Motion, so, I am saying this--- *(Loud Consultations)* that Ondieki, Ondieki is a victim. Ondieki is a victim of an Assembly that probably does not hold some philosophical issues on Public Administration. *(Loud Consultations)* I am saying philosophical because Ondieki is a Public Officer. Mr. Speaker, I would wish you protect me. *(Loud Consultations)*

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

**Hon. Pius Otieno:** I would wish you to protect me.

**Hon. Speaker:** You cannot even hear what the Member is saying.

**Hon. Pius Otieno:** ---because they are eating into my time. They are eating into my time---

**Hon. Speaker:** Order, Hon. Kambi! Order! Order! Order!

**Hon. Pius Otieno:** They are eating into my time.

**Hon. Speaker:** Order!

**Hon. Pius Otieno:** The reason as to why I said that is because Ondieki, being a Civil Servant and a Public Servant, is guided by what we call Public Administrative Law. Within that context of Public Administrative Law, people are being guided by what we call harsh bureaucratic procedures where we have---

**Hon. Speaker:** Order! Hon. K'Otieno are you trying to tell us the problem is the Hon. His Excellency the--- are you trying to tell this House that the Governor is the one who is wrong and it is not---

**Hon. Pius Otieno:** I've not called anybody's name. I've not called anybody's name. (*Loud Consultations*)

**Hon. Speaker:** Don't mix issues here. Don't mix issues.

**Hon. Pius Otieno:** Mr. Speaker, I wish--- I still think that---(*Loud Consultations*)

**Hon. Speaker:** Order, Hon. K'Otieno! Order! (*Loud Consultations*) Please confine yourself--- (*Loud Consultations*) confine yourself to this. (*Loud Consultations*) Confine yourself to this, please.

**Hon. Pius Otieno:** Well, this one, I want to say this; Mr. Speaker, that these points of mine are very valid and they are coming from my head---(*Loud Consultations*)

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

**Hon. Pius Otieno:** Not unless, not unless there is a particular position that has been adopted and that is why I want to know---(*Loud Consultations*)

**Hon. Speaker:** Order Members listen to the Hon. Member, please. (*Loud Consultations*)

**Hon. Pius Otieno:** ---that a position has been adopted that---

**Hon. Speaker:** Order! Members, order!

**Hon. Pius Otieno:** ---Ondieki must go home. *(Loud Consultations)* Yes, Mr. Speaker---

**Hon. Speaker:** Yes, allow the Hon. Member to finish his contribution. It is important for each and every one of you here when coming to speak, please, to be given time to speak.

**Hon. Pius Otieno:** Thank you so much.

**Hon. Speaker:** Don't interject whether you like it or you don't like it.

**Hon. Pius Otieno:** Thirdly; Mr. Speaker, I still oppose this Motion because in my humble opinion Ondieki was never given an ample time to defend himself. The laws of natural justice are quite clear. Mr. Speaker---

**Hon. Speaker:** Order, Hon. Kambi! Order!

**Hon. Pius Otieno:** Who is the Speaker of the House? I would wish to know that. Who is the Speaker here?

**Hon. Speaker:** Order! Hon. Order! *(Loud Consultations)*

**Hon. Pius Otieno:** Probably a position has been adopted that Ondieki should go home, Mr. Speaker. We should know that; we should know if Ondieki should go home.

**Hon. Speaker:** Order, Hon. K'Otieno! And you are sent out for the rest of the day. *(Applause)*  
*(Loud Consultations)*

*(Hon. Pius Otieno is escorted out by the Serjeant-At-Arms)*

**Hon. Speaker:** Order! Hon. Members, you cannot, you cannot stand here and question the Speaker. *(Loud Consultations)* I am not, and I want to tell you--- *(Loud Consultations)* Order! Hon. Member! Hon. Members this is your Motion. It is not the Motion of the Speaker and you cannot stand here and question the integrity of the Speaker. And I can see a lot of you here are going to be out of this floor before the close of the day. Any Member who stands here whether you like it or you don't like it, allow her or him to speak. If you think you can speak better call us to Jamhuri Park on the first of May and talk to us. So, keep peace and let Members contribute. Hon. Manyala and then Hon. Diana Kapeen.

**Hon. Elizabeth Manyala:** Mr. Speaker sir, I rise to oppose this Motion, (*Applause*) and indeed as I quote from Plato's The Republic, which says some of these democracies which we are seeing today are Utopian. Why am I saying this? Mr. Speaker sir, this House has been reduced to a mere---

**Hon. Speaker:** Hon. Chief Whip! Hon. The Leader of Majority!

**Hon. Elizabeth Manyala:** ---the allegations that are being piled on Mr. Ondieki are: some are emanating from the media which in the past has misquoted even Hon. Members. As I may say even Hon. Members, the Minority Leader was misquoted, Mr. Speaker sir, even you were misquoted one time in a funeral service and it was never used against you. And today we are seeing when the media has misquoted an Executive Member it's being taken as the truth and nothing but the truth. Mr. Speaker sir, when it comes to a Sectoral Committee summoning an Executive to appear before the Committee, we are human and sometimes the letter can come when you are unwell or you are out of the Country or you are in-  
--

**Hon. Speaker:** Order, Hon. Member! Please I have just asked, allow the Member---

**Hon. Elizabeth Manyala:** ---or you are---

**Hon. Speaker:** ---to finish or you will come and bring your share.

**Hon. Elizabeth Manyala:** ---or you are indisposed and it is upon the Committee to follow up why the Executive did not come in an amicable manner and in a manner that can bring some co-existence between the Executive and the County Assembly and not to demonize because the Executive are here to implement the activities and design projects. Designing a project, Mr. Speaker sir, is not easy. It takes time because you have to start by evaluation then come to the real implementation then monitoring and then oversight.

When it comes to again the third violation which he is being accused of that he promised what he cannot deliver; Mr. Speaker sir, even these Hon. Members during their campaign time they promised the Nairobians or their Ward mates things that they cannot even deliver that are not even stipulated in the Fourth Schedule of the Constitution but by virtue that they are there, they have to do something which is called resource mobilization. When you are doing resource mobilization and I have written a letter to a partner or a donor, I expect that, I envisage that the donor will tell me yes and if the donor comes today because you know the political temperature which is in this Country, Mr. Speaker sir, and they tell me no. You cannot crucify me and I dare tell those who are supporting this Motion that they are living in a glass House. Start casting the first stone and the Ward, the Nairobians will do the same unto you. Woe unto you. Thank you, Mr. Speaker. (*Loud Consultations*)

**Hon. Speaker:** Hon. Diana Kapeen and then Hon. Warutere.

**Hon. Member for South C Ward** (Ms. Diana Kapeen): Thank you, Mr. Speaker sir---(*Loud Consultations*)

**Hon. Speaker:** Order, Members! Please, I ask you to listen to each other. If you don't want to listen, walk in front, bow and go.

**Hon. Diana Kapeen:** Thank you, Mr. Speaker sir, I rise to support this Motion. (*Applause*) Having sat in the Transport Committee, Mr. Speaker; having summoned, Mr. Ondieki and having had a chance to talk to Mr. Ondieki on 22<sup>nd</sup> of this month and having also observed him as my Executive Member for the County; first I want to correct whoever doubts that the buck stops with Mr. Ondieki. Indeed the buck stops with Mr. Ondieki, unless he doesn't know his functions as the CEC for the Transport Department. Number two; when we rose in this House, Mr. Speaker, we rose because he was not attending the meetings. This book, Mr. Speaker, the laws governing the operations of the County, was written to guide the Assembly on how to manage the Assembly. Mr. Speaker sir, it will not be hard for the Governor himself to remove Mr. Ondieki because he has missed three meetings consecutively without the authority or permission from the Governor, Mr. Speaker.

It is in the book, Mr. Speaker. We are not here because of personal differences. Some of us might not have roads, some of us have roads. If you did not put forward your five roads, probably you don't live in Nairobi. You live in some--- I don't know where, because if you live in Nairobi you promised people roads and indeed we forwarded our roads for those of us who care for the people.

Mr. Speaker sir, Ondieki appeared before the Committee of Transport and Public Works. He will be given his chance to be heard once the Committee is formed after this Assembly, Mr. Speaker, because I believe these Hon. Members will indeed censure the CEC for Transport. He will be given, the evidence which will be tabled. He appeared before the Committee; he was a hostile witness, Mr. Speaker. He said the questions were irritating. He told us he has brains. Mr. Speaker, he told us. Nobody denied the Minister chance to attend our meetings. I personally followed Mr. Ondieki to a meeting that was held in Serena for education. I asked him whether he had a problem with our Committee; why he doesn't appear or attend our meetings, Mr. Speaker. These are the words of Mr. Ondieki, "*Utanisaidia*". I can help to an extent but I cannot come to the Assembly and accumulate questions. I cannot let down the Committee that elected me to represent them, Mr. Speaker. In this regard, Mr. Speaker, there have been a lot of rumors all around.

My Committee the Committee for Transport and Public Works has seventeen Members. I have not known a person who came here to the County Assembly with a bowl to beg. We are able Members. As Members of the Transport Committee, (*Applause*) we do not take bribes. We have stood the test of time as a Transport Committee. Signatures have been collected before. I have not seen them see the light of day. In our case, this Committee presented a case not because of malice; not because of bias but because of the incompetence of the Member.



Mr. Speaker sir, he has a role to appear before the Committee. What is the role of the Committee? We are oversight. Had he only taken time as a learned friend, as the educated person that he has been deemed to be, he should have had the courtesy to come and address us and probably the issue would not have taken whatever route it took. And for the allegations of the bribery, I do not know what a soft loan is. I want to be shown in the dictionary what a soft loan is, a soft credit loan, a grant. How could a whole Minister go and negotiate, who is guaranteeing this Minister, because the County Assembly has to be guaranteed by the Government? Did he ever come to this Assembly? He did not come.

I want to take this opportunity to say that our Hon. Member despite being with gross misconduct, he is also a liar because at no one point--- (*Applause*) at no one point did he bring any Motion regarding buses. If you go to the social media today, the County Assembly Members are being accused of taking bribes from the Matatu Owners Association. I do not know any person, I don't think any person has approached our Committee. We have a way; we have a long way to clear our names, Mr. Speaker. And then again even if he was to roll out buses, what is his plan? June is just the coming day. Where are these buses coming from? Where are the roads? What plan does he have for the buses? What about the Matatus? What about the Nissans? Is it a dream that we wake up in the morning and have some line that is non-existent? I think, Mr. Speaker, for a leader who has a lot of responsibility that has been placed before his hands to represent and take action for the people of Nairobi, honesty, transparency and accountability should be number one. Integrity is everything.

I want to commend my Committee. I want to commend the Majority Leader for having stood with us because he knows the problems that we go through. (*Applause*) It was not easy for us to come here and summon a Member of Parliament. We don't like making enemies. Personally, I wouldn't want to make an enemy I am just standing here as duty bound by the Transport and Public Works Committee.

**Hon. Speaker:** Order, Hon. Manyala! Order!

**Hon. Diana Kapeen:** I also want to say; we did not come here for side shows, Mr. Speaker sir. For sideshows, we all know cat-walk, Mr. Speaker. (*Applause*) (*Loud Consultations*) and Mr. Speaker sir, we all know how to cat-walk--- (*Loud Consultations*)

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

**Hon. Diana Kapeen:** Mr. Speaker sir, we all have our time. Given your time; state facts. Unless you are coming out of this House and you know where the Transport Committee took the bowls to be given money, then go with your bowl to the--- to wherever you came with them from.

**Hon. Speaker:** Hon. Warutere. (*Loud Consultations*)

**Hon. Member for Roysambu Ward (Mr. Peter Warutere):** Mr. Speaker sir---

**Hon. Speaker:** Please, allow the Chairman to speak. *(Loud Consultations)* Order, Hon.! *(Loud Consultations)* Order! Order!

**Hon. Peter Warutere:** Mr. Speaker sir, allow me and protect me from the other side of the opposing camp. I must say it is indeed a great day just as the late Hon. Kijana Wamalwa used to say, and may the good Lord rest his soul in eternal peace. This was a day that was set for the gods, a holy hour, to celebrate the achievements or the feasts of the great people. This war will not be won by the faint hearted. This war must be won with facts; with issues; without quoting of innuendos and it is indeed a dark day when a few individuals stand up in the name of tribe to prophesy a certain religion called hypocrisy in order to get cheap mileage and try to win unnecessary, unwarranted and unsolicited support in this very issue. I beg, for the purpose of the opposing side, that this is not a court martial; we are here---

**Hon. Speaker:** Order, Hon. Chairman!

**Hon. Peter Warutere:** Allow me to give facts.

**Hon. Speaker:** Order, Hon.! Are you reading? Can I--- come approach the chair. Hon. Chief Whip? They are prepared points. I would have shown him the door.

**Hon. Peter Warutere:** Not really, we are here to get facts for the purpose of clarity of mind and setting the record straight. I want to pose the first two questions. The good Minister who is being defended here asked for between five and eight roads; you are all aware and going by the figures of the roads that have so far been assessed, facts do not lie. We are told the 57 Wards that so far have been assessed; the budget is spilling to about Ksh 61 billion for doing the roads in about 57 Wards only. Tell me good people where would we get such money to do one component; one component which is roads within even five years. I am imagining once all the roads have been assessed that good Minister would give us a budget of about Ksh 80 billion. Honestly with all sense of purpose, persuade me otherwise. The same Minister came, asked us to give each, one court martial---

**Hon. Speaker:** Correction, correction not 'court martial'.

**Hon. Peter Warutere:** Sorry, traffic marshals *(Loud Consultations)* It is the anger that is in me that is allowing me to say the wrong issues.

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

**Hon. Peter Warutere:** What happened, I want still to ask the opposing camp to allow me into the insights of those facts. What happened to those Traffic Marshals as they were? Mr. Speaker if you allow me---

**Hon. Speaker:** Order, Chief Whip Majority! Chief Whip Majority!

**Hon. Peter Warutere:** Mr. Speaker, if you allow me I will show a few facts under the privilege of this House and I want to give a disclaimer that once these facts are asked; I'll be more that obliged in a sitting of a Committee that I sincerely believe will be formed when Ondieki is shown the door; and I believe the following facts; that we know for sure that a meeting took place---

**Hon. Speaker:** Order, Hon. Obonyo! Order!

**Hon. Peter Warutere:** Allow me to finish my five minutes. Ondieki--- the Hon. Member will have his time---

**Hon. Speaker:** Continue, Hon. Order!

**Hon. Peter Warutere:** Yes.

**Hon. Speaker:** Go ahead.

**Hon. Peter Warutere:** We know for a fact that a certain meeting took place between the said CEC Member and a certain businessman and the issue at hand was discussion on the fleet of two hundred buses. We also know for a fact that he was trying to commit a particular bank to be part of this agreement so that he could commit this very good County---

**Hon. Speaker:** Order, Member! There are Members who are using cellphones here as cameras. You must stop that. I have seen flashes but they are inside here; they are not outside there. If you want to take photographs go to the balcony.

**Hon. Peter Warutere:** We also know for a fact that during this meeting some money changed hands. The good Minister agreed to single source the 200 buses to be brought---

**Hon. Speaker:** Order! Order! Order, Hon. Chairman!

**Hon. Peter Warutere:** I withdraw that bit.

**Hon. Speaker:** Please don't bring reports that are not with this Assembly.

**Hon. Peter Warutere:** Before I gave out this report I gave a disclaimer, Mr. Speaker sir, that once the facts are asked, I'll sit in that Committee and I'll avail those facts as I have them---

**Hon. Speaker:** Correct, correct.

**Hon. Peter Warutere:** I'll not be a hostile witness, I'll go there as the friend of a Committee and I'll be able to give these facts. So, that we know also for a fact that this Minister is also disturbed, because he took money from a certain Somali---

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

**Hon. Peter Warutere:** I withdraw that, allow me to continue---

**Hon. Speaker:** Order, Hon. Chairman!

**Hon. Peter Warutere:** Yes, I am just about to---

**Hon. Speaker:** Order Hon. Chairman! Since you don't seem to have anything new, I would like to ask you sir, to take your seat. Hon. Kambi and Hon. Majority. No he was--- I thought he was coming to greet me.

**Hon. Member for Dandora Area II Ward (Mr. Stephen Kambi):** Thank you, Mr. Speaker sir, for giving me this opportunity to contribute on this very weighty yet very important issue. Today dictates the direction that Nairobi will take as a County and today it will be seen clearly by the whole world if Nairobians truly own the County Government of Nairobi. I for sure, Stephen Murathi Kambi, I am a property of Nairobians by right. They elected me to be where I am today and so my allegiance and loyalty and wave is for Nairobians alone.

I stand to support the Motion, Mr. Speaker sir, on grounds that--- and also to congratulate those that have opposed the Motion, for indirectly supporting us the supporters of this Motion by clearly giving us facts. My learned friend, the defunct president of the poor, and I hope I will be joining him after the Assembly for a cup of coffee; has clearly stated that the Minister, the said CEC Member communicated officially and we were given letters and we found them in our pigeon holes. I believe anything that we collect or anything that is in our pigeon hole is something that is very very official.

My good sister has clearly stated that she lied to her voters so that she can woo votes. I pity, I pity her voters very much because I gave pledges also to those who elected me and I have every intention to ensure that I fulfill all of my pledges, Mr. Speaker sir. So, I don't want to be dragged into that group that lied to their voters to be able to reach the high and mighty places forgetting where they came from. A CEC Member is not a politician, he is an officer; a policy implementer and Mr. Speaker sir, I would like every Member to refer to the County Government Act and kindly understand the meaning of competency according to the Constitution.

You will see that the said CEC Member has failed on all grounds. Let it be noted that we are not fighting the executive; we are not fighting an individual; we are not fighting a tribe. Lest we forget, the moment we step in the Assembly we are all leaders in this arena regardless of tribe and party politics. I

believe before the opening of every session that is official we must first have a prayer and ask the Almighty God to lead and guide us to make sure that all decisions we make in this honourable house are for the benefit of our people but not against them. I will rephrase again; I am the product of the people, Mr. Speaker sir, I am not a product of the Assembly. I do believe H.E. the Governor, the very able H.E. the Governor is also a product of Nairobians.

I want to congratulate and support the Transport Committee for being the first Committee to lead by example. However, this does not mean that the other committees have failed. But in every case we need a martyr. Thank you, Chairlady and your Committee, for being martyrs of Nairobi and for showing the right direction. *(Applause)* The Leader of Majority 001A; Leader of Minority 001B, I salute you all. *(Applause)* My Speaker sir; you are the head of the Assembly. Your powers are equivalent to those of the Head of the Executive who is the Governor.

Mr. Speaker sir, it is wise that we understand and we stand our ground. Our relationship with the Executive should not be a bitter relationship but it should be a professional relationship. Yes, they are human beings; some are friends of ours. We have social relations with them but kindly I beg you Members, let your social relations with an officer not intimidate or anyhow come between the professional relations that we have with the officers. *(Applause)* We are not targeting Ondieki as an individual; we are targeting the whole department of Public Works and Transport, Mr. Speaker sir.

Let this go into the records that we are not after Mr. Ondiek at all, at all. He is a part of legal body that is recognized in the legal corridors of the Court and I may never know, what's coming. I just hope that I may never seek legal assistance, not only from him but from any lawyer--- *(Applause)* but if need be I will have to be represented by a person who is a genius in the legal framework. Mr. Speaker sir, I might be a good debater but I am a poor implementer and these are facts. I might be a good footballer but I am a bad cricket player, these are facts too.

We as Nairobi County might have one of the best footballers in Kenya but in fact they might be very poor golf players. These are facts that we can't be perfect in all things. The CEC Member is capable and we are not questioning his capability generally, but when it comes to service delivery and him being in charge of the County Executive body---- that, Mr. Speaker, it should be noted; the docket that the said CEC Member holds is responsible for 30% of the development in this County. If that docket dies, we all die politically; we die with it. That docket is responsible for ensuring our roads are in good condition. That docket is responsible for ensuring our streets are well lit so that security can be addressed. That docket is there to ensure social halls are available so that our community may benefit from such facilities. That docket is in charge, Mr. Speaker sir, of infrastructure at large. That is the importance of such a docket and I do believe--- I don't want to get the notion that we Members don't know why we are in this honourable House.

Mr. Speaker sir, if I may be allowed; I campaigned for elections for one year and two months, God being my witness, one year two months to be where I am today, I am not ready to compromise that within

the first year. I thank God for making me focus and focused again to achieving my goals (*Laughter*). Thank you very much for making it nice Members, may we now proceed?

Okay sir, just so, kindly. Mr. Speaker, I will rest my case within no time. What I am urging my fellow Hon. Members--- I was an *Amicus Curiae* in the Public Works and Transport Committee, Mr. Speaker sir, on 22<sup>nd</sup> when the Executive Member appeared and he had supporters-- I had believed that only politicians have supporters, --at the precincts of City Hall. The supporters called us all sorts of names but it was not surprising that the Minister failed to clarify what the term 'soft credit grant' meant.

We as Nairobians love grants but we are scared of loans. However, we are forced by situations to be in such a messy place whereby we engage in taking loans. But, Mr. Speaker sir, before we engage in purchasing buses; we need to prioritize. A good leader must prioritize, Mr. Speaker. Even in our homes we prioritize. You cannot buy a gas cooker when you do not even have a packet of *unga* in your house.

The buses are a good idea. We are not against the buses. Let it go on record that we are not against the buses. We are for the people but before we go for the buses, I believe as Kambi, we should have gone for better roads. Mr. Speaker sir, I have urged all Members to refer to their County Government Act copies and find the term 'competency'. In terms of capability I want to quote the Transport Minister, he told the Transport Committee that he is like a bull, a bull that cannot--- let me use the exact words he used "I am like a bull that cannot fire a bullet on a she -cow". (*Laughter*) Those are his complete words and the writings on the wall is clear, Mr. Speaker. When you refer to the term 'competency' as per the County Government Act---

**Hon. Speaker:** Your time is up, Hon. Kambi.

**Hon. Stephen Kambi:** I beg--- Ngwele, I know sabotage from you is something I --- (*Laughter*)

**Hon. Speaker:** Order!

**Hon. Stephen Kambi:** I beg a---

**Hon. Speaker:** Order!

**Hon. Stephen Kambi:** I beg a minute, please Jateso. I beg a minute to conclude my contribution. Thank you, Mr. Speaker. (*Loud consultations*)

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

**Hon. Stephen Kambi:** Thank you, Mr. Speaker. He is a good friend of mine, he can't---

**Hon. Speaker:** Order, Hon. Kambi!

**Hon. Stephen Kambi:** There is nothing personal (*Laughter*) and that is why I referred to him as Ngwele, not the Clerk. Clerk is the official term; Ngwele is a social term---

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

**Hon. Stephen Kambi:** Mr. Speaker sir I--- (*Loud consultations*) Okay, Mr. Speaker sir, when we talk of capability--- kindly protect me from this very---

**Hon. Speaker:** Order! Finish!

**Hon. Stephen Kambi:** ---Senior Member---

**Hon. Speaker:** Kambi, finish please!

**Hon. Stephen Kambi:** Mr. Speaker sir, when you talk of capability and competency, the said Minister is a witness against himself. He called himself incompetent; the Members of the Fourth Estate were there, *Amicus Curiae* were there; we were like five of us, the Committee was present, Mr. Speaker sir.

So the writings are very clear, we should not revisit that. When it comes to appropriation of funds that is where prioritization comes in. In the Financial year 2013/2014 we allocated money to this department for service delivery on tangible projects within the County which up to date; almost a month to the end of the financial year 2013/2014 nothing tangible has been done in Nairobi. The said Department has been dealing with past cases; past cases of the defunct City Council that have been arousing suspicion. We have heard that in the defunct City Council suppliers were very notorious for supplying 'air' and that is why the Governor formed a task force to stop this and we allocated money for this, Mr. Speaker sir. So, with those few remarks I beg to support. I urge you Members to be focused enough on the interest of Nairobians.

**Hon. Speaker:** Hon. Jateso Imwatok.

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, thank you so much for seeing me despite my shortness. I had to move in front, but I want to say in the history of life each man has history to write about. I appreciate your office for allowing this Motion to come on the floor of the House. As I said last week, when I was debating the conduct of the CEC Member, as one of my elders in church; as a person who has represented me as part of the legal fraternity and at the same time as Minister of Public Works. I want to support this Motion under the Constitution 2012 Chapter 2 (1(ii)) which speaks about--- Mr. Speaker, protect me from the Leader of Majority, please. He makes me laugh instead of talking.

The Constitution 2012, Chapter 2(1(ii)) and the County Government Act Section 40; the PFM Act section 142 and at the same time 58; Mr. Speaker these are the Acts; the writings of the law in our country that defines the County Government and I want to go straight in particular to the issue of buses. Yesterday,



we were here as the members of the public and the County Members of the Assembly although in our communication, I didn't see in the budget any programme of management of debt repayment of the soft grant for the buses. Mr. Speaker in the spirit of giving a fair hearing, I know after I consulted the Clerk, section 40 of the County Government Act is very clear that after the passing of the Motion, the CEC Member will be given time to explain to this Committee. That is why we are called the House of rules and procedure.

In the same spirit Mr. Speaker and I want to remind all Hon. Members that last week I said one thing; it is better to live one day like a lion than to live a hundred days like a sheep (*Applause*) because it calls upon each and every Member of Nairobi City County Assembly irrespective of elected or special elected to know that the writings are on the wall. Now, we are three years to another election, but what defines another election in this County is how many roads; how many footbridges; how many high masts; how many security lights and above all how many potholes have been filled on our roads.

I was one of the *Amicus Curiae* in that meeting, Mr. Speaker, and it was so disturbing. The County Government stipulates the functions of the CEC; it stipulates the functions of the Chief Officer and it stipulates all the functions of the County Government, but it is so disheartening to hear the one in charge of policy making and implementation saying he is a bull who can climb and cannot shoot a bullet, Mr. Speaker. That shows that our County is going down into a ditch.

As I have always said infrastructure is the backbone of our County. Infrastructure is the only way, like Raila Amolo Odinga says; infrastructure, infrastructure, infrastructure, (*Applause*) When infrastructure fails Mr. Speaker it means we fail as leaders. When infrastructure fails it means there is nothing we can do. Assume this picture, Mr. Speaker; Nairobi County has more than a half a million buses plus matatus, the Governor appointed a taskforce to look into the decongestion of the city and before we receive the report on decongestion as a House, the two hundred buses are on their way coming. Where are these young people; young women and young men working in this industry going? Yes it is a good idea; it is a noble idea for the common mwananchi that the bus fare will be one stop, but the question is do we have the infrastructure equivalent to the capacity we are trying to bring in?

So, Mr. Speaker, in as much as we say, my elder, Mr. Ondieki, should go home of which I support under the precincts of the law, at the end of the day this County needs competency; competency of the highest standard that we can uphold and say sure Nairobi County is moving forwards. In my rural home, my area MP so far under the CDF funds has erected more than one thousand solar lights but in Nairobi; it is about strategy, strategy, strategy and MOUs. Mr. Speaker, it is high time we held that word 'bureaucracy' as a past and went practical for now by saying; as we send our CEC home after we pass this motion, which as per the mood of this House; I see Mr. Chair, the Minority and Majority Leaders are very comfortable even the Clerk is relaxed as it is with the Assistant Clerk; it means the Motion is home, Mr. Speaker. I beg to ask the Majority Leader to stand, because he is standing already, Mr. Speaker. (*Applause*)

**Hon. Speaker:** Hon. Majority Leader

**Hon. Leader of Majority:** Thank you, Mr. Speaker. Time is not on our side (*Applause and loud consultations*) Mr., Speaker, I want to give this solution today and I am a man of solutions. I know there are some people who think that I should just oppose or support for the sake of it. We must have facts on the table. First, I want to quote from the Bible. Jesus was crucified unheard. Mr. Speaker, I think the best solution we should have is to form a committee which is going to investigate. This person should appear before this committee and the committee will bring a report back to this Assembly--- (*Loud consultations*).

I am not sabotaging it! What I am saying is just my opinion. Okay, let me just give facts. Let me just do this. Mr. Speaker, I am supporting the Motion but we must have a committee which is going to give this man a hearing. The Transport Committee is just like a High Court; this is now the Court of Appeal; there is also the Supreme Court where we are going. We are going in that direction, because I don't think we are going to do it the way those people did, crucifying Jesus without giving him a fair trial, but I know at the end of the day he is going home. I am telling you the truth. There is no way---

**Hon. Speaker:** Order, Hon. Margaret Sewe!

**Hon. Leader of Majority:** ---in between. It is either you decide to support your colleagues or you support the Executive because when the Executive abuses one of my colleagues here; it is just like a police officer, when you fight with a police officer, all police officers rally to support their comrade. So, we must also support our colleagues who were abused by the Executive Member. Mr. Speaker, let us have the committee, where the Executive Member is going to appear; that is the Supreme Court. The Committee must bring us results. Minority, I know--- Mr. Speaker protect me from the Minority Leader. Okay---

**Hon. Speaker:** Order, Hon. Margaret Sewe!

**Hon. Leader of Minority:** Mr. Speaker, I want to know if the Majority Leader is diverting attention from the real issue to side shows (*Loud consultations*) or is he among the beneficiaries? Because he is supporting and at the same time he is trying to divert attention---

**Hon. Speaker:** Order, Hon. Minority! Order! (*Loud consultations*) Hon. Majority.

**Hon. Leader of Majority:** Mr. Speaker I am supporting the Motion. You should just take it clear from me that the Executive Member that you people are talking about is going home. There is no question about that but (*Loud consultations*) we must constitute a committee---

**Hon. Speaker:** Order, Hon. Kambi! Order!

**Hon. Leader of Majority:** Mr. Speaker, I think it is high time you called the mover to reply.

**Hon. Member:** *Hakuna mover bwana!*

**Hon. Speaker:** Order, Hon. Chief Whip! Order Chief Whip! *(Loud consultations)* Order! Order, Members! Clerk, what is the time now? *Muda wetu umeisha?*

**Hon. Member:** *Bwana Spika tupe nafasi tuongee---* *(Loud consultations)*

**Hon. Speaker:** Clerk, what time is it now? Hon. Members, our time is up and I cannot allow the House to disintegrate into further--- Hon. Members, I now call the Mover of the Motion to reply.

**Hon. Stephen Kambi:** Mr. Speaker, there is a Point of Order.

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

**Hon. James Chege:** Thank you, Mr. Speaker. We know this is a very emotive Motion, Mr. Speaker, and we know that it raises serious emotions, Mr. Speaker---

**Hon. Stephen Kambi:** Mr. Speaker, a Point of Order!

**Hon. James Chege:** But, Mr. Speaker, as I ask for your protection, I thank you, because I know this is a very emotive Motion, and I just want to say this; that it is with a lot of soul searching that we are doing this. Mr. Speaker, we are not preposterous; we are not unreasonable and this Motion is not laced with malice---

**Hon. Elizabeth Manyala:** It is.

*(Loud consultations)*

**Hon. James Chege:** Mr. Speaker, we are not witch-hunting and this is not a lynch mob. *(Loud consultations)* Allow me to proceed, Mr. Speaker.

**Hon. Speaker:** Be brief, please.

**Hon. James Chege:** I am being brief, Mr. Speaker. We have heard the minority speak, and they have debated and deliberated, but at the same time, Mr. Speaker, while we have the minority having their say they must let the majorities have their way. I, therefore, call upon my Members who have been steadfast with this Motion all through that they prepare their throats for a clear response of 'yes' that the Speaker or any opposing person will understand and hear without any shadow of doubt what you want to do with this Motion. I beg to support.

**Hon. Speaker:** Hon. Members, I now put the question, That **AWARE** that the County Executive Committee Members are State officers bound by Chapter Six of the Constitution of Kenya, 2010 and more

so Article 75(1)(c); **CONCERNED** that the County Executive Committee (CEC) Member for Public Works and Transport, Mr. Evans Ondieki, recently made allegations in the media imputing improper motives against the Members of the County Assembly (MCAs) thereby casting aspersions against their integrity and standing against Nairobian, and further alleged that the MCAs were compromised and received bribes in order to block the purchase of city buses that had not been budgeted for in the FY 2013/14; **NOTING** that he has gone against the provisions of Section 39(2) of the County Governments Act, 2012, wherein, he has on numerous occasions repeatedly failed to appear before the Sectoral Committee on Transport and Public Works without justifiable reasons and while when he has failed to answer--

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Order! Hon. Ndirigi, you may walk out of this House; you are going to be out of this House. Please, leave the precincts of this House for the rest of the day.

He has failed to answer questions relating to his responsibilities satisfactorily; further **NOTING** that on Tuesday, 22<sup>nd</sup> April, 2014, when he appeared before the said Sectoral Committee on Transport and Public Works--- Hon. Ndirigi, please, leave, the House.

*(Hon. Tabitha Ndirigi is escorted out of the House)*

**Hon. Stephen Thuo:** *(Inaudible)*

**Hon. Speaker:** Hon. Thuo, out! You are not going to direct the Speaker on what to read.

*(Hon. Stephen Thuo is escorted out of the House)*

**Hon. Speaker:** Hon. Members, gross disorderly conduct of a Member; that is Standing Order 104(3)(1); *"If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such Member or Members, in which event the procedure specified in Standing Order 109 (member may be suspended after being named) shall be followed"*. I name the Member and hereby sent her out for three days.

Hon. Members, ---he has on numerous occasions repeatedly failed to appear before the Sectoral Committee on Transport and Public Works without justifiable reasons and when he has, he has failed to answer questions relating to his responsibilities satisfactorily; further **NOTING** that on Tuesday, 22<sup>nd</sup> April, 2014, when he appeared before the said Sectoral Committee on Transport and Public Works, he was rude and insulted some Members of the County Assembly terming them hooligans. On the said day, he also incited members of the public to picket outside the Assembly in order to intimidate the Committee against carrying out its mandate; **AWARE** that on a previous occasion, the said CEC Members asked elected County Assembly Members to bring lists of proposed five (5) roads per Ward, knowing very well that there were no budgetary provisions for the same and to date nothing tangible has come out of the request

thereby causing Assembly Members embarrassment; this Assembly resolves that Pursuant to Section 40 of the County Government Act and Standing order 62; this Assembly censures the said CEC member for Transport and Public Works and resolves that the Governor do dismiss him from office forthwith on grounds of gross misconduct. And as many of the opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

*(Question put for the motion on the CEC Member's conduct and agreed to)*

*(Applause and loud consultations)*

**Hon. Member:** Mr. Speaker is on the seat!

**Hon. Speaker:** Hon. Members of Nairobi City County Assembly, I am standing and if you are County Assembly Members of Nairobi County, you should be able to read your Standing Orders. We have already done what we have done and I have called for your opinion and it is done. So, it is done. *(Applause)*

**Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara):** Point of Order!

**Hon. Speaker:** Hon. Nyang'wara, you are on my radar as I stand. Nairobi City County Assembly: Second Session; this is Communication from the Chair. Hon. Members, first and foremost, you brought this Motion to the House, it is not the product of the Office of the Speaker. It is your baby; you carry it the way you want to carry it; feed it the way you want to feed it and for me, it does not matter where the ball falls as long as the integrity of the Members of the County Assembly is recognized and felt within the corridors of Nairobi City County. You may like it or dislike it, but the County Assembly Members of Nairobi County must be felt. *(Applause)* wherever they stand and wherever they go. You must stand tall in your service delivery to the Nairobians. *(Applause)* Mr. Speaker, Alex Magelo, did not bring you here; you were brought by the Nairobians. You will not answer to Magelo, you will answer to the people. The Majority Leader of this House will have a rough time explaining to me what he has done in the constituency where he represents me. *(Laughter)*

Hon. Members, again I want to remind you of your security. The issue of parking is still there and you must adhere to the rules of the day. Members, you are men and women of integrity; men and women who have enemies out there and you must allow us to do the little things on your security. So, please follow the laid down rules of parking. You have heard the Communication from the Speaker.

Hon. Members, removal of Member of the Executive Committee pursuant to County Government Act, Section 40 and Standing Order number 62(1); this is procedure after the Motion has been adopted. Hon. Members, as we proceed with the Motion, I wish to highlight the following; Section 43(a) of the County Government Act, 2012 provides that if the Motion is approved and it is supported by at least one third of the Members of the County Assembly, the County Assembly shall appoint a Select Committee comprising five of its members to investigate the matter.

Hon. Members, in view of the fact that the Motion has been adopted I therefore direct that the County Assembly in line with the Standing Order do appoint forthwith a Select Committee comprising five Members to investigate the matter and report within 10 days to the County Assembly whether it finds the allegations against the County Executive Committee Member to be substantive. Hon. Members, it is worth noting that in accordance with the provision of Section 40(4) of the County Government Act, the County Executive Committee Member has the right to appear and be represented before the Committee during the said investigation. I so order. Thank you, Hon. Members.

Hon. Members, kindly note that there will be a sitting of the Assembly Business Committee today at the rise of the Assembly at Charter Hall. Hon. Members, the Assembly adjourns up to Wednesday, tomorrow at 2.30 p.m. I thank you.

*(The House Rose at 5.30 p.m)*