



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday, 30<sup>th</sup> April, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### PAPERS

The following Papers were laid on Table:

- a) Budget estimates of the County Executive for the Financial Year 2014/2015
- b) Estimate for Recurrent and Expenditure of the County Assembly Service Board for Financial Year 2014/2015 and projections for 2015/2016 and 2016/2017
- c) 9<sup>th</sup> Report of the Sectoral Committee on Agriculture, Environment and Natural Resources, on the status of urban roads within Nairobi City County

**Hon. Leader of the Majority:** Thank you, Mr. Speaker. I beg to lay the following Papers on the Table of the Assembly, today, Wednesday 30<sup>th</sup> April, 2014; Budget estimates of the County Executive for the Financial Year 2014/2015. I beg to lay.

Mr. Speaker, I have other Papers to lay. I beg to lay the following Papers on the Table of the Assembly, today, Wednesday 30<sup>th</sup>, April, 2014; Estimate for Recurrent and Expenditure of the County

Assembly Service Board for Financial Year 2014/2015 and projections for 2015/2016 and 2016/2017. I beg to lay.

**Hon. Speaker:** Hon. Members, Communication from the Chair. Brief on the 2014/2015 Budget Estimates. Hon. Members, the budget estimate has been submitted to the Assembly in line with the Standing Order 207 and Section 130 of the Public Finance Management Act, 2012. Pursuant to Standing Order 207(3) and (4), the estimates are deemed to have been committed to each of the Sectoral Committees which are required to consider them in line with their respective mandates and deliver their report to the Budget and Appropriation Committee within 21 days or by the 21<sup>st</sup> of May, 2014, whichever is earlier.

Hon. Members, further in line with the Standing Order 207(5) the Budget and Appropriation Committee upon receipt of the Sectoral report shall discuss and review the estimates and deliver its report to the Assembly in the next 7 days or by the 28<sup>th</sup> of May, 2014.

During this undertaking the Budget Committee are to ensure that the public is involved and that the views of the County Executive Committee for Finance are sought. Hon. Members, I thank you. That means in essence as we proceed on recess it will be a very busy time for Committees and when you look at what I have just said to you it is actually by the 3<sup>rd</sup> of June that all these budgetary programmes should have been finalized as we return back. So, it is not going to be a holiday, it is going to be a very busy schedule for you, Hon. Members as you pursue this very important financial management function. I thank you, Hon. Members. Thank you. Hon. Alex Mulatya.

**Hon. Member for Kwa Njenga Ward (Mr. Alex Mulatya):** Thank you, Mr. Speaker. Pursuant to Standing Order number 180 Clause 6, I beg to lay the following Paper on the Table of the Assembly today Wednesday, 30<sup>th</sup> April, 2014. 9<sup>th</sup> Report of the Sectoral Committee on Agriculture, Environment and Natural Resources, on the status of urban roads within Nairobi City County. I beg to table.

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

## STATEMENTS

**Hon. Speaker:** Hon. Zulfa Hakim Mohammed.

## REQUEST – STATEMENT ON STATUS OF COUNTY OWNED SCHOOLS

**Hon. Zulfa Mohammed (Nominated Member from California Ward):** Thank you, Mr. Speaker, sir. I wish to request for the following Statement. Hon. Speaker, pursuant to Standing Order 41(2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Children, early children

education and vocational training regarding the state of the County owned schools. Hon. Speaker, the aforementioned schools have very dirty environs, broken furniture and the walls have not even been painted for years. Mr. Speaker, most of these schools also do not have clean running water, exposing the school going children to serious health risks despite there being a budget to improve the status of the schools. Mr. Speaker, in the Statement the Chairperson should enquire into and report on:

1. Cause of delay in improving the status of the schools.
2. Measures being taken to improve the status of the County schools in all the above aspects.

Thank you, Mr. Speaker.

**Hon. Speaker:** The Chairperson for Sectoral Committee on Children and Education, Hon--- or that is yours also? Kitavi, this falls under you?

**Hon. Member for Laini Saba (Mr. Boniface Kitavi):** Yes, Mr. Speaker, sir.

**Hon. Speaker:** Okay, okay.

**Hon. Boniface Kitavi:** I think a week's time is sufficient.

**Hon. Speaker:** A week's time for this to go round all the schools, Hon. Chairperson?

**Hon. Boniface Kitavi:** Mr. Speaker, the reason why I am saying a week's time is sufficient, as we are all aware that there is already a task force that is looking into those matters pertaining to schools in Nairobi, which means the report is like, almost ready.

**Hon. Speaker:** Okay, so be it, one week. You will report when we come back. Hon. Peter Warutere, "Shairman".

#### REQUEST – STATEMENT ON PROPERTY L NO.110/442

**Hon. Member for Karura (Mr. Stephen Thuo):** On behalf of the "Shairman", Mr. Speaker--- Thank you, Mr. Speaker, pursuant to Standing Order 41(2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs, regarding property L number 110/442 in Roysambu Ward, Garden Estate. Hon. Speaker, the aforementioned property was sold on 15<sup>th</sup> November, 2013 by the County through the legal department, CMCC number 9 of 2013. Hon. Speaker, in the Statement the Chairperson should enquire into and report on the following;

1. How much was the owner owing the County during the sale.
2. How much was the property sold for.

3. How much was deposited in the County account.
4. The Market value of the property during the sale.
5. How much money was reimbursed to the owner of the property after the sale, if any.

Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Chairperson for Legal Affairs. Hold on, please.

*(Consultations between the Speaker and the Clerk)*

**Hon. Speaker:** Legal Affairs Committee, Hon. Maina.

**Hon. Member for Umoja I Ward**(Mr. George Maina): On behalf of the Chair, we are going to be answering that question when we come back.

**Hon. Speaker:** This question you have until we come back and please take note of the weighty matter of the question.

**Hon. George Maina:** Thank you, Mr. Speaker.

*(Mobile phone ringing persistently)*

**Hon. Speaker:** There is a phone that is playing music, please switch it off or we show you where the music is done. The Hon. Chairperson for Budget and Appropriation, I can see you standing.

*(Loud Consultations)*

**Hon. Speaker:** Order, Hon. Deputy Speaker.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you, Mr. Speaker, sir---

**Hon. Speaker:** I can see the House is very quiet today, it should be like this forever. *(Laughter)*

**Hon. Michael Ogada:** Mr. Speaker sir, yesterday I gave a commitment that I was going to respond to a Statement that was asked yesterday by *Mheshimiwa* Adam of Makina and also another Statement--- I have two Statements--- another one was asked by *Mheshimiwa* Kagiri and I will start with the one which was asked for by *Mheshimiwa* Kagiri of Pipeline. Mr. Speaker, sir---

**Hon. Speaker:** Actually he is just entering. Hon. Kagiri, can you enter and listen to your questions.

**Hon. Michael Ogada:** Yes, Hon. Speaker, on 16<sup>th</sup> of April, 2014, the Member for Pipeline, Hon. Samuel Mwangi Kagiri, rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of Budget and Appropriations Committee for a Statement regarding the status of debtors and creditors of the County. In the Statement, Mr. Speaker, the Member sought to know the following:

1. The current status of the creditors to the County inclusive of interest accrued;
2. The list of all creditors with the amount owed including interest if any, and when the debts were acquired;
3. The outstanding debt to the County as at close of previous financial year;
4. List of debtors of the County with the amount each owes the County inclusive of interest, and;
5. The effort being made by the County to recover the same.

Mr. Speaker, sir, with regard to that, I wish to state as follows: that as it stands today the County Government of Nairobi is indebted to a tune of 42 Billion Kenya Shillings and this comprises of the following, we all---

**Hon. Speaker:** Hon. Members, take keen interest in these answers that are being---

**Hon. Michael Ogada:** To the tune of 42 billion Kenya Shillings; in this regard he asked two questions: one; the status currently and the status as per the previous financial year. So, KRA, that is Pay As You Earn currently we owe them Ksh 1.137 billion, and in the previous year we owed them Ksh 572 million. NSSF, we currently owe them Ksh 675 million and we owed them 672 million. Laptrust, we owe them 2.8 billion and we owed them 2.5 billion. NHIF, we owe them 3 million and we owed them the same 3 million last time. Lapfund, we owe them 1.5 billion and we did owe them 1.4 billion, that is a total of 6.2 billion and other creditors, that is suppliers of goods and services we currently owe them 925 million which we owed them before.

Litigations, we owe them 1.2 billion which is still unchanged because we have not been paying them. Retirees and the deceased we owe them 94 million, we did owe them 85 million. Payroll cost, that is salary in arrears, that is 2.4 billion currently and we used to owe them 2.9 billion. Kenya Power and Lighting we owe them 298 million and we did owe them KShs.743 million and bank overdrafts we owe Cooperative Bank Ksh 600 million and we did owe them the same figure. Overdrafts with Equity Bank, we currently owe them nothing in terms of overdraft but in the last financial year we did owe them 650 million and that is it. Then we have got a long term loan with Equity Bank of 3.34 Billion and previously it was 3.32 billion, so we have not been honouring their---

Then we have some contingent liabilities. Contingent liabilities are the liabilities which are contentious; they are the ones which we have not agreed that we owe. We are still arguing about them so in that respect we owe NSSF 194 million, we owe Laptrust 308 billion and the Lustre Project, we owe them 441 million, litigations, 1.2 billion, Government guaranteed loans, 3.8 billion and Local Government Loans

Authority, 3 billion and **Onlet Water**, that is foreign loans, we owe them 15.3 billion, that is a total of 27 billion. So that makes 42 billion that the Government of this County owes and then what we can say is that if you remove the contingent liabilities, the ones which we are disputing which is totaling to around 27 billion then what we can say is that we know that we owe people Ksh 15.1 billion. So, Mr. Speaker, sir, I think the Hon. Member Kagiri has just come and he is going to be able to interrogate the document and we can be able to maybe answer the concern that he has. Then, also the County Government of Nairobi is also owed money and that is actually what he also wanted to know.

So, in terms of rate we are owed a total of Ksh 92 billion. In terms of rent we are owed a total of Ksh 134 million, in single business permit we are owed Ksh 236 million and in terms of parking we are owed Ksh 292 million, that is a total of--- Sundry debtors, we are owed Ksh 168 million, the total is 93.7 billion, that is what we are owed, so those who are saying that this County is not afloat you can subtract the figures then you will realize that we are afloat. Thank you very much. Then the second statement that I am going to respond to was asked by---

**Hon. Member for Pipeline Ward (Mr. Samuel Kagiri):** *(inaudible)*

**Hon. Michael Ogada:** *Mheshimiwa* Kagiri, maybe if you have a concern to raise before I proceed.

**Hon. Speaker:** We can hear you, Hon. Kagiri.

**Hon. Samuel Kagiri:** Thank you, Mr. Speaker, for this opportunity. I want to thank the Chairman for Budget for taking his time and getting this important information but I would like to say that I have not been given a copy of the report he is reading, so I would request that we be given the copy so that we can go through it and also be given time we interrogate the report so we can come back with a way forward on what to do on those debts so that we know how to assist this County collect its money. Thank you.

**Hon. Speaker:** Very well. Hon. Chairperson, you will supply copies to Members then when we come back--- And before you take the microphone, there is a Member on his feet, that is Hon. Alex Otieno. Why are you on your feet?

**Hon. Member for Mugumoini Ward (Mr. Alex Otieno):** Thank you, Mr. Speaker.

**Hon. Speaker:** Why are you on your feet?

**Hon. Alex Otieno:** I just want to add on to what *Mheshimiwa* Kagiri has said.

**Hon. Speaker:** Yes.

**Hon. Alex Otieno:** Okay. Mr. Speaker, preliminarily, I think we are doing badly because whatever the Chairman of Budget has read, all the debts including the payment of Income Tax and what have you. If

you compare with last year, last year was better than this year and like yesterday we sent a CEC home and this time which CEC are we going to send home, because if you read all this you will see that last year was better than this year.

We have not got the copy of the Statement but if you heard the Chairman talking, everything from last year is better than this year, so I would request the Chairman of Budget, his department is not doing the right thing and as we are all here, the projects are not moving on and yet we are not doing any payments. By next week we will be passing the appropriation Bill, where is this money going to?

**Hon. Speaker:** Very well, Hon. Chairperson for Water, I think what we have just said is this is to be done when we come back from recess, but you do have a point; you have a point definitely and reading from your background as an accountant you have a point.

**Hon. Michael Ogada:** Thank you very much, Mr. Speaker, sir. One; I want to confirm to *Mheshimiwa* Kagiri, that if he switches on his phone now, he will realize that I tried to call him more than 15 times, just trying to trace him so that I could give him a copy of that. Realizing that I could not reach him I had to give my Clerk a copy of the same to trace him physically, so he has just walked in.

The copy is there and we are going to make sure that you get it before you leave the room. I think he can confirm that. Besides that, *Mheshimiwa* has just raised a concern that this year we are not doing fairly well, you would not have said that we are doing very badly, you would have said that we are doing fairly bad because in terms of what I have read you will realize that there is a little bit of improvement in terms of collections and also there is improvement in terms of reductions of what people owe us. So, this means that a lot of effort is put in order for us to ensure we get what is rightfully ours, so we are going to interrogate that when we come back.

**Hon. Speaker:** Very well, thank you.

**Hon. Michael Ogada:** The other statement that I have was asked for by *Mheshimiwa* Adan and he raised---

**Hon. Speaker:** Now, the Hon. Adan is not in but what you do is, because this is the property of the House, go ahead and he will be given copies when we come back. He would have gone through it and if he has anything to do, he will ask when we come back.

#### RESPONSE – STATEMENT ON VETTING OF COUNTY DEBTORS

**Hon. Michael Ogada:** Thank you very much, Mr. Speaker. In his Statement he raised three issues. One; how long the vetting of the outstanding debts will take; two; how many hours the vetting officers worked in a day on the pending debt and how many days in a month and number three; measures being taken to clear the pending debts.

Mr. Speaker, sir, I have a communication and it is referenced, because of the speed at which we were working we were not able to make sure that everything is done the way they are used to. So, reference is made to a letter from the Clerk of the County Assembly dated 30<sup>th</sup> April, under the reference NCCA.

*“The Committee on finalization of the pending Bills and audit procurement processes was appointed and gazette by His Excellency the Governor, Dr. Evans Kidero under Gazette Notice number 14616 of 15, 20<sup>th</sup> December of 2013 to scrutinize and analyze all existing stock of Nairobi City County Government pending Bills as of 31<sup>st</sup> June, 2013 with a view to making appropriate recommendations to the County treasury for payment or otherwise. The mandate of this Committee is for a period of 6 months up to the end of May, 2014. This period may be extended by His Excellency the Governor as per the meeting they held on 11<sup>th</sup> of March, 2014 when the interim report was presented to the Governor. The Committee comprises of members from the city County and private sector and the State corporations who conduct meetings on Tuesdays and Thursdays for 3 hours, that is weekly”---*

**Hon. Speaker:** Hon. Nyang'wara, are you with us?

**Hon. Member for Viwandani (Mr. Samuel Nyangwara):** No.

**Hon. Michael Ogada:** *“The Committee has applied a combination of strategies and measures to effectively deliver on its mandates, these include, one; requesting various County officers to appear before the Committee and shed light on their operations. Two; requesting for additional relevant documents that should be part and parcel of any procurement procedures and number three; scrutinizing documents to ascertain their authenticity. Number four; site visits to determine works carried out and whether they were as per BQ's and number five; advertisement in the various print media requesting suppliers whose bills are pending for missing information.”* Thank you, Mr. Speaker, sir.

**Hon. Speaker:** I want to thank the Hon. Chairperson for Budget and Appropriation. This is a challenge to the other Chairpersons, he just got the Statement yesterday and today afternoon he has got answers. I do not know why others take two years. So, it is a challenge to the other Chairpersons. Thank you very much, Chairperson. Hon. Kagiri, do you have anything to say?

**Hon. Samuel Kagiri:** Mr. Speaker, I appreciate this chance. I was not updated that we were supposed to go on recess from today until 3<sup>rd</sup>, I have updated myself with the Order today and I thought we were here next week, that is why I was saying I be given a little time to go through the document then we present the issues next week, but it is okay.

This is a long term issue and it needs a lot of effort for us to do some good work. However, it is amazing to see that a County can be owed over Ksh 100 billion, that is equivalent to five times the current



budget; we are learning today. So, it means that if this money was paid today we can go for the next five years without requiring any money from anybody and we do our development in this city.

**Hon. Speaker:** Thank you, Hon. Kagiri---

**Hon. Samuel Kagiri:** So we need to put a lot of effort---

**Hon. Speaker:** Order, Hon. Kagiri. You are interrogating the--- But you do not have the copy so wait until---

**Hon. Samuel Kagiri:** So, Members we go through it then we come and present it when we come back. Thank you.

**Hon. Speaker:** Order! Order! You wait for your copy then you can interrogate when we come back and give us those sweet words. Next Order? Why are Members on their feet? What is happening, Hon. Mbau?

**Hon. Member for Mlango Kubwa (Mr. Andrew Mbau):** I have a personal statement.

**Hon. Speaker:** On what? You must be specific because as we said, we do not want to abuse Order number 80.

**Hon. Andrew Mbau:** On a publication in the Nairobi News.

**Hon. Speaker:** Okay, what was the publication today again?

#### **PERSONAL STATEMENT BY HON. ANDREW MBAU**

**Hon. Andrew Mbau:** Thank you, Mr. Speaker. My name is Andrew Mbau from Mathare Ward, Mlango Kubwa Ward, rather. Today at 7 a.m., I was given a call and I was told there is a very injurious publication made by Nairobi News. We had a Motion, that was last Thursday, we had a Motion that was moved and the Mover was Hon. Mberia, the Majority Chief Whip, on the issue guaranteeing the youth for money to do business and what they have raised today, it is seriously out of context.

I can table the HANSARD. I have a copy of the HANSARD today; it is here. The media have imputed an improper motive especially on myself and Hon. Manyala and the Majority Leader that the entire County, we did oppose guaranteeing money to the youth groups for us to safeguard our seats, that is, when the youth become empowered we are threatened. That has never been the case, I was very unequivocal that there is no way we can guarantee money and yet we are bad debtors, that was my point, we cannot guarantee money and yet we have not paid what we owe the outsiders.

Mr. Speaker, I think the media is the most powerful entity in the world, it has the power to make the innocent guilty and guilty innocent and the case today is making ourselves guilty and yet we are innocent and if we are not audible enough our brothers and sisters from the Fourth Estate, kindly--- I think the gallery over here is nearer instead of quoting things out of context. To this effect, they need to make a correction on this because this is not what we said, we have evidence of whatever transpired that very day and when you know you have power, please my brothers and sisters from the Fourth Estate, be careful because whatever happened today is very injurious and this is not the very first time it has happened. I rest my statement. *(Applause)*

**Hon. Speaker:** Yes, Hon. Mbau, yes it is true. This is what Hon. Mbau said and it is a verbatim report of the proceedings of Plenary Session of Nairobi City County Assembly held on Thursday, 24<sup>th</sup> April, 2014 at 2.30 p.m: *“Oftentimes you forget my name, I am woods, Mbau. I rise to oppose this Motion. Mr. Speaker, as we stand today our County owes more than 10 billion to outsiders and there is no way we can guarantee people to do business and we have not paid other business people. We need first to clear with the outsiders, the debts that we have before we become guarantors”.*

This is in regard to the Motion by the Hon. Mberia, the Chief Whip, Majority, on the issue of guaranteeing the youth loans. It continues; *“Mr. Speaker, I feel this is a duplication of roles. Today we do have the Uwezo Fund, Kenya Women Trust Fund and the experience shows in the previous regime under Youth Fund, most youth groups were not repaying their money, they never repaid their money and if you go that way we are opening serious costly litigations against this County Government and to the Hon. Members especially those who were elected, I find this move a very populist move because if today--- Like in my Ward if group A accessed--- they manage to get a loan from the County, it will open a hullabaloo from other groups in my Ward and there is nothing else we will be doing in the Wards, it will be looking for loans from this County Government every other day and seeing whether--- “ *(Loud consultations)**

So, I want to ask the Nation Newspapers who are the parents of Nairobi News, to correct their paper today and we would like it to appear in the same Nairobi News, correction in regard to the Members of the County Assembly because one, we never said that giving money to the youth would empower them to unseat the Hon. Members. We have three years to election and there is no election fever as far as the County Assembly Members of Nairobi are concerned. I thank you. Proceed. Yes, Hon. Chege.

**Hon. Member for Komarock Ward (Mr. Samuel Irungu):** Mr. Speaker, I am Hon. Irungu from Komarock.

**Hon. Speaker:** Ndung'u from Komarock?

**Hon. Samuel Irungu:** Irungu from Komarock.

**Hon. Speaker:** Irungu, yes.

**RESPONSE- STATEMENT ON THE STATE OF ELEVATORS AT CITY HALL ANNEX**

**Hon. Samuel Irungu:** Mr. Speaker, I wish to give response to a Statement requested by Hon. Hashim Kamau, MCA, on behalf of the Chairperson Hon. Diana Kapeen. Mr. Speaker, on Wednesday 26<sup>th</sup> February, 2014, the Hon. Hashim Kamau, MCA, rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of Transport and Public Works Committee for a Statement regarding the following:

- Whether the Executive in charge is aware of the state of elevators and what are the corrective measures that have been put in place to comply with the Constitution in regards to Persons with Disabilities and the building regulations.

Mr. Speaker, sir, the Committee wrote to the County Executive Committee Members responsible for Transport, Roads and Public Works on 17<sup>th</sup> April, 2014 requesting to be furnished with a written response to the Statement sought by Hon. Hashim Kamau.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows:

**The state of elevators**

Mr. Speaker, the Executive Committee member for Transport, Roads and Public Works responded vide Minutes NCA/SC/TP/W/2014/12 that the elevators in the city hall annex were installed when the building was constructed in 1981 and that there exists a lift maintenance contract to Schindler Ltd, the agents for the lifts. The firm furnished the County Governments with reports of the status of the lifts and did recommend that either the lift be replaced or new ones be installed. They are to be modernized but spare parts were hardly available and the type of machines were now obsolete. The County provided a budget of Ksh 40 million for refurbishment of lifts.

The modernization of lifts in the City Hall Annex was awarded to Schindler Ltd for the contract period of 32 weeks. The lift, equipment and accessories have been ordered and are currently being shipped. In the meantime the County Government has engaged Schindler Ltd to ensure that the lift services are improved. They have currently stationed a technician within the building to work on the same.

As from Wednesday 23<sup>rd</sup> April, 2014, lift number 1 has been restored and its performance is being closely monitored. The firm is also addressing the remaining lift No. 1. Mr. Speaker, corrective measures are being put in place to ensure there is access to Persons with Disabilities. Mr. Speaker sir, the County Secretary reported that the County Government has put the following measures in place to ensure compliance with the Constitution and the Statutes regarding the access for persons with disabilities and the building regulations as follows;

- a) The lifts are serviced by competent persons/firms and are regularly inspected.

- b) Schindler Ltd has been instructed to program lift number 1 to stop on all floors including the service floor.
- c) Alarms have been installed to access the building.
- d) When the lifts are modernized the same will be programmed to access the upper basement floor so as any person with disability using the parking can access the offices. The lift will be provided with facilities to meet the needs of other persons with disabilities and at least one lift will be programmed to serve all floors.
- e) Lighting is being maintained so that all areas are lit.
- f) Painting of the building and rehabilitation of the facilities is ongoing.
- g) Newly refurbished offices are provided with ramps.

Mr. Speaker, I beg to lay this response and I would ask Hon. Hashim Kamau to interrogate this report so that perhaps, he can raise issues. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Hashim.

**Hon. Chief Whip of Minority (Mr. Hashim Kamau):** You know, Mr. Speaker, I was waiting for your approval.

*(Loud consultations)*

**Hon. Speaker:** What is happening, Hon. Thuo?

**Hon. Chief Whip of Minority:** You know we are very few people who are residents of Runda, it is only me and Hon. Thuo. *(Laughter)* Mr. Speaker, those lifts were installed 33 years ago and if I may ask the Chairperson if he is in a position to know, when was the commencement date of the contract period of the 32 weeks? And out of the 40 million that he has said, how much has been paid and when was it deposited, because I hear that the whole amount has already been paid and those lifts have not been fixed till today, Mr. Speaker?

*(Hon. Member passes in front of the Speakers Table)*

**Hon. Speaker:** Order! Hon. Member, you know you just passed here and I closed my eyes and you have again passed. Go out there and go back.

*(Hon. Member goes back and crosses the floor correctly)*

**Hon. Speaker:** Hon. Thuo of Dandora II or IV.

**Hon. Member for Dandora III (Mr. Charles Thuo):** Thank you, Mr. Speaker sir, even for wanting to add me two more Wards because you know my effectiveness. I wish they would reflect that in my pay

slip. Mr. Speaker sir, I rise here to seek your guidance because there is a question I asked on this floor, a question to the Chairperson for the Committee of Lands, Housing and Planning, regarding the issue of transfer of dockets. Mr. Speaker, sir, it is a very pertinent issue, it touches on constitutionality and I have not got a response or even an indication, Mr. Speaker sir. As to when I might get that; I was seeking your guidance and maybe your ruling that this House gets that answer as quickly as possible so that we are not seen as people who want to subsidize the Constitution. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Thank you, Hon. Thuo. Hon. Deputy Speaker, do you want to answer that?

**Hon. Deputy Speaker:** Mr. Speaker, at least I would like to get direction because this is a House of procedure and rules. Understanding Order 94(4) there is allocated time for Motion. I would kindly request for direction from the office of the Clerk, what is the time allocated for the Statement?

**Hon. Speaker:** But before we get there, I want to agree with the Hon. Members, that the Statement they ask for are not being answered and once again, is there a problem with answering these questions? Is there a problem from the Chairpersons?

*(Consultations between the Speaker and the Clerk)*

**Hon. Speaker:** First of all let me answer the Chairperson and the Deputy Speaker, there is no definite time allocated to Motions but I want to ask the Hon. Members here who have asked for Statements, that the office of the Speaker and the office of the Clerk are going to pursue the County Secretary to find out why the Statements sought by Members are not forthcoming. We will report to you as soon as we come back from the recess, but I want to take the full responsibility of this because it is even embarrassing. Hon. Warutere.

**Hon. Member for Roysambu Ward (Mr. Peter Warutere):** Thank you, Mr. Speaker, sir. Allow me to lay my Statement so that I do not join the statistics of the Chairpersons who are not performing for reasons best known to themselves.

**Hon. Speaker:** Hon. Warutere, there is--

**Hon. Members:** The lift issue.

**Hon. Speaker:** Oh, we have not resolved the issue of the lift. What did you ask, Hon.---

**Hon. Member:** The Chairman is ready with the answer.

**Hon. Speaker:** He is ready with the answer?

**Hon. Samuel Irungu:** Yes. Mr. Speaker, I would want to commit to Hon. Hashim Kamau that we are going to find out whether the 40 million has already been paid as arranged or when the commencements---

**Hon. Speaker:** Order, Hon. Chairperson! Did you talk about 4 million?

**Hon. Minority Chief Whip:** It is 40 million.

**Hon. Speaker:** Who talked about 40 million?

**Hon. Minority Chief Whip:** No, it is in the report. I was asking if that amount has been paid.

**Hon. Speaker:** A budget of 40 million for refurbishing lifts?

**Hon. Samuel Irungu:** Mr. Speaker, the report reads, if you would allow me, that the County has provided a budget of 40 million for the refurbishment of lifts. So, Mr. Speaker, the issue that is in contention is whether the 40 million has already been paid to the company that has been awarded the contract, so we are committing as Transport and Public Works Committee that we are going to find out and respond to Hon. Hashim Kamau.

**Hon. Speaker:** I want to make a ruling in this because we have a lot of business to come. This response to the Statement is incomplete and should be redone (*Applause*) properly because you must know, this Ksh 40 million, was it paid or is it a program; is it a plan? Is it a budget? You cannot have Ksh 40 million for maintaining 2 lifts. Next order, Hon. Members.

**Hon. Peter Warutere:** Before I was interrupted by Hon. Hashim I was---

**Hon. Speaker:** Were you on the floor?

**Hon. Peter Warutere:** I was on the floor you had asked me to be on the floor, Mr. Speaker.

**Hon. Speaker:** There is a response?

**Hon. Peter Warutere:** I have a response.

**Hon. Speaker:** Go ahead, go ahead and make it quick.

#### **RESPONSE – STATEMENT ON MIGINGO MARKET IN LUCKY SUMMER**

**Hon. Peter Warutere:** Very quickly, Mr. Speaker, I am giving a response to a Statement that was requested by Hon. Kennedy Onduru, MCA, from the Chairperson of the Sectorial Committee on Trade Tourism and Co-operatives. Hon. Speaker sir, on Wednesday 12<sup>th</sup> March, 2014 Hon. Kennedy Oduro MCA

rose on the floor of this Assembly pursuant to Standing Order 41(2c) and requested the Chairperson for the Sectoral Committee on Trade, Tourism and Co-operatives for a Statement regarding:

1. When the perimeter wall at Migingo Market in Lucky Summer Ward will be erected and flood lights installed;
2. When the stalls will be given to the traders as was proposed;
3. The measures put in place to ensure completion of the pending construction works.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Trade, Industrialization, Co-operative Development and Tourism on 27<sup>th</sup> of March, 2014 requesting to be furnished with a written response to the Statement sought by Hon. Kennedy Onduru. In this regard Mr. Speaker sir, I wish to report to the Assembly as follows:

**a) Baba Dogo (Migingo Market), Lucky Summer Ward**

Mr. Speaker sir, the Committee visited the above market together with the Deputy Director of the market and the Market Superintendent on Monday 31<sup>st</sup> March, 2014 and found out the following that:

1. The market area is about 2 acres.
2. There are 5 sheds with concrete floors that were built around the year 2010 with funds allocated by the defunct City Council of Nairobi.
3. There is a toiled block that is vandalized, another is an incomplete toilet block done by Athi Water Company
4. Adjacent to the toilet block built by Iko Toilet initiative is a huge dumpsite full of garbage which extends to the river
5. There is a seasonal access road to the market site
6. It is alleged that the construction of the market stalled after all funds were exhausted way back in 2012
7. There is a perimeter wall, 3 storey building that was constructed in the 1980s but has never been occupied and the owner is not known. This has posed security threats as mugging takes place there almost on a daily basis.
8. It is alleged that all plans and designs were made with one County Engineer who was the site Engineer then.
9. There was no proper feasibility study to warrant construction of the said market.

**b) Recommendation,**

Mr. Speaker sir, the County Secretary stated that the Department of Markets undertakes to:

1. Write to the Chief Valuer to get the true position of the piece of land;

2. Write to the Chief Officer of Transport, Road and Public Works to put up a perimeter wall to mark the territory and for security purposes;
3. Demolish the abandoned building in case the owner fails to avail any relevant document of authority to construct the same;
4. Place modern kiosks along the boundaries of the market site on the road reserve if applicable as we will be advised by the Chief Officer of Transport, Road and Public Works.

Mr. Speaker sir, the Committee is making a follow up to ensure that the area MCA's concerns are fully addressed. Mr. Speaker sir, I beg to lay this response for the purpose of interrogation by the said Member.

**Hon. Speaker:** Hon. Chairperson, order! Hon. Chairperson, with the recommendations in here, you are leaving in limbo, the Hon. Member who asked this question. If again you don't even know the position of the land; write to the Chief Valuer to get the true position of the piece of land and then 2; you are writing to the Chief Officer of Transport, Public Roads to put a perimeter wall. How do you put a perimeter wall when you don't know the true position of the land?

Number 3; demolish an abandoned building in case the owner fails to avail any relevant documents. Then what have you brought to the Hon. Members? Can you go back, get all the details and bring them to the Hon. Member (*Applause*) because what you have brought here is completely unacceptable. Then you again say place modern kiosks. First of all you have not identified the true position of the piece of land. Go and give us proper information, next. Hon. Onduru Serikal sit down; sit down until you get your answer properly. No, no, no, order!

**Interim Clerk (Mr. Jacob Ngwele):** Order number 8; Procedural Motion.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. I think these Statements are just taking a lot of time. You can see there are some seats which have remained vacant because of taking too many Statements. Mr. Speaker can you allow me to respond to that gutter press which implicates somebody---

**Hon. Speaker:** No. no. no we finished with that one and we will go ahead.

## PROCEDURAL MOTION

### SELECT COMMITTEE TO INVESTIGATE CONDUCT OF CEC MEMBER

**Hon. Leader of Majority:** Okay Mr. Speaker let me just move the Procedural Motion that pursuant to the provision of section 43(a) of the County Government Act 2012 and Standing Order Number 62(6); this Assembly approves appointment of the following Members to the Select Committee to investigate the



conduct of Mr. Evans Ondieki, the County Executive Committee (CEC) Member for Public Works and Transport Committee. Mr. Speaker these Members are as follows:

1. Hon. Maurice Omondi Akuk
2. Hon. Jackline Awino Nyangala
3. Hon. Joash M. Omwenga
4. Hon. Antony Kiragu Karanja
5. Hon. Stephen Murathi Kambi

Mr. Speaker, I think these men and women who are here are equal to the task and they are going to bring a constructive report and Mr. Speaker we would like to know where Mr. Gathundo was yesterday because this Motion was very important to him because he was the engineer of this Motion but all of a sudden he got lost yesterday into thin air. So, maybe, Mr. Speaker, he is one of the 1500. Mr. Speaker I beg to call upon Hashim Kamau to come and second the Motion.

**Hon. Hashim Kamau:** Mr. Speaker---

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

**Hon. Hashim Kamau:** I echo the sentiments of the Majority Leader but not on the issue of Kathundo. He had a sick person; he had to visit him in the hospital. Mr. Speaker after the passage of the Motion yesterday, it's now a statutory requirement that we establish this select Committee and I do second. Thank you.

**Hon. Speaker:** Hon. Members, I propose the question that pursuant to the provisions of Section 43(a) of the County Government Act 2012 and Standing Order 62(6); this Assembly approves the appointment of the following Members to the select Committee to investigate the conduct of Mr. Evans Ondieki the County executive Committee (CEC) Member for Public Works and Transport:

1. Hon.Maurice Omondi Akuk
2. Hon.Jackline Awino Nyangala
3. Hon.Joash M. Omwenga
4. Hon.Antony Kiragu Karanja
5. Hon.Stephen Murathi Kambi

Hon. Members, Hon. Nyang'wara Nyang'wara.

**Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara):** Thank you, Mr. Speaker, I stand on the floor of this House to oppose this Motion with given reasons. One; Mr. Speaker, the Members who have been mentioned here stood on the floor of this House. It is in the HANSARD that Hon. Maurice Akuku was on the floor of this House and---

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

**Hon. Samuel Nyang'wara:** ---and he said---

**Hon. Speaker:** Not Akuku, Akuk.

**Hon. Samuel Nyang'wara:** ---Maurice Akuk, thank you for correction, Mr. Speaker. He was on the floor of this House, yesterday and said; and it is in the HANSARD that Ondieki must go, Mr. Speaker. Another person, Mr. Speaker, I am in contention with is Jackline Nyangala who also stood on the floor of this House and actually said Ondieki must go. The other person Mr. Speaker--- (*Loud consultations*)

**Hon. Speaker:** Order, Hon. Nyang'wara! Order! Order! Order, Hon. Nyang'wara! Order! I order Hon. Nyang'wara and Nyagala please. Nyangala, I stand here to correct you, the Hon. Jacky Nyang'ala did not stand on the floor of this House, yesterday.

**Hon. Samuel Nyang'wara:** I am sorry Mr. Speaker, this name resembles my name Nyang'ala and Nyang'wara maybe that's why. Actually she didn't actually speak. I apologize Mada; *Mheshimiwa* you can accept my apology. Mr. Speaker, Joash Omwenga, is a Member from the community that Hon. Ondieki, CEC Member Ondieki comes from and I don't think it will augur well when he brings a report on the floor of this House that these Hon. Members will accept, Mr. Speaker.

**Hon. Speaker:** Hon. Nyang'wara! Hon. Nyang'wara can you--- (*Loud consultations*) order! Hon. Nyang'wara, you are anticipating---

**Hon. Member:** The outcome

**Hon. Samuel Nyang'wara:** Okay.

**Hon. Speaker:** There is a Point of Order from Hon. Ochar.

**Hon. Samuel Nyang'wara:** I'll apologize to Hon. Omwenga then, but the Hon. Stephen---

**Hon. Speaker:** Hon. Ochar is on the floor, Hon. Nyang'wara---

**Hon. Samwel Nyang'wara:** Stephen Kambi---

**Hon. Speaker:** Order! Order! Order! (*Laughter*)

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Mr. Speaker, I am very sorry, because Hon. Nyang'wara is in the Speaker's panel and he should know very well that when we are in this House transacting businesses of the House we don't know our ethnic background. *(Applause)* so I support wholesale Mr. Omwenga to be in that Committee. Two, Mr. Speaker, I think it is better---

**Hon. Speaker:** You are contributing, Hon. Ochar?

**Hon. Maxwell Ochar:** No, no, no. I am just on a Point of Order. I am not contributing. I'll come and in fact I want to contribute on this.

**Hon. Speaker:** Okay.

**Hon. Maxwell Ochar:** Number two; I thank, Mr. Otieno for bringing in those who are against and those who are pro to this issue so that this man will be given time to defend himself before the Committee and nobody among the Hon. Members of this House is denied a chance to go and sit there. They will not vote but they will be there to contribute and listen. Thank you, Mr. Speaker.

**Hon. Speaker:** You have already contributed yours.

**Hon. Samwel Nyang'wara:** Thank you. Thank you, Hon. Ochar for those beautiful words. I can see indeed you need Hon. Joash Omwenga to sit in this Committee. I'll be in agreement with you because I know. I'll go to the other person by the name Stephen Murathi Kambi. He was also on the floor of this House. Mr. Speaker, and he never minced words to send Mr. Ondieki home. Mr. Speaker, it's like the case of Mr. Ondieki is already pre-determined and I don't think Mr. Speaker, he'll be given a fair hearing and--- *(Loud consultations)*

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

**Hon. Samuel Nyang'wara:** ---unless Mr. Speaker, and otherwise the Members who did not speak on the floor of this House are given a chance to sit in this Committee to hear Mr. Ondieki Mr. Speaker. Mr. Speaker, when I see the name of Maurice Akuk and Stephen Kambi, it is like--- *(Laughter)* it's like Mr. Speaker, these are the complainants. *(Loud consultations)*The very day---

**Hon. Speaker:** Order Hon.---

**Hon. Samuel Nyang'wara:** The very day Mr. Ondieki was summoned to appear on the Transport Committee, the two Hon. Members were *amicus curiae* in that Committee, Mr. Speaker. The same Hon. Members were on the floor of this House yesterday to send Mr. Ondieki home and they said very clearly that Ondieki must go. Mr. Speaker, sincerely speaking, I was requesting if the Majority Leader can consider replacing these two names so that we can know that whatever they'll bring on the floor of this House is

genuine and there will be no malice because if you allow these Members to be in this Committee it's like they have already determined the case of Hon. the CEC Member, Mr. Ondieki; a very humble request, Mr. Speaker. Thank you.

**Hon. Speaker:** Thank you very much, Hon. Nyang'wara, but apparently in our Standing Orders, there is no provision that bars any Members who has contributed to be in this kind of situation. Hon. Jack.

**Hon. Member for Githurai Ward (Mr. Jackson Ngare):** Thank you, Mr. Speaker sir. I would like to contribute on this issue and remind Mr. Hon. Nyang'wara that even those Hon. Members like me who did not contribute; it's only that Mr. Speaker did not see my intention to contribute. Even the other Members who did not contribute, they have a position in this. Mr. Speaker sir, we cannot go outside this House to look for people to constitute a Committee to investigate Mr. Ondieki. That team will have to come from this House and everybody has a stand. I support this Committee and I think Mr. Speaker sir, it will come up with a very good decision and before I sit, Mr. Speaker, I would like to give my thanks to the Chairperson of Finance Mr. Akuk and Mr. Ogada. He has done a very good job in the Finance docket. He has told us that--  
- *(Loud consultations)*

**Hon. Speaker:** order, Hon. Nyang'wara! Order! Order! Order! Order! Allow him to finish. Allow the Member to finish. Go on jack.

**Hon. Jackson Ngare:** *Waangalie nywele.*

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

**Hon. Jackson Ngare:** Mr. Speaker sir, he has told us that this County is owed Ksh 93 billion and now we owe Ksh 27 billion. I think it's the right time now, Mr. Speaker, we look at the coming budget and look at the departments that go into new projects that do not help this County so that we delete the budgets they have allocated, yes so that we don't give them the leeway to go into wasting projects and probably use this money on paying debts so that in the next two budgets Mr. Speaker sir, we can be able to say we owe nothing.

**Hon. Speaker:** Thank you very much, Hon. Jack.

**Hon. Jackson Ngare:** I will contribute more on this when the time comes, thank you sir.

**Hon. Speaker:** Thank you, thank you I would like to ask the Hon. Bishop to contribute. *(Loud consultations)*

**Hon. William Abuka (Nominated Member from Kibra):** Thank you very much, Mr. Speaker for the opportunity to at least say something on this subject of Hon. Ondieki. Indeed yesterday I never spoke I really wanted to say something but I never spoke. I rise today to support this Motion that the presentation of

the names is timely and I have no problems with the names that have been presented to the House. I say this, Mr. Speaker, because I would have been a very worried man, if as a pastor who also knows how to forgive; sometimes you let go even when people have wronged you, that the Majority Leader and his team only selected from one side but when I look at the list I see at least there is a head and a mind that also can balance the thinking of the team.

I think ladies and gentlemen this is an opportunity like no other where we will not only vent, but also give opportunity for people with divergent views concerning this matter to come to the team that has been selected and say what they know. It's good for the people that felt Ondieki must go but is even much better for the people that think there is no reason for Ondieki to go. Let both sides now come to the team, present their case so that at the end of it we have something that can really be termed as concrete evidence for or against. I really strongly want to support and urge Members that probably we'll be doing ourselves great disservice to continue talking on this because really there is nothing to talk other than to pass it and let these Members start working. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Mutiso. *(Loud consultations)*

**Hon. Member for Ngei Ward (Mr. Daniel Mutiso):** *Ahsante Bwana Spika , ninasimama hapa kupinga---*

**Hon. Speaker:** There is a Point of Order.

**Hon. Peter Warutere:** I am seeking your indulgence, Mr. Speaker. We can read sabotage on this side. According to me, the Member is not properly dressed for this House.

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

**Hon. Peter Warutere:** He is dressed like a pop star.

**Hon. Speaker:** The Hon. Mutiso is properly dressed before the House and we also need pop stars amongst ourselves. *(Laughter)*

**Hon. Daniel Mutiso:** *Asante Bwana Spika, nasimama kupinga mswada huu. Bwana Spika, sidhani ya kwamba Bwana Ondieki atahudumiwa kwa ukweli kwa sababu walio katika kamati hii ni wale waliompinga kwa ukali na nikipumbuka wakati wa Kimunya 'must go' ambapo Bonny Khalwale alikuwa hapo hakuhusika katika ile kamati ambayo ilienda kumchunguza. Bwana Spika nakuomba kama inawezekana, kwa mamlaka ya kiti chako uangalie kibinafsi; watu wanaweza kukosana huko nje halafu waje kuleta Motion mbele yako kwa sababu Bwana Spika, kuna wale wako katika orodha hii ambao tushakutana nao katika afisi ya Waziri miezi mitatu iliyopita tukienda kuhudumiwa tukifuatilia mambo ya barabara.*

*Bwana Spika, Bwana Ondieki alikuwa na afisa mmoja ambaye ni Madam Christine. Alitumia kwa unyenyekevu akatuambia tumpe ruhusa kidogo, tumpe muda kidogo kama dakika moja aweze kuongea na Madam. Tukiwa watatu tulitoka nje lakini wenzangu walishuka na kusema kwamba tumefukuzwa. Bwana Spika, sitaki kutaja majina.*

*Pia nataka niweze kujua kwamba ni wakati gani tunafaa kutafuta sahihi, ni nani anafaa kutafuta sahihi, na ni wapi? Bwana Spika, nakuomba tusifanye Nyumba hii ambayo ni Nyumba inayofaa kuheshimika, kama biashara. Utapata wengine wanatafuta sahihi; mimi nishatia sahihi kama tatu kwa orodha na sijui huwa zinaenda wapi. Bwana Spika hao hao tu ndio huwa wanazunguka na hizo orodha ati tutie sahihi tutoe afisa fulani. Bwana Spika, utaweza kusikia kwa ubinafsi mtu amenda kuhudumiwa yeye peke yake. Vile wataongea pale akirudi anakuwa kusema fulani ni mbaya tutafute sahihi. Bwana Spika, nakuomba tafadhali wacha tuheshimike kwa ukweli. Waliotajwa hapa Bwana Spika, hawafai hata kidogo kuwa katika hiyo orodha kwa sababu hao ni kama yule hakimu ambaye amekuhukumu kwa Appeal Court uende kumpata katika Supreme Court, bado atakunyonga. Bwana Spika, naomba kama hiyo orodha ingeweza kubadilishwa iwekwe watu wengine itakuwa ni manufaa. Nashukuru.*

**Hon. Speaker:** Thank you very much, Hon. Mutiso. Hon. Manyala.

**Hon. Member for Kayole South Ward (Ms Elizabeth Manyala):** Thank you, Mr. Speaker sir. I rise to oppose with the following reason. When we came to this House on 4<sup>th</sup> March, 2013 we were only four elected women, Hon. Members. Later on we got quite a number of Hon. Members who are women who are special elect and up to now they are still being marginalized. When a Committee is being constituted, they are always being left behind. We saw that with the Ward Development Committee; we kept quiet. Today we are seeing the same trend.

We have women who are very competent, who are very smart, who have swag, *(Applause)* who are rational and even when Jesus was being crucified, Mary Magdalene and other women accompanied him to Golgotha. Now my question is why is it that this Committee that has been constituted today only has one woman yet we have 43 Hon. women in this County Assembly? *(Applause)* Where have we gone wrong, Mr. Speaker sir? *(Applause)* Where did the rain start beating us? Please consider gender because the women you see here are quite rational and they will do a good job if they are given the opportunity. Thank you, Mr. Speaker. *(Applause)*

**Hon. Speaker:** Hon. Thuo and then Thuo. Thuo, which Thuo? whichever can come.

**Hon. Charles Thuo Wakarindi:** Thank you, Mr. Speaker sir. I rise Mr. Speaker sir, to support this Motion and I want to state to this House, to the leadership of the Assembly that my stand on this matter is not and I have never wavered Mr. Speaker sir, it's just by a twist of fate I had to attend to someone at Nairobi Hospital yesterday, but I was following on video link, Mr. Speaker sir. It was being streamed live on YouTube and I saw the contribution.

Mr. Speaker sir, one of the pillars of natural justice, is that nobody should be condemned unheard and the people who wrote this Constitution had given that provision and we have given Mr. Ondieki his day in court. We want to hear him out and the leadership of this Assembly have selected people who have got the intellectual power and have got the integrity that is required and we've got the will because we need to run this issue to the end and it must be known that we are not doing this out of malice. I cannot fail to congratulate the people who constituted that Committee because it is clear to me they put a lot of thought into it.

It is the work of this Committee that is going to decide whether what happened here yesterday was good. This, Mr. Speaker sir, is where rubber meets the road. It is the work of this Committee that is going to put the final seal on the incompetent people of this Assembly. I don't want to contribute on the issues that happened yesterday but I believe that this Committee is properly constituted and I believe that this House is properly represented seeing that we have a nominated lady in the Committee. We have 4 elected Members of this Assembly who are ladies but the leadership of this Assembly did not choose any of the 4. It is very clear that the leadership of this Assembly is considerate of the ladies in this Assembly. That's why whoever constituted that list appointed a nominated person. Another thing Mr. Speaker sir, *(Loud consultations)* special elect, thank you. Mr. Speaker sir---

**Hon. Elizabeth Manyala:** Can you withdraw.

**Hon. Charles Thuo Wakarindi:** I withdraw, special elect, thank you. *(Loud consultations)* Mr. Speaker sir, it is also very clear that a person who is an equal to Mr. Ondieki has been put in this panel of jurists. This is a jury that has been set and we have people who were supporting him on this floor. He'll not be alone in that Committee. I mean there are people who will be sympathetic to him although without reason I am sure they are going to be sympathetic to him although they know that he is wrong. They will still listen to him although they know that what he did was not right, Mr. Speaker sir. I am sure he is going to get some soft landing but at the end of the day I am sure that the will of this House; that the will of the Members of this Assembly; that the will of the people of Nairobi who have sent us here is going to be seen through the work of this Committee. Mr. Speaker sir, I beg to support. Thank you.

**Hon. Speaker:** Okay, the last one; Hon. Thuo.

**Hon. Stephen Thuo Kamau:** And when I am done, Mr. Speaker call the mover. Thank you, Mr. Speaker---

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

**Hon. Stephen Thuo Kamau:** I support this Motion, Mr. Speaker. I have full confidence and faith in the Members that have been listed here, Mr. Speaker. I further continue to support this Procedural Motion because it gives the Hon. Ondieki an avenue to clear his name as far as the proceedings of the Committees are concerned. I believe all those who love Mr. Ondieki would support this particular Motion,

Mr. Speaker, because it provides a platform for him to fully clarify on the matters that are of contention and the matters that these Members have raised. I am also asking the Hon. Members; what is the third of 5 Members? Actually we have excess in this Committee. Thank you. (*Loud consultations*)

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

**Hon. Leader of Majority:** I think, Mr. Speaker, the opposers will not see the light of the day because I know they are only about two or three people. There is Nyang'wara, Elizabeth and Mutiso. They are only three who are opposing it. It is true that you cannot walk to the paradise of God to go and pick people. It is only these people who are going to do this work and also, I don't think whether these people are going to be hyenas. They are just going to--- Ondieki is going to appear with his lawyer.

Also on this side of the Assembly they are going to have their legal expert who is going to advice. So, you should not just say so and so should not be in that Committee and when Elizabeth Manyala is quoting about the Bible, in Jesus' Committee there was not a single woman. (*Loud consultations*) It is only the sympathizer of Jesus who is Mary Magdalene and his aunt Elizabeth and his aunt Elizabeth the---

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

**Hon. Leader of Majority:** ---so there is no way Elizabeth can challenge me on that. When I am doing this, always I must put one Mary Magdalene on this Committee. That is the reason why I put Jacky Nyangala to be the Mary Magdalene as the weakness of the Committee. (*Applause*) For Elizabeth; when they went to see Elizabeth, they met Elizabeth at Galilee, yes. So, Elizabeth was not there, but Mary Magdalene was the one who was walking with Jesus all the time even in Mohamed's Committee there was a woman called Hadija. The only one; on this---

**Hon. Karen Wanjiku** (Nominated Member from Njiiru): Point of Order, Mr. Speaker!

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

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

**Hon. Leader of Majority:** ---the mover has to reply. Karen, I know your time is coming for the quorum issue. Your time is coming up for quorum. (*Laughter*) I will give you time for your quorum. You will do it. So, Mr. Speaker, I think, as I sit down, just put the question and we vote for it. Nyang'wara I know I didn't put Omwenga with knowledge that Hon. Omwenga comes from that region where you come from; I just put Omwenga as the Member of the County Assembly of this Assembly; the Nairobi City County Assembly so there's no way you are going to tell me that Ondieki is not going to get fair hearing because Omwenga is there. Omwenga is very competent. He is a very competent man and Jacky Nyangala is always neutral. Akuk is always neutral. (*Laughter*) Kambi is always neutral. (*Laughter*) (*Applause*) Kiragu



also is always neutral so these people I think they are equal to the task. They are going to give us a good report. So, Mr. Speaker I beg to sit down and you put the question. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to the provision of section 43(a) of the County Government Act 2012 and Standing Order 62(6); this Assembly approves the appointment of the following Members to the select Committee to investigate the conduct of Mr. Evans Ondieki the County Executive Committee (CEC) Member for Public Works and Transport:

1. Hon. Maurice Omondi Akuk
2. Hon. Jackline Awino Nyang'ala
3. Hon. Joash M. Omwenga
4. Hon. Antony Kiragu Karanja
5. Hon. Stephen Murathi Kambi

And as many of the opinion say 'aye' and as many as of the contrary opinion say 'nay', the 'ayes' have it. *(Applause)*

*(Question put for Procedural Motion No. 8 and agreed to)*

**Interim Clerk:** Order number 9; Procedural Motion.

## PROCEDURAL MOTION

### REPLACEMENT OF HON. MOSES OGETO BY HON. JAFFER KASSAM ON SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION

**Hon. Leader of Majority:** Thank you, Mr. Speaker; you can see this motorbike businessmen are going out. These tuktuk businessmen are going to look for the collection of the day, so Mr. Speaker, I want us to rush very quickly to finish this Motion before Karen calls the House to adjourn because of lack of quorum.

Procedural Motion; that pursuant to Standing Order Number 156(1); this Assembly approves the appointment of Jaffer Kassam by the Selection Committee to replace Hon. Moses Ogeto as a Member of the Select Committee on Delegated County Legislation.

Mr. Speaker, I don't think we are going to take too much time on this one because it is just a matter of switching, Ogeto from Ward Development Fund and Jaffer Kassam to replace him from Ward Development Fund to Delegated so Mr. Speaker I beg to call upon Ngaruiya to second. *(Loud consultations)*

**Hon. Speaker:** Order! Hon. Ngaruiya. Order! Hon. Members, as you are walking out remember if you don't pass the Nairobi County Supplementary Appropriation Bill because of lack of quorum, you will do

yourself a disservice because inside this small booklet the car loans and mortgages are here. Therefore they will have to wait until you come back from the recess. So take note that the moment a Member rises and says there is no quorum we will close shop. Hon., yes? Hon., what? The Motion is being seconded, no, no.

**Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya):** Mr. Speaker, thank you. I rise to second the Motion that Hon. Jaffer Kassam be given that position. The other day I heard him complain that he is in only one Committee, Mr. Speaker. I rise to second. Thank you.

**Hon. Speaker:** Hon. Members, I now propose the question that pursuant to Standing Order number 156(1); this Assembly approves the appointment of Hon. Jaffer Kassam by the select Committee to replace Hon. Moses Ogeto as a Member of the select Committee on delegated County legislation. Hon. Members. Hon. Kagiri.

**Hon. Samuel Kagiri:** Mr. Speaker, I am sure there is nobody opposing the replacement of the name of Jaffer Kassam with Hon. Moses Ogeto and I would wish to call the mover of the Motion to reply but before I do that, I am sure Members have been asking questions--- (*Laughter*)

**Hon. Speaker:** What did you say?

**Hon. Samuel Kagiri:** I am saying I am sure Members are in agreement with the Motion number 9 and I would wish to call the mover of the Motion maybe to reply but before I sit down(*Laughter*) Mr. Speaker allow me---

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

**Hon. Samuel Kagiri:** Just allow me just one---

**Hon. Speaker:** Please can you--- don't take other people's mandate.

**Hon. Samuel Kagiri:** Okay, they will contribute, Mr. Speaker, but allow me to say just a few words concerning the issue I've just mentioned. I am a Committee Member of the Committee, that is, the Management Committee, sitting on behalf of the loans of these Members and every time we meet with the Members they are always asking when their money will be ready for them to borrow and it will be unfortunate for Members to be out of this Assembly whereas they know they have been pushing us so hard that we finish this business.

So, I would request any Member that is outside this House and needs his loan to be processed in the next few days possible to be back in this House we finish with this business and then they can go out on recess. Actually we have a whole month of recess. They can go and rest from 5:30 p.m. after we are

done with this Motion until we come back and then they will have their own money. Thank you so much. So, if I go out, I am going to call them to come back to the House for us to finish this business. *(Laughter)*

**Hon. Speaker:** Hon. Kagiri, is that why your phone was off? *(Laughter)* Hon. Jacky.

**Hon. Jackline Nyang'ala** (Nominated Member from Kileleshwa): Mr. Speaker, thank you. I think Mr. Kagiri, wanted to say that can you ask the mover of the Motion to reply please, so that we continue with the business. Thank you.

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

**Hon. Leader of Majority:** Thank you, Members, for accepting the replacement of Mr. Moses Ogeto with Jaffer Kassam. I thank you, Mr. Speaker for allowing me to contribute on this and Mr. Speaker, always just check on Karen so that she does not come up with the quorum issue so that we finish every business. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to Standing Order number 156(1); this Assembly approves the appointment of Hon. Jaffer Kassam by the Selection Committee to replace Hon. Moses Ogeto as a Member of the select Committee on Delegated County legislation and as many of the opinion say 'aye'. As many of the contrary opinion say 'nay', the 'ayes' have it.

*(Question put for Procedural Motion No. 9 and agreed to)*

**Interim Clerk:** Order number 10, Procedural Motion.

## PROCEDURAL MOTION

### EXEMPTION OF ASSEMBLY BILL NO. 5 OF 2014 FROM STANDING ORDER NO. 121

**Hon. Leader of Majority:** A quick one; Mr. Speaker the Procedural Motion; that pursuant to the provisions of Standing Order number 228; this Assembly resolves to exempt the Nairobi County Supplementary Appropriation Bill 2014 (Assembly Bill No.5 of 2014) from the provisions of Standing Order 121. So, Mr. Speaker, I think I am just doing the same; Ngaruiya to second then we just move on.

**Hon. Patrick Ngaruiya:** Thank you, Mr. Speaker, I rise to second the Procedural Motion, on the issue of Appropriation Bill 2014 and allow me, Mr. Speaker, to just say one thing. Mr. Speaker, it is now three weeks since we passed the Supplementary Budget and I think this Appropriation Bill was to come hand-in-hand with the Supplementary Budget; just immediately. I think we are not here to teach the Executive how to do its work. Mr. Speaker, they would have brought this Appropriation Bill immediately after the Supplementary Bill and it has taken a lot of time and I think next time if someone is sleeping on his job, we are not going to wake him up. Thank you so much, Mr. Speaker.

**Hon. Speaker:** Hon. Members I now propose the question that pursuant to the provision of Standing Order 228; this Assembly resolves to exempt the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly Bill No. 5 of 2014) from the provisions of Standing Order 121. Hon. Members. Hon. Nyang'wara.

**Hon. Samwel Nyang'wara:** Thank you, Mr. Speaker. I stand to support the Motion and in fact I understand that the Chairman of the Sectoral Committee that we are trying to deny this particular chance to scrutinize this Bill may understand and we are given in the Standing Order No 121 that it is not a must that it has just to go through Sectoral Committee because it says the House 'may' and when they say 'may' does not mean a must. So, with those few words, Mr. Speaker, I beg to support. Thank you.

**Hon. Speaker:** Hon., the Deputy Speaker

**Hon. Deputy Speaker (Mr. Kennedy Okeyo Ngondi):** Thank you, Mr. Speaker, I believe we are all in agreement that this is a working tool for this Assembly and the entire Nairobi, so without much ado please kindly call the mover to reply. Thank you.

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

**Hon. Leader of Majority:** Mr. Speaker let me thank the Members for taking very little time to respond to this Motion. So, Mr. Speaker, just put the question we do away with that one, then we move to another business.

**Hon. Speaker:** Hon. Members, I now put the question that pursuant to the provision of Standing order 228; the Assembly resolves to exempt the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly Bill No. 5 of 2014) from the provisions of Standing Order 121. And as many of the opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

*(Question put for Procedural Motion No. 10 and agreed to)*

**Interim Clerk:** Order No. 11; the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly Bill No. 5 of 2014). Second Reading.

**Hon. Michael Ogada Okumu:** Thank you very much, Mr. Speaker sir, I wish to propose that we read the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly Bill no 5 of 2014) for the second time.

Mr. Speaker sir, I think as you are all aware that Members of the Assembly have been given this document it is rather a small and easy work that we have today because actually what is reflected here was in the Supplementary estimates that we gave last time. We did go through them and Members had an

opportunity to look at them and what we are doing today is just to give the Executive the authority to withdraw money from the Central Bank Account so that they can spend.

They are not able to spend without us giving the authority to spend and that is actually why we are, putting this thing into different segments so that in term of expenditure, all the department are allowed to spend and in terms of development, all the departments also are allowed to withdraw and spend. Mr. Speaker sir, without much ado I wish to call upon George Ochola to come and second this Motion.

**Hon. Member for Hospital Ward (Mr. George Ochola):** Thank you, Mr. Speaker sir, I rise to support and second. Mr. Speaker, I want to state categorically that this statement which is before this House indeed contains a lot of goodies; goodies which Hon. Members in this House have been crying for and these goodies will make this Hon. Members be friendly in their Wards. Mr. Speaker, the document is also a vehicle which is going to take this Hon. Members to Canaan, because the engine is full with a lot of goodies. Therefore I support it.

**Hon. Speaker:** Hon. Members--- What? Who talked about the Member to reply? Hon. Members, I now propose that the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly Bill No 5 of 2014) be read a second time. Sorry, Members, I now put the question that the Nairobi City County Supplementary Appropriation Bill 2014 (Assembly bill No 5 of 2014) be read a second time. And as many of the same opinion say 'aye' and those of the Contrary opinion say 'nay'. The 'ayes' have it.

*(Question put for the Second Reading of assembly Bill No. 5 of 2014 and agreed to)*

**Interim Clerk:** An Act of the Nairobi City County Assembly to authorize the issue 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 as sum voted on account by Nairobi City County Assembly for certain Public Services and purposes. Second Reading.

Order No. 12; Committee of the whole Assembly.

*(Hon. Speaker leaves his Chair and Deputy Speaker takes a seat at the Clerks' desk)*

### IN THE COMMITTEE OF THE WHOLE HOUSE

**Hon. Deputy Speaker (Mr. Kennedy Okeyo Ngondi):** Okay, Hon. Members, we are now in the Committee of the whole Assembly and we are considering the Nairobi City County Supplementary Appropriation Bill 2014.

**Interim Clerk:** Clause 2

**Hon. Deputy Speaker:** Hon. Members, I propose that Clause 2 be part of the Bill. Hon. Members I now put the question that Clause 2 be part of the Bill. May as many of the same opinion say 'aye' and may many of the contrary opinion say 'nay'. 'Ayes' have it.

**Interim Clerk:** Schedule

**Hon. Deputy Speaker:** Hon. Members, I propose that the schedule as amended be part of the Bill. Hon. Members, I put the question that the schedule be part of the Bill. I am made to understand that there is an amendment by Hon. Michael Ogada.

**Hon. Michael Ogada:** Thank you very much, Chair. I have two amendments to make. Mr. Chairman.

1. On vote number D347 02 800 by deleting the amount 119,500,000 and substituting thereof with Ksh 94,500,000 and;
2. In vote number D47 02 300 by deleting the amount Ksh 336 and substituting it thereof with an amount of 361 million Kenya Shillings.

Mr. Chairman what has occasioned this is because when we are working on this document one thing is that it has to balance in a way and there were some amendments that were proposed because when we were looking at it we realized that in Mathare North there is a project of Water which is supposed to take place and also in Dandora, represented by Wanyoike there is a project which is supposed to be taking place in this particular financial year, but they were knocked out by the Executive, I therefore had to remove some money from Trade docket so that I could add in order for this project to continue. So, that is actually what has made me to propose the amendments. Thank you very much.

**Hon. Deputy Speaker:** Hon. Members I propose the question that Schedule be amended as proposed. Hon. Members I now put the question that Schedule be amended as proposed. May as many of the same opinion say 'aye'; may as many of the contrary opinion say 'nay'. 'Ayes' have it.

**Interim Clerk:** Clause 1, Title

**Hon. Deputy Speaker:** Hon. Members, I put the question that the schedule as proposed be the Title of the Bill. Hon. Members, I now put the question that the Title be part of the Bill. May as many of the same opinion say 'aye' and may as many of the contrary opinion say 'nay'. 'Ayes' have it.

**Interim Clerk:** Clause 1

**Hon. Deputy Speaker:** Hon. Members, I propose that Clause 1 be part of the Bill. Hon. Members I put the question that Clause 1 be part of the Bill. May as many of the same opinion say 'aye' and many of the contrary opinion say 'nay'. 'Ayes' have it.

**Hon. Michael Ogada Okumu:** Thank you, Mr. Chairman sir, I beg to move that the Committee reports to the Assembly its consideration of Nairobi City County Supplementary Appropriations Bill 2014 and its approval thereof with amendments.

**Hon. Deputy Speaker:** Hon. Members I now put the question that the Committee report to the Assembly, its consideration of Nairobi City County Supplementary Appropriation Bill 2014 and its approval thereof with amendments. May as many of the same opinion say 'aye'. May as many of the contrary opinion say 'nay'. 'Ayes' have it.

*(Deputy Speaker leaves his Chair as the Speaker returns to take his seat)*

### IN THE PLENARY

**Hon. Deputy Speaker:** Mr. Speaker sir, I beg to report that the Committee of the Whole House has considered the Supplementary Appropriations Bill 2014 and approved the same with amendments. Thank you.

**Hon. Michael Ogada Okumu:** I thank you very much, Mr. Speaker sir. I beg to move that the Assembly do agree with the Committee in the said report.

**Hon Speaker:** Hon. Members, I propose the question which is that the Assembly do agree with the Committee in the said report. I put the question that the Assembly do agree with the Committee in the said report. And as many of the opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it. Hon. the mover.

**Hon. Michael Ogada Okumu:** Thank you, once again, Mr. Speaker sir. I beg to move that the Nairobi City County Supplementary Appropriations Bill 2014, be now read a third time.

**Hon. Speaker:** Hon. Members, I propose the question which is that Nairobi City County Supplementary Appropriation Bill 2014, be now read a third time. Hon. Members, I will now put the question which is that Nairobi City County Supplementary Appropriation Bill 2014, be now read a third time. As many of the opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

*(Question put for the Third Reading of Assembly Bill No. 5 of 2014 and agreed to)*

**Interim Clerk:** Order No. 13; Adjournment of the Assembly in accordance with the calendar of the Assembly.

**Leader of Majority:** Thank you, Mr. Speaker, for coming back in the House and I know now after you have taken several bottles of water and cups of tea. You are now strong and you can stay another

extra one hour but it is only me who is a little bit tired and some Members here, Mr. Speaker. So, I want to move the Motion of adjournment; that Pursuant to provision of Standing order number 25; this Assembly adjourns until Tuesday, June 3<sup>rd</sup> 2014 in accordance with the calendar of the County Assembly regular sessions.

Mr. Speaker, I want to call upon Members to do this quickly because I think if you can see, seats are empty here; these people must be tired. So, if we give them this one month, I think they are going to refresh themselves then they come back, when they want and when they will be in a serious mood for business. So, Mr. Speaker, I call upon Mr. Ngaruiya to second the Motion and we proceed.

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

**Hon. Patrick Ngaruiya:** Thank you, Mr. Speaker, I rise to second the adjournment looking at the mood of the Hon. Members and looking at the mood of the House and the way the seats are empty, Mr. Speaker it means that already the Members have decided to take an early leave even before the adjournment is passed in this Assembly. Therefore, Mr. Speaker, I would say I think this particular recess will give us ample time with our constituents and I believe every other Member, special elect or elected Members will have an opportunity to have physical contact with his people.

I believe it will be time when you will have that particular time to visit the developments that you have initiated and the very many other activities that you are doing at that particular Ward. I also believe after the passage of the Appropriation Bill which will now authorize the spending of the money; the Ward Development Fund Committee will continue with its mandate so that it continues to give guidelines on where we are going to take this County from this particular moment.

I also believe, Mr. Speaker, that on issues to do with our it's now or never that necessary arrangement will be made to ensure that those particular offices are equipped, so that at least our constituents or electorate have somewhere where they can be coming at least to see us because we will be opening those offices for their sake. I also believe, Mr. Speaker, the process of car loan and mortgage will be moved very fast so that this Hon. Members as they come back in June, they will be in a position to access that fund, so that at least they can have the capacity to drive this particular County to the next level. Thank you, Mr. Speaker.

**Hon Speaker:** Hon. Members, as we draw near to the conclusion of today's debate and proceed on recess, as a speaker of the County Assembly of Nairobi, I look at a future where the Nairobians will see tremendous growth in your leadership. As you proceed to one month's break let us go with clear minds on what our people on the ground need. Consult each other and this is a City that needs a lot of things to be done and has a budget that says clearly the honour is in your hands. For me is to wish you well with your family and your constituents both the elected Members, the leadership of this House and the super elect Hon. Members. Mine is to say I have a lot of confidence with the Members of the County Assembly of Nairobi.



A corrupt free Assembly (*Applause*) and let nobody out there point a finger at the Members of the County Assembly of Nairobi because these Members know what they want to do in their Wards and I don't think, in my mind, when you point a finger of corruption towards the Members of the County Assembly in Nairobi, you are telling the Nairobians that they elected the wrong people to this House. I want to assure the people of Nairobi that the men and women of this House are men and women of integrity.

Mine is to wish you well and I want to thank each and every body for the very good working relationship that had developed among you notwithstanding the fact that our relationship is beyond boundaries and we have become a family. Let us work as a family and consult each other. Let each shoulder be a shoulder for the other to lean on. I want us to be one family. Hon. Members I know put the question that Pursuant to provision of Standing order number 25; the Assembly adjourns until Tuesday June, 3<sup>rd</sup> 2014 at 2.30 p.m. Why are you swinging your head, Hon. Deputy Speaker?

Sorry, I now propose the question that pursuant to provision of Standing Order 25; this Assembly adjourns until Tuesday, 3<sup>rd</sup> June, 2014. Yeah, you want to contribute, (*Loud Consultation*) but I must read first. Hon. Members we are on track I am proposing so that you can come and do your contribution, so what do you want? So listen carefully, pursuant to the provision--- I am now proposing the question that pursuant to provision of Standing Order 25; this Assembly adjourns until Tuesday, 3<sup>rd</sup> June, 2014 in accordance with the calendar of the County Assembly. Hon. Members. Hon. Deputy Speaker.

**Hon. Deputy Speaker:** (*Laughing*) Mr. Speaker, I hope and believe you have gotten fresh air out there.

**Hon Speaker:** Indeed.

**Hon. Deputy Speaker:** You are confirming what the Majority leader has just said, and you are ready to sit here for the next one hour.

**Hon Speaker:** Correct.

**Hon. Deputy Speaker:** But, (*Laughing*) Mr. Speaker, if you may allow me, I think it's only prudent that the Hon. House finds time to be with their family and again to attend to the needy cases at the Ward level. So, I seriously consider this Motion of great importance and I hope Members are also going to find noble time to interact with the electorate. Thank you, Mr. Speaker, I support the adjournment.

**Hon. Speaker:** Hon. Chief Whip of Minority.

**Hon. Chief Whip of Minority:** *Ahsante sana, Bwana Spika. Nikimuunga mkono naibu wa Spika, ni kwamba kiongozi wa serikali katika Bunge hili Mheshimiwa Elias Otieno, ni kiongozi wa serikali katika Assembly. Lakin, i kuna jambo moja, Bwana Spika, nalo ni kwamba tunaporudi katika Wodi zetu kimiila kwetu, mtu ambaye mmetoka naye katika Wodi moja mmezaliwa pamoja, kama vile mama fulani aleavyo*

*mototo fulani na asiye wake pamoja na wanawe naye huyo mwana na watoto wa huyo mama wanakuwa ndungu moja.*

*Sasa kwa niaba ya familia na kwa niaba ya Community, kwa sababu mimi ni County Representative na kati tuna viti viwili vikubwa sana Katika County hii, katika Assembly hii yetu kubwa tunayo Community au wakaaji wa Majengo ambao wana kiti cha kinara wa walio wachache. Kiti kikubwa tunayo katika upande wa Executive nacho ni kiti cha ugavana.*

*Eneo bunge mingi zimepata wakati wao katika utawala wa County. Kwa mfano sisi kama wewe Bwana Spika tumetoka mbali katika mambo ya siasa. Eneo la Westland wamekuwa na waheshimiwa Fred Ngumo, Makadara wamekuwa na mheshimiwa George Aladwa, Sammy Mbugua, Dan Kungu, Lugonzo; ukienda sehemu za Embakasi kumekuwa na waheshimiwa kama kina Dick Waweru, yule wa mkufu (akicheka) na mheshimiwa Ndirangu. Sasa ukienda upande wa Dagoretti kumekuwa na Waitito, upande wa Kasarani kumekuwa na Njoroge; ukienda upande wa Dagoretti tena kumekuwa na mama Margaret Kenyatta.*

*Sisi wakaaji wa Majego tukirudi nyumbani na mheshimiwa Kidero, wakati mimi ninaitana mkutano wa Wodi; yuko upande wangu wa kulia akinisikiliza lakini akiita mkutano wa County mimi hukaa upande wa kando. Tukiitana nyumbani tukisema kwamba kuna mambo mengi tumesikia na tutatimiza kama wakaaji wa Majengo--- (akicheka) na ni kwamba, Bwana Spika, ni matatizo mengi, kwa mfano kuna loan na tunajua yakwamba senti zinaenda kutolewa na serikali, sasa twahitaji kukaa chini na Gavana wa Nairobi kama watu wa nyumbani pamoja na mheshimiwa Zulfa na mheshimiwa Irungu, tuzungumze kinyumbani na tuone vile tutatutua kiserikali mambo hayo yote. Bwana Spika naunga mkono mambo ya recess.*

*(Loud Consultation)*

**Hon. Speaker:** Hon. Nyang'wara! *Isipokuwa hatukukuelewa sana, lakini tunasema ahsante.* Hon. Members, one more Bishop.

**Hon. William Abuka:** Thank you very much, Mr. Speaker for the second time your eyes have caught me. I really want to take this opportunity to appreciate that recognition in this Assembly. Mr. Speaker, I stand to support the Procedural Motion on recess. Indeed judging by the body language you can see that there is fatigue that has cropped in the Members of this Assembly and they are tired but they would want to continue to work. However, Mr. Speaker, there is something that I wanted to bring to your attention just like my Excellent brothers have voiced concern over the same particularly the Deputy Minority Leader, Mr. Hon. Ngaruiya, has I think brought this out very fairly.

Mr. Speaker, we have very excellent address as Hon. Members; a very strong focused legislative body, but Mr. Speaker, I think probably it needs your directing and indulgency that even when we carry ourselves outside there as Members who bear the address of Hon. we also need to capture that in our daily interaction with each other. Mr. Speaker, it is so difficult to meet constituents in the streets and address

people in the corridors and keep them in your vehicle, I think it is not fair. Having been given probably a budget to construct offices in the Wards and also for the special elect Members a place for convergence where you can talk to the people that you represent, I think it will not be too much to ask for.

It is not fair, particularly, I would bring myself to this, Mr. Speaker, I did not ask to be who I am today, I got handicapped 34 years ago, when I was joining the military as a cadet officer. I was a boxer, I was a footballer, but I got paralyzed on the left side of my body, I never liked it. I carry myself sometime with a lot of shame to when I think of where I would have been but I didn't manage to get there.

But by the grace of God the leadership of this Country thought that probably judging by the skill that I manifested, I could represent persons with disability as well as the religious group in this Assembly. Mr. Speaker, judging by what we would call my contribution to this Nation on matters of peace building and cohesion going ahead; to say that I have been promoted; now I am a big man and yet I am meeting people, persons with disability, some of them who are blind; who are moving on their buttocks because they are crippled; people on wheelchairs and so forth on the street I think that is lowering my dignity, lowering the dignity of this Assembly and really not treating me, as a Hon. Member of this Assembly.

And it is not just me we have ladies here special elect and several others that really would need even if we are to share one office 50 people if you think that is good. (*Applause*) I think it is alright so that even during the recess like this one, some of us who have a constituency to address and people and a body to talk to, we can do that in a way or in a sense of integrity, with a sense of authority and so that people think you really deserve the address, Hon. I would want this House to look into this matter. I support this Motion.

**Hon. Speaker:** The last one, Hon. Nyang'wara, then Hon. Majority will close the chapter.

**Hon. Samwel Nyang'wara:** Mr. Speaker, I stand to oppose this Motion and I want to request Members to support me in opposing this Motion. One; Mr. Speaker, now and again we have been talking about going to recess about five times and-----

**Hon. Speaker:** Order, Hon. Nyang'wara! The Leader of Majority is on his seat.

**Hon. Leader of Majority :** Mr. Speaker, I don't think Nyang'wara is in his senses, because Nyang'wara was in the House Business Committee today and he was the one who passed this Motion in the House Business Committee, that we are going for an adjournment today. The reasons why he is now opposing the Motion can't be understood. He must be having a mental problem. Just examine this man, whether he is in his senses, Mr. Speaker

**Hon. Speaker:** It is true, Hon. Nyang'wara.

**Hon. Samwel Nyang'wara:** Mr. Speaker, I can allow him to use any words because he is my boss, but I want to tell him very clearly that a human being is a subject bound to change at any given time (*Laughter*) Mr. Speaker, we have been talking about Members having offices well-furnished so that they can actually address issues in their Wards. This is an issue we have been talking about now and again for quite some time now. Mr. Speaker, it could be fair if we can extend to about one week from now so that the Clerk and your office Mr. Speaker can move with speed so that these Members can have offices that are well furnished Mr. Speaker for Members of their wards to come and transact businesses in.

Mr. Speaker protect me from the Hon. Member who since this morning has been engaging me and he is actually the one who made actually made me to change my mind Mr. Speaker and I don't know why he is standing Mr. Speaker.

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

**Hon. Samwel Nyang'wara:** Hon. Kagiri, with all due respect.

**Hon. Speaker:** Order! Hon. Nyang'wara go on.

**Hon. Samwel Nyang'wara:** Mr. Speaker, I don't want to go far, I know the Hon. Members are totally convinced that we actually extend this Assembly to next week before we go on recess. So Members I want to request you to support me we stop going to recess this week, so that next week when we have our well-furnished offices in which we will address issues of our Wards. Thank you very much and I request Members to support me.

**Hon. Samwel Kagiri:** Mr. Speaker, I just want to read a position that is written in the order paper that "after the Motion the House adjourns without a question put". So I think the Member was out of order trying (*Laughing*) to bring a discussion whereas this is a calendar we are following and even there is no quorum in the House to support him to do what he wanted. Thank you very much, Mr. Speaker.

**Hon. Speaker:** I now call upon the mover of the Motion to reply.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. I would like to answer some question before I reply Mr. Speaker. Bishop is very much concerned about where he is going to see his counterparts because he was a footballer, also he was a boxer, so he must get where he can train other people to be boxers like him. So, Mr. Speaker, I think the Board is going to look into how it can give Bishop where he can sit.

**Hon. Leader of Majority:** So we should just adjourn this Assembly--- (*Laughing*) Mr. Speaker, I want to tell these people that they are going to get their mortgage and car loan and I just want to put it clear to them that they must know what they are going to do with that mortgage because as far as I know, you people are going to misuse this fund and in the near future you are going to die. I am telling you the truth,

and also because--- (*Loud consultations*) Mr. Speaker there is no Point of Order when you have already called the Leader of Majority to reply so----

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

**Hon. Leader of Majority:** Mr. Speaker, these people are going to get their mortgage loan and car loan. Just go and buy a good car, whoever wishes to walk up to Kencom every evening to go and pick a matatu should buy a car and I know you people here. There are Hon. people who are walking up to Kencom. I know you don't have anything; you don't have a car; you don't have a House; so, what do you own? You must buy cars. This time we don't want you to just move in matatus all the time. Thank you Mr. Speaker I beg as I am going to sit down you just call the House to adjourn *Sine Die*.

**Hon. Speaker:** Hon. Members, thank you and good evening. The House is adjourned until 3<sup>rd</sup> June, 2014 at 2.30 p.m. Thank you.

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