



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 25th March, 2014

The House met at 2.30 p.m.

(Mr. Deputy Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Hon. Members I would wish to make the following communication. This is just a reminder in regard to a meeting which is scheduled for tomorrow at Serena Hotel with the Task Force on Education. Hon. Members, you are all aware that in a bid to turn around the Education Sector in Nairobi County, the Governor, His Excellency, Dr. Evans Kidero launched the Nairobi County Education Taskforce that will seek to revamp the dwindling quality of education in Nairobi County through infrastructural improvement and other initiatives.

Indeed the Governor has expressed concern about the worrying rate of transition of primary school pupils to secondary school, noting the decline in quality of learning and performance in public and private schools across the city. The formation of the taskforce is therefore an effort towards mitigating the situation. Hon. Members, I therefore wish to remind all of you to attend the breakfast tomorrow, Wednesday, 26th March, 2014 at Serena Hotel starting at 7.00 am to engage the taskforce on its mandate and expected outcome. Thank you very much.

NOTICES OF MOTION

Hon. Deputy Speaker: Hon. Members, I am made to understand from the desk of the Clerk that there were several notices of Motion which were brought in, but in the absence of the Speaker they were not able to be listed as one of the businesses for today. So, maybe the Clerk will take the initiative of advancing them to the second day and on the Statements the same also applies since they have not got the said approval. Thank you very much.

Hon. Members, I would also wish to make a communication to the Hon. House with regard to the Standing Order part XII on Motions so that you get to be relevant and conversant with the Motion and on how to go about the Notices of Motion. Part XII of the Motions (2): Hon. Members get this one for your benefit; *“Before giving Notice of Motion the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member and the Clerk shall submit the proposed Motion to the Speaker”*. So, it should not be the other way round. It should go first to the Clerk then it is the Clerk to forward the same to the Speaker. Thank you very much.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, on Motions, I would want to withdraw my Motion, that I tabled last week on the Public Works, concerning KURA and KERRA on devolved functions from the Central Government to the County Government, for further corrections.

Hon. Deputy Speaker: You are withdrawing the Motion under which Standing Order? Is it under Standing Order number 48?

Hon. Peter Imwatok: Yes.

Hon. Deputy Speaker: Thank you.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Point of Order!

Hon. Deputy Speaker: Granted.

Hon. Nelson Masiga: Thank you, Mr. Speaker sir; I am standing on Standing Order number 93, adjournment of the debate. Knowing that we are going to discuss a Motion, I believe that this House is not ready to discuss any Motion simply because our interests are not catered for. The interest of the people I am representing is not considered. I need a Motion that is going to discuss the welfare of the people I am representing as the County Representative of Eastleigh South. Thank you, Mr. Speaker sir. *(Applause)*

Hon. Deputy Speaker: Hon. Member, it is clear in my mind. Maybe, you revisit your Standing Order very well. That response is on a question which has not been put. Thank you. Adow.

Hon. Member for Eastleigh North (Mr. Osman Adow): Thank you, Mr. Speaker. I stand on a Point of Order number 80 and this one is touching on the issue of parking. We still have lots of problems especially me, *Mheshimiwa* from Eastleigh South and *Mheshimiwa* Irungu. Right now my car is actually parked in a very bad place, near the roundabout and the main problem is, actually, the Members of this House. They are always parking in our spots and we have a problem getting parking. We would request a permanent tow truck to be parked there so that we tow away any vehicle that we find parked in our spots. Thank you very much.

Hon. Deputy Speaker: Thank you.

Hon. Member: Point of order, Mr. Speaker!

Hon. Deputy Speaker: Let me respond to *Mheshimiwa kidogo*. Hon. Members in regard to the issue of parking for the Members of the Assembly, it was brought to the attention of the Speaker, the Executive Wing has committed eight *askaris* to man the parking. Three have reported today, the five are to report by tomorrow. So, this issue of parking shall be a thing of the past. Thank you very much.

Hon. Peter Imwatok: Point of Order 49, Mr. Speaker!

Hon. Deputy Speaker: On what?

Hon. Peter Imwatok: Mr. Speaker, we want to get a clear clarification on this Standing Order number 49(b) on Motions which may be moved without notice. Mr. Speaker (b) says Motion of adjournment of the County Assembly or of a debate. Can we get a communication or clarification on it, Mr. Speaker?

(Applause)

Hon. Deputy Speaker: I'll make a communication in regard to that.

Hon. Member for Karura Ward (Thuo Kamau): Thank you, Mr. Speaker, kindly make it quickly because I was also standing on the same, same Standing Order. Thank you. *(Applause)*

Hon. Deputy Speaker: Come up again.

Hon. Thuo Kamau: Thank you, Hon. Speaker I am saying that you rule quickly because I was also standing on the same Point of Order.

Hon. Deputy Speaker: Okay, thank you very much. Hon. *Mheshimiwa* Imwatok the Standing Order number 49(b) which you have just quoted is in reference to a Motion, we don't have any Motion before us. So can we proceed?

Interim Clerk (Mr. Jacob Ngwele): Order number 8; the Nairobi City County Betting Lotteries and Gaming Bill 2014.

(Loud consultations)

Hon. Deputy Speaker: The chairperson--- chairman before you stand let's read the Bill for the ---

Interim Clerk: An Act of the Nairobi City County to provide for the control and licensing of the Betting and Gaming premises, for the imposition and recovery of a tax on Betting and Gaming, for the authorization of Public Lotteries in the County and for connected purposes; Second Reading.

(Consultations)

Hon. Deputy Speaker: Order, Hon. Members!

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Mr. Speaker sir. The Sectorial Committee on Culture and Community Services is constituted pursuant to the provisions of Standing Order 191 of the Nairobi County Assembly and has executed its mandate in accordance with the provisions of the Standing Order 191 (5) which mandates the Committee to *inter alia*:

1. Study and review all County legislation referred to it.
2. Make reports and recommendations to the County Assembly as often as possible including recommendation of proposed legislation.

Mr. Speaker sir, the Committee according to schedule 2 of the Standing Orders examines the following subjects: All matters related to:

- a) Cultural activities and facilities and County parks, beaches and recreation facilities;
- b) Public entertainment and public amenities including betting casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring libraries, museums;
- c) Firefighting services and disaster management;
- d) Control of drugs and pornography;
- e) Ensuring and coordinating the participation of communities---

Hon. Deputy Speaker: Order! Hon. Chairman, the Bill is in the Second Reading.

Hon. Ronald Milare: Yes.

Hon. Deputy Speaker: So you only need to highlight substantive areas. You don't need to go through the entire Bill.

Hon. Leader of Minority (Mr. Abdi I. Hassan): I want to stand on a Point of Order and I think the Point of Order is number 49(b) as my learned friend said. It is very, very clear, Mr. Speaker sir; Motion of adjournment of the County Assembly or of a debate and what we are doing here is debating of the Nairobi City County Assembly Betting Lotteries and Gaming Bill 2014, Mr. Speaker sir, and I need a seconder and Masiga should second me. *(Applause)*

Hon. Deputy Speaker: Order! Order! Order, Hon. Member! You rose on a Point of Order, Hon. Member. You didn't come to propose. Thank you.

Hon. Member for Dandora Area III (Mr. Charles Thuo Wakarindi): Point of Order, Mr. Speaker sir!

Hon. Deputy Speaker: Not granted.

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

Hon. Deputy Speaker: Not granted. Hon. *Mheshimiwa*. *(Consultations)*

Hon. Member for Mutu-Ini Ward (Mr. Martin Karanja): Thank you--- *(Loud consultations)*

Hon. Deputy Speaker: The member is on the floor.

Hon. Martin Karanja: Thank you so much, Mr. Speaker, for granting me this opportunity. For purposes of the record, I am *Mheshimiwa* Karanja from Mutu-ini Ward and I am standing here, Mr. Speaker to echo the frustrations of these Hon. Members *(Applause)*. And, Mr. Speaker sir, if the Point of Order under which my Hon. Member Imwatok has stood on doesn't convince your chair that this is a Motion that we are discussing then I stand on a Point of Order number 30.

Hon. Deputy Speaker: Order! Order! Order! Hon. Member, you have taken as back we are in order number 8. It is all about the Bill. Can you take your chair? Chairman, can you proceed?

Hon. Charles Thuo Wakarindi: Point of Order, Mr. Speaker sir!

Hon. Deputy Speaker: Chairman, can you proceed?

Hon. Charles Thuo Wakarindi: Point of Order!

Hon. Deputy Speaker: On what? We are on Motion; Motion number 8.

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker sir. Mr. Speaker sir, your chair is the head of this House and is supposed to give us rules and direction, but you must be guided by the holy book of this Assembly and that is the Standing Order.

Hon. Deputy Speaker: Yes.

Hon. Charles Thuo Wakarindi: We must not and we must never deviate from the Constitution of this country and from the Standing Orders. It is very clear, Mr. Speaker sir, that under Standing Order number 49(b) a Motion that can be moved without notice; that a Motion, Mr. Speaker sir, to adjourn the House can be moved without notice. Thank you, Mr. Speaker sir. *(Loud consultations)*

Hon. Deputy Speaker: Hon. Members, I know you have issues but you cannot get away with this without passing proper channels and ways of doing things. If each and every Member has a Standing Order; let's go back to Standing Order number 30(2) and here I read. "A member who wishes to seek leave to move the adjournment of the County Assembly shall at least two hours before the commencement of the sitting hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim unless the Speaker is satisfied that the matter is definite, urgent and of national importance and may properly be raised on a Motion for adjournment for the County Assembly to discuss the same." Chairman?

(Loud consultations)

Hon. Charles Thuo Wakarindi: Point of Order, Mr. Speaker sir! *(Laughter)*

Hon. Deputy Speaker: Not granted.

Hon. Charles Thuo Wakarindi: Point of Order, Mr. Speaker sir!

Hon. Deputy Speaker: Not granted. Order! Order! Order! Hon. Kathundo, order! Order! Order! Order! Order Member! Can you take a seat? Chairman, can you take us through the reading?

Hon. Charles Thuo Wakarindi: Point of Order, Mr. Speaker sir!

Hon. Deputy Speaker: Not granted.

Hon. Ronald Milare: Thank you, Mr. Speaker sir.

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

Hon. Deputy Speaker: Not granted. *(Loud consultations)*The Chair is on the floor! *(Loud consultations)* Minority Leader.

Hon. Member: Point of Order! Point of Order!

Hon. Leader of Minority: Mr. Speaker sir--- *(Loud consultations)*

Hon. Deputy Speaker: Order! Order Members! Minority Leader is on the floor. *(Loud consultations)*

Hon. Leader of Minority: Can I be protected, Mr. Speaker sir? *(Loud consultations)*

Hon. Deputy Speaker: Order!

Hon. Leader of Minority: Mr.---

Hon. Deputy Speaker: Silence!

Hon. Leader of Minority: Mr. Speaker sir, this is a House of rules and procedure *(Applause)* and we are obliged to follow rules and procedures of this House.

Hon. Members: Yes.

Hon. Leader of Minority: We don't want this House to be run with dictatorial tendencies, Mr. Speaker sir. When Members are asking for adjournment under Standing Order 49(b) and it is being granted, it should be granted, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Minority Leader, 49(b) cannot allow you to call for the adjournment. Hon. Minority Leader, maybe you would have quoted Standing Order number 30 (1).

Hon. Charles Thuo Wakarindi: Point of order, Mr. Speaker sir!

Hon. Deputy Speaker: Hon. Gathundo. Hon. Gathundo.

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker sir. This is a House of politicians and from your experience, I suggest that you read the mood of the House and go ahead and adjourn this House. Thank you.

(Applause and loud consultations)

Hon. Member: Point of order number 80, Mr. Speaker.

(Loud consultations as the Speaker consults the Clerk)

Hon. Deputy Speaker: Order! Order! Order, Hon. Members! Order! There is a consultation going on. *(Loud consultations)* Order! Order! Hon. Member, can you sit down?

Hon. Member: Point of order, Mr. Speaker!

Hon. Deputy Speaker: Can you sit down? *(Loud consultations)* Order! Can you sit down? *(Loud consultations)* Chairman, can you sit down? *(Loud consultations)* Order, there is a consultation going on.

(Loud Consultations)

Hon. Deputy Speaker: Order! Hon. Member, can you sit down? Order! Chairman, can you sit down.

(Loud Consultations)

Hon. Deputy Speaker: Hon. Members, we are in the Assembly, please, please don't crisscross the House. Hon. Members; consultations in low tones, please!

(Consultations at the Speakers table)

Hon. Deputy Speaker: Chairman, can you proceed?

Hon. Peter Imwatok: Point of Order.

Hon. Deputy Speaker: Granted, Imwatok.

Hon. Peter Imwatok: Mr. Speaker, let me put it in a layman's language under Standing Order number 80. I remember last week, before we went to Flamingo we adjourned this House with a purpose. I do not see the reason as to why we will continue with business as usual in this Assembly, if what we demanded and what we laid bear and clear in this Assembly has not been met, Mr. Speaker. Therefore, through your wisdom--- and we also know that as much as you are in that Chair because seemingly today the Chair was too hot, we are asking you kindly and in your wisdom to adjourn this House to a later date until our demands are met. That is the time we will accept. We are going to use the Ad hoc way to get through this.

Hon. Deputy Speaker: You are requesting adjournment under which Order, Mr. Imwatok?

Hon. Peter Imwatok: 49(b), it is explicit and 93(a), Standing Order number 93(a).

Hon. Deputy Speaker: 49(b) is not applicable in this case.

Hon. Peter Imwatok: 93(a)?

Hon. Deputy Speaker: Yes, maybe 93(a).

(Loud consultations)

Hon. Members, 93(a) is only applicable after I have put the question.

(Loud consultations)

Hon. Members, can you please behave in an orderly manner. Chairman, please can you sit down?
Hon. Members, do not take this House for granted.

Hon. Member: Point of Order.

Hon. Deputy Speaker: Not granted. Chairman, can you proceed?

Hon. Kamau Thuo: Point of Order, Mr. Speaker, sir.

Hon. Deputy Speaker: I will send you out! This is the last warning, I will send you out.

(Loud consultations)

Hon. Deputy Speaker: Proceed.

(Loud consultations)

Hon. Ronald Milare: Thank you, Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Order! Hon. Members, order. That is not the way you are supposed to express your anger. I have told you, Hon. Members, the only way you can get away with this is through the rules and procedures of the House and when you are seeking for the adjournment, until the question is put under Standing Order 93, there is nothing which is going to serve your interests. The time for putting the question has not come, the Chairman is still expressing himself.

Hon. Member: Point of Information.

Hon. Deputy Speaker: You are not allowed to inform the Chair.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Members! The Chairman is on the floor. Order! Hon. Warutere, order!

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Come back to your chairs! Order, Members!

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, I am making a communication. Hon. Members, please can you take your seats?

Hon. Members: No.

Hon. Deputy Speaker: Members, the law here, is very clear. If you want to adjourn you must adjourn at the clear stage. You do not just exit in the middle. If you want the Chairman to withdraw the Motion you wait until he finishes his communication and then you raise the issue. If you jump the gun at this point it is not going to help you in any manner. I am telling you, if you jump the gun at this point it is not going to help in any manner, we will come back and still start at the same point. So, can we proceed? Hon. Members, sit down! Order Members! Serjeant-At-Arms---

(Loud consultations)

Hon. Members, it is prudent that you understand the Constitution and the Standing Orders. Bear with me, do not jump the gun. As much as you want an adjournment on the same, there is a point where you can exit and where you are not able to exit. The stage where we are as at now you cannot seek what you want, not until the Chairman finishes with his statement, you cannot do that. Proceed.

Hon. Ronald Milare: Thank you, Mr. Speaker, sir. As you are aware since the passing of the Finance Bill we have not been able to collect revenue because we do not have the legislative---

Hon. Deputy Speaker: Order! Order! Majority whip, please come back. Order! *Mheshimiwa* Kambi, order!

Hon. Ronald Milare: Thank you, Mr. Speaker. As I was saying, since the passing of the Finance Bill we have not been able to collect any revenue because we do not have the legislative framework in place to do so. The passing of this Bill will ensure we activate the critical revenue streams so that we can move forward as a County. We are losing a lot on the revenue collection and therefore, Mr. Speaker, on behalf of my Committee and pursuant to Standing Order 131, it is my pleasure to table this report and propose that this Assembly adopts the report and I would like to request Hon. Chege to come and second the Motion.

Hon. James Chege: Thank you, Mr. Speaker. I second.

(Loud consultations)

Hon. Deputy Speaker: Now, as we are moving forward, maybe just a matter of an advice; you can rise and raise your issues after I propose the question. However, you need to seriously understand the tradition of this House. We do not come here to make noise. Seriously we are Hon. Members---

(Loud consultations)

Hon. Deputy Speaker: Hon. Chege?

Hon. Members: He has already seconded.

Hon. Deputy Speaker: Okay. Hon. Members, allow me to propose the question that the Nairobi City County vetting Lotteries and Gaming Bill, 2014, Assembly's Bill No. 1 of 2014, be now read for the second time.

Hon. Nelson Masiga: Point of Order.

Hon. Deputy Speaker: Hon. Masiga. *(Applause)*

Hon. Nelson Masiga: *Shukrani. Bwana Spika, nasimama kwa hoja ya nidhamu, nambari tisini na tatu, (a); na nikisimama kwa hii hoja ya nidhamu, nigelipenda tufutilie mbali kwendelea kuzungumuza ama kuchangia mada hii kwa sababu mimi natoka sehemu ya Eastleigh kusini na wananchi wa sehemu yangu walinituma hapa kuja kuwawakilisha katika mambo ya miradi ya kuendeleza Ward. Sitakubali kamwe kutiwa kitanzi kwa sababu imefika wakati tunavalishwa vitanzi; na sitakubali. Sasa naomba kwa heshima na taadhima, tusiwe wa kutumika. Bwana Spika, turuhusu tufutilie Order hii mbali. Shukrani.*

(Loud consultations)

Hon. Deputy Speaker: Order, Member. Can you call your seconder?

Hon. Nelson Masiga: *Namuuliza Mheshimiwa wa Dandora, Kambi, njoo.*

Hon. Stephen Kambi: *Nashukuru kwa nafasi hii, Bwana Spika. Pia mimi naona ni jambo la nidhamu niweze kutumia lugha ambayo inasikika ama inatumika na wengi katika taifa letu la Kenya na zaidi katika County yetu. Kwa hakika, ningepomba Bwana Spika, uweze kunilinda kutokana na Mheshimiwa mwenzangu ambaye ni jirani yangu---*

Hon. Deputy Speaker: Protected.

Hon. Stephen Kambi: ---ambaye anachukuliwa signature kila asubuhi na anaelewa ni kwa nini. Bwana Spika, tafadhali, unaelewa majanga ambayo tunapitia kama viongozi wa mashinani wa Nairobi. Vita ambavyo tunapigwa ni vita visivyo na kipimo na ni vita ambavyo haviishi, vinazidi kuongezeka. Kabla hii nyumba kuchukua hatua ya kuweza kupitisha miswada ya kuiwezesha serikali ya Nairobi kuchukua ada zaidi kutoka kwa mwananchi wa Nairobi, tungependa kujua ada ambazo zinasanywa na County ya Nairobi ama serikali ya Nairobi zimefanya nini kufikia sasa?

(Applause)

Hon. Stephen Kambi: Hilo ni swali la kwanza. Bwana Spika, ningependa--- na ninajua ya kwamba unachukua wakati wako kutembea katika mji wa Nairobi jioni na unaona giza imekuwa---

Hon. Deputy Speaker: Order, order. Please can you be courteous and maybe second the Motion so that we--

Hon. Stephen Kambi: Bwana Spika, tafadhali ninaona kopo langu la saa linaniruhusu, na mimi naunga mkono kabisa. Tafadhali ningependa kusema kama kuna mtu ambaye anahisi kwamba anafaa kuwa upande ule mwingine wa serikali ya Nairobi basi ako mahali babaya hapa. Hii ni nyumba ya kuwakilisha watu wa Nairobi. Sisi ni watu ambao tunachukuliwa kuwa watu wenye nguvu ilihali hakuna lolote tunaweza kutenda. Bwana Spika, ningependa tafadhali uweze kuwaruhusu viongozi hawa waweze kujadili mambo ambayo ni ya manufaa zaidi kwa mwana-Nairobi. Kwa hivyo mimi naunga mkono tuweze kutupilia mbali huu mswada hadi tutakapotengeneza mikakati ya kufanyia watu wetu kazi. Ahsante sana.

Hon. Deputy Speaker: Why are you raising your hand? I have not proposed a question. Hon. Members, allow me to make a communication before I propose the question of adjournment to discuss the pertinent issue which is just about to be raised by the Members. Hon. Members, internal memo dated 19th March, 2014, originated from the CEC Finance and Economic Planning to the legal advisor to the Governor, 19th March, the same date: *“The gazettment of the County Wards Development Fund, Management Committee Members in line with the just assented to Nairobi City County Ward Development Fund Act, 2014--- “*

(Loud consultations)

There is a communication I am making, Members. *“In line with the just assented Nairobi City County Ward Development Fund Act, 2014, kindly gazette the following Members as Nairobi County Ward Development Fund Management Committee Members.*

- Jimmy Kiamba, Chief Officer in charge of finance economic planning.
- Eng. Christine Ogut, Chief Officer in charge of Public Works.
- Jacob Ngwele, Clerk of Nairobi City County Assembly.

- Violet Oyangi, Deputy Director of legal.”

And in regards to that, Hon. Members, the account for Ward Development Fund was opened at KCB Bank---

Hon. Members: Why not Equity?

Hon. Deputy Speaker: I am making a communication. Hon. Members, just allow me to make a communication. *“We refer to your letter dated, confirming KShs. Amounts as follows: ---*

(Loud consultations)

We have three bank accounts for the Ward Development Fund, Nairobi City County Trust Account, Nairobi City County Assembly account and Nairobi City Ward Development Fund account.”

(Loud consultations)

Hon. Members, we have Nairobi City County Trust Account, Nairobi City County Assembly Account and Nairobi City County Ward Development Fund Account. *“The signatories of the accounts are:*

- Stephen Oganga Osiro, Head of County Treasury Accounting.
- Gregory Silvanos Makanongo, CCM.
- Lillian Wanjiru Ndegwa---
- Jimmy Mutuku Kiamba.”

(Loud consultations)

Hon. Members, allow me to propose the question based on Standing Order number 93 on the adjournment of debate and here it states, *“A member who wishes to postpone to some future occasion the future discussion of a question which has been proposed from the Chair may claim to move “That the debate be now adjourned” or in Committee of the whole County Assembly “That the Chairperson do report progress”.* Thank you, we are in Plenary. Imwatok.

Hon. Peter Imwatok: Mr. Speaker, I might have three or four issues to handle. Thank you so much for having had the wisdom to give direction to this House from the beginning. As we always say, this is a House of order, rules and procedure and also sometimes our ‘acidity ratio’ goes up because of the frustrations we get. I hope you will forgive us for that. Mr. Speaker, I want to discuss very pertinent issues to this County, in particular, the issue of development because one year and one month down the line our

County, Nairobi County, after spending not more than 18 billion, we are still called a County in search of money.

I saw a report from the CRA (Commission on Revenue Allocation) in the newspapers, Mr. Speaker, it shows Nairobi County has only 3% of the money from the CRA account, out of 9.8 billion. Let us go down memory lane, Mr. Speaker, where my former leader the great and last mayor of this city was leading the defunct City Council; we did not collect as much revenue as we are collecting now, but we could see the lights were being installed, the roads were being constructed and security was being enhanced. However, today in this time and era, after the Constitution, Nairobi County to date cannot confidently say this has been done, Mr. Speaker.

(Applause).

Secondly, Mr. Speaker, we have tried to work towards devolving resources to the ground where the *'Wanjikus'* will participate in their own development agenda. Mr. Speaker, if I open for you my page today, you will notice that as we were proceeding to Flamingo Hotel in Mombasa on Thursday, the entire Mbotela Estate was clogged with sewage. The sewers were spilling. I went with the UN Feed the Children personnel to give food donations to Mbotela Day Nursery but the food went back simply because the sewer line was spilling right inside the classroom, Mr. Speaker. This is the County of Nairobi; this is the mother of all the 47 Counties.

Mr. Speaker, today I managed to attend the meeting of the Public Works Committee and on Saturday when I jetted into Nairobi I went to Highways. Mr. Speaker, the backbone of the County of Nairobi is infrastructure. About 14 rollers in Highways have stalled for the last three years just simply because one of the tractors was missing a tire and this tire was only eleven thousand shillings and this County, during, within and after transition has spent four hundred and eighty seven million on IOU (I owe you) where people have been given money to do direct purchasing.

Mr. Speaker, this County as we are speaking today--- without mincing words on the Auditors Report which is before us--- is in dire need of change. Change that will not make me write, and I repeat, write my own political obituary because as things go by we are being escorted to extinction. It is only Nairobi County Assembly where an Assembly Member has nothing to do with the development of his Ward. He is told, 'separation of powers' but when it reaches a point to discuss how to get money we are together in this. I want a road in Makongeni Ward; there is separation of powers, kindly book an appointment one week before. I want to get my drainage system done; separation of powers, kindly do an appointment before one week.

Mr. Speaker, if we continue in this manner it means the normal saying in the City County Government that *'tumewaona wengi'* has gained continuity. We are told, Mr. Speaker, in these corridors, *'Who are you? We saw Simba Arati; we saw who and who; they come and go and they leave us.'* It's true, these Officers of the Executive know they are 'helping' us, but the sad bit, Mr. Speaker, is that they are 'helping' us with the assistance of our own top clique of the Assembly. That's the saddest bit. I repeat, that

is the saddest bit. The Executive Arm of the Government is assisting our extinction with the top clique of our own County Assembly--- (*Applause and loud consultations*). As I am speaking today, Mr. Speaker---

Hon. Minority Leader: Point of Order, Mr. Speaker!

Hon. Deputy Speaker: Granted, granted.

Hon. Minority Leader: Is my good friend here in order, to be imputing that--- (*Loud consultations*)

Hon. Deputy Speaker: Order! Order! Minority, proceed.

Hon. Minority Leader: Can you protect me from these goons, Mr. Speaker sir?

Hon. Deputy Speaker: Protected.

Hon. Minority Leader: Mr. Speaker sir, I don't think it is right for a Member to stand here and try to impute improper motive on the Leadership of this Assembly. Mr. Speaker sir, we are all MCAs (Members of the County Assembly) as he is. We are feeling the pinch as he is feeling and that's the reason why --- (*Loud consultations*).

Mr. Speaker can you protect me? Protect me from these goons.

Hon. Deputy Speaker: I will protect you by way of sending you to sit down.

(Laughter)

And Hon. Member, on a Motion of Adjournment you only have 3 minutes.

Hon. Peter Imwatok: I am just winding up, Mr. Speaker. Just to top up what the Minority Leader has said. I am saying this with facts, Mr. Speaker, the County Government Act is very explicit. The County Government Act is very explicit on the composition of the County Assembly Service Board--- (*A Hon. Member interjects*). That's not a Standing Order, sycophants can lick, but us, we can speak.

Hon. Deputy Speaker: Order! Order! Order *Mheshimiwa!* Member, can you withdraw that statement?

Hon. Peter Imwatok: I withdraw, Mr. Speaker. I withdraw. Mr. Speaker, what does the County Government Act say on the composition of the County Assembly Service Board? One year and one month down the line the County Assembly Service Board of our important County is in place illegally. Why am I saying so, Mr. Speaker? There is no representation from the public, Mr. Speaker, meaning the firing, the hiring and all the transactions we are doing in this Assembly are an illegality. The Clerk is a lawyer and he knows this---

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

Hon. Deputy Speaker: Order! Order! Order, Hon. Member! There is a point of order.

(Loud consultations)

Can you proceed, Hon. Elizabeth?

Hon. Elizabeth Manyala: Is the Member in order to mislead this House--- *(Loud consultations)* Mr. Speaker because he is referring to the County Government Act, let him quote the Standing Order or the number for the County Government Act, instead of mixing issues.

(Loud consultations)

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

Hon. Peter Imwatok: Thank you, Mr. Speaker, for protecting me from that.

Hon. Deputy Speaker: Time out.

Hon. Peter Imwatok: Majority has just asked me to finish, Mr. Speaker. Thank you, Mr. Speaker. That is why we respect you because you are a man of your word. The wisdom and tenacity you have is so great. This is a very important issue. When we talk about accountability, Mr. Speaker, and we ourselves are in dirty linen it does not amount to anything. I was just being asked by the Majority Leader, *'Why are you directing this to us, the County Assembly Service Board? Can you direct it to the Clerk?'* This is another question also going to the Clerk; are we being proper as a County Assembly to punch holes in the Executive's dealings when our own House is not in order? Our House must first be in order before we throw stones at the glass houses, Mr. Speaker. I think it starts from here.

Lastly, Mr. Speaker, just to cap it all; I want to ask a question in this Assembly, Obonyo said this and maybe he was--- as others say, *'Obonyo speaks under influence'*. Mr. Speaker, but I think Obonyo was right. When Obonyo speaks about---

Hon. Mike Obonyo: Point of Order.

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

(Loud consultations)

Hon. Deputy Speaker: Order! Order Members!

Hon. Mike Obonyo: Mr. Speaker, can the Member withdraw that statement? Thank you.

Hon. Peter Imwatok: I withdraw, Mr. Speaker---

Hon. Deputy Speaker: And your time is up. Can we proceed? *Mwalimu.*

(Loud consultations)

Hon. Member for Kahawa West (Mr. Patrick Chege Ngaruiya): Thank you, Mr. Speaker. Today is a good day for all of us and we are happy with the developments that we are making because these

developments are bearing fruits, Mr. Speaker. The Memo you have just read, I have not seen a messenger bring that Memo into this Assembly, Mr. Speaker--- (*Applause*) and so many other memos that are flying in this Assembly. Mr. Speaker, we have waited for so long. It has become a reality that nobody listens to our cries and when we move in a soft way, nobody is going to listen to us. I think this is the way and Hon. Members, let us not retreat; let us not return---

Hon. Deputy Speaker: Order! Order! Order Member! Order Member! Order Hon. Member, can you withdraw? Are you inciting Members in any way? (*Loud consultations*) Can you withdraw?

Hon. Patrick Chege Ngaruiya: I withdraw. But, Mr. Speaker, as the Hon. Members have already clearly said; from the time we passed the Finance Bill, I think the honeymoon is over. We passed a Finance Bill with a 7 billion shillings development allocation for development in our Wards, Mr. Speaker. Nothing has materialized up to now and the year is closing very soon in June. We want to ask ourselves, 'Where did this money go?' We want to ask--- if again we are being brought the Fiscal Strategy Paper, to analyze again the projects and the many activities that are going to be carried out by the County Government--- if we have not accomplished anything in 2013/2014, what are we going to accomplish in 2014/2015, Mr. Speaker?

Mr. Speaker, I think they have written their obituaries already. We are not ready to do so. We are not ready to write a paragraph, we want to write a book that when I was representing Kahawa West, there is something that I did for the people and it improved the livelihood of those people. Mr. Speaker, when we come up with projects that we want initiated in this particular County, none of us is listened to. What we see, is what the Executive thinks is better for us. We keep writing letters to these guys; that we need rehabilitation of street lights; we need the *mulika mwizis* to be lit, but when it comes to the budgeting, nothing is put into that particular budget.

We need a budget that is comprehensive; one that shows what is going to be done in each and every Ward. If they feel that there is nothing they can do; we can do it better. We can do it better. It is good that the Management Committee has been formed, let the Leadership take the next step. We are not going back. The Leadership of this House should form the Ward Development Committee; the Ward Development Select Committee and we move forward and I think by the end of the day those Committees will be composed because we want to move forward. Mr. Speaker, I rest my case. Thank you so much.

(*Applause*)

Hon. Deputy Speaker: Hon. Majority Leader.

Hon. Majority Leader (Mr. Elias Otieno): Thank you, Mr. Speaker. I know some people are just wondering why the Majority Leader is not talking today, but I want to make it very clear to you people; you must understand that I am the first person who told the Governor that without the Ward Development Funds there will be no business in this House--- (*Applause*) and if the Majority and Minority Whip and Deputy Speaker can concur with me, yesterday, I told the Governor in their presence, there is no fight between us. It is only Ward Development Funds which we want, nothing else--- (*Applause*).

I told him, yesterday, to just give us our right because there is no point in passing these Bills without the Ward Development Fund. So, I think almost everybody here in this House is supporting Ward Development Fund, isn't it? *(Members concur)* So, I don't think it is right for somebody to direct their anger somewhere as if there is somebody who is protecting the Executive. You all know me well; there are people who say I am rude; I am not. Even those Executive Officers, when I talked to them, I told them that without Ward Development Fund they should just forget everything and they should not bring anything to the Assembly. Even this Motion for Adjournment, I am the one who called it last week, when we were going to Mombasa. So, we should support this one and let us just give the Governor a message once again; we want the Ward Development Fund.

After the day we adjourned last time; last week, we met with the Executive County Secretary, Executive Finance, Chief Finance Officer plus the Legal Officer and the Transport Executive as well as the Chief Officer of Transport, and we agreed, under the Clerk's advice and counsel, that they are going to constitute a Committee for the Ward Development Fund. The Clerk was advised that Mwakanongo was the one who was going to constitute that Committee. That is their duty. What we should do on our side is to form our Committees to start working with those Committees which they gave us because I think every Ward is going to have its account, isn't it?

I don't think they are the people who are going to control our money. They are only going to release our money to the Wards. Every Ward must have its account, like CDF (Community Development Fund). Every CDF has its own account that is not controlled by anybody from the national office. I think that is the order of the day. So, let them just go and release our money. We will constitute our Committees within the Wards, and then the Executive will release money to the Ward Development Funds Committees which we are going to form in our Wards. I think that is in order. I believe everybody is supporting this Motion of Adjournment until the Executive give us our right. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Member from Kwa Reuben Ward, then gender.

(Loud consultations)

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker sir. I think this is the time whereby the Members of the County Assembly are supposed to wake up. We wanted to know why we adjourned. If we adjourned and we have come back, what progress has come out, if there isn't, we continue. We were waiting for you to bring us the names of those Executives who have been chosen to form this Committee so that we discuss them here and we dismiss or give them the job. That was what we were waiting for.

Secondly, we wanted to know whether you have come with the Standing Order so that it enables us select the Secretarial Committee of the Ward Development Fund. Mr. Speaker, I think when we came here to the Assembly, people believed in us so much and they know and are waiting anxiously to hear whether we have started work. We gave out 5 roads and we have seen nothing and there has been no

communication. We wanted to start to follow up on those roads and get a clarification. Up to now, what we have seen is that we are retrogressing. We want to withdraw the name 'Honourable' so that our people whom we are representing get what they sent us here for.

Mr. Speaker, it is now that we are going to start to follow the law. If the law affects us it also affects the others. There are so many illegalities in this Assembly. I think as from next week, as we are adjourning, also the Leadership should make the County Assembly Service Board complete, because we have never been brought a person from outside who is representing the public to join the Service Board and be vetted and passed here in the Assembly. All that has been done is very illegal. If the law will take its own course I hope that the County Assembly Board will pay all that it has spent because they have perpetuated an illegality. I hope this adjournment will assist them. We are also waiting and I believe by tomorrow you will bring the Ward Development Fund Committee to be passed or we send them away then we continue with the other business.

Hon. Deputy Speaker: Thank you, Hon. Member, Hon. Diana Kapeen.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker Sir. I stand to support the adjournment of the House and all said and done, Mr. Speaker sir, when we listened to the good words of the Governor during his speech the last time he was here, the Governor said he had set aside Ksh 5 billion to pay the current debts for contractors and any other person who was owed. We passed a budget for our Ward development for the year 2012/2013 when we were sworn in and it was very disheartening today because we realized only 4 projects were to be implemented and they were not even implemented. Only two have been implemented.

Mr. Speaker sir, I sit in the Transport Committee and most of these Members are my friends. When they come to the Committee, I feel like a total failure because one; some of them come to me as a friend; 'do me a favour or do me service' depending on our relation. This House has been passing Bills that don't see the light of the day, Mr. Speaker. I have not seen even one project that has been done. (*Majority Whip consults with Deputy Speaker*) My Hon. Whip, I deserve the Speaker's attention too.

Hon. Deputy Speaker: Proceed, *Mheshimiwa*.

Hon. Diana Kapeen: Mr. Speaker, I want to address you in reference to what Imwatok said. In the last defunct City Council, we did not have enough money. We are charging parking fee at Ksh 300; land rates are up; everything is up. We are collecting revenue. We cannot say we are not collecting revenue. How come we had a lot of lighting in the year 2007 to the end? Right now the only visible project that is going on is not even the President's, the Senator's, the Women Rep; it is only the MP who is being felt on the ground.

He is using CDF. Any board you see in the Ward has the writings; Member of Parliament. You have been here twice and probably you are planning to go the other way, but most of us here want to come back. Mr. Speaker, I support the adjournment and I support any Member who has the interest of Nairobi at heart.

Hon. Deputy Speaker: Hon. *Mheshimiwa*, I just want to make a communication that you had already contributed. Could you kindly, please? (*Hon. Kambi pleads for time*) Maybe, for just a minute then, because you have insisted. Proceed. He is not allowed to talk twice but for just one minute.

Hon. Stephen Kambi: Thank you, Mr. Speaker sir, for the wise decision. Talking twice; talking once does not matter. What matters is the point that you express in this House. You might stand here for 5 minutes but you are saying nothing that is beneficial to Nairobians. I want to echo what has been said here, Mr. Speaker sir. I personally feel that the Governor is a hostage of his own Executive, because, even when the Governor gives direction that this is to be done; there is nothing that is being done.

Mr. Speaker sir, we have a Department of Public Works and Transport, and it is a Ministry, actually, at the County level. In Nairobi nothing has been done. The roads are still in a very disgusting state. The City is in total darkness, yet we are still collecting revenue and we have increased even the cess rates we used to collect from *Mama wa mboga* from Ksh 25 to Ksh 50. In the defunct City Council, the Council used to operate with the funding that it had; the funding that it was collecting but in the County System it is more unique, we are more powerful in terms of resources, Mr. Speaker sir.

The County now gets a share of the National Cake, yet in a time like this when you are supposed to perform and people to feel us, it is the time that we are totally dead in terms of development. It is so unfortunate that we hike the rates for Nairobians, yet we don't hike the service delivery.

I support the adjournment, Mr. Speaker sir, and I want this to be quoted; if the failer is on the County Executive Members and their Chief Officers then we should deal with them because they are the ones responsible as they are supposed to be answerable in their own departments. The Governor is only a Chief Officer. Thank you.

Hon. Deputy Speaker: Hon. Member for Karura.

Hon. Member for Karura Ward (Mr. Stephen Thuo Kamau): Thank you, Hon. Speaker, we are told that when you see a toad jumping during the daylight something is very wrong. Indeed, you have seen this toad jumping and making noise; there is something very wrong. This House has become a House of lamentation. I will be proposing very soon that we change this House's name from the County Assembly of Nairobi to the House of the County for lamentation, Mr. Speaker.

We have lamented here for too long, but I want to tell our Members with our small powers or with the little power that we have, there is so much we can do. So, I would want to motivate you all by saying all is not lost, but much is coming. We talk here every other day, yet most of us are known to be very quiet and not so talkative. But we cannot keep quiet any more, we have to talk and when we stop talking; we will be shouting; when we stop shouting we will be making noise, Mr. Speaker and when we stop making noise we will start screaming very hard.

This House has been reduced to a talk show, Mr. Speaker. We only come here to talk and talk then there is nothing happening. I would also want to say that, as I support this motion for adjournment, the next budget that is coming to be approved by this House will have to adhere to a new system whereby every item in that budget should be itemized, Mr. Speaker. I should know that one, two, three projects will be implemented for Karura Ward and these for any other Ward will also be done.

We need such kind of budget, not a budget whereby all money is put under County Development fund. We don't know where this money is being used for development. Our able Majority here has said that there is something that is happening, names have been gazetted, that is so good and actually they are not doing us a favour by gazetting those names.

But, Members, we need timelines; the good Jesus said that he would be coming back very soon, 2000 years ago (*Laughter*) and it is very clear he has not come back, we need timelines on when that Committee should be in place, Mr. Speaker, it should not be indefinite because when we leave it indefinite we leave room for some people to sabotage as they have been doing for long.

As I sit down, Mr. Speaker, I would want to advice you and the office of the Clerk that business will never be as usual. Even tomorrow there is nothing. I am not too ready to discuss anything tomorrow. I will be dedicating my time to talk Ward Development Fund, Mr. Speaker. If my wife would be fortunate enough to have a kid, I think we would call that baby WDF, Mr. Speaker. I am willing to talk WDF today, tomorrow then next week until that is accomplished. The good thing is that I have given out my point. Thank you.

Hon. Deputy Speaker: Time out, Hon. Member for Ngara

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Thank you, Mr. Speaker for finally having caught your eye. I am very delighted today because the functions have come back today. Right from the Committee of Transport, where I sit, things are different. Mr. Speaker, we are going to popularize three words in my speech and using those three words it will be important that if I was sitted in your seat I would be able to advice the Clerk and advice the Executive, that nothing proceeds until this Ward Development Fund is operationalized. (*Applause*) Mr. Speaker, by operationalizing it, we mean that we make it happen by the end of the week. Anything else that needs to be passed by this Assembly, kindly let it be brought and shelved, as the Hon. Members said; we are not in a mood to discuss anything else until we do the Ward Development Fund.

Mr. Speaker, we also want to reiterate the Constitutionality of this Ward Development Fund. Nothing proceeds until the proper committees are constituted. I heard you giving us a communication that showed us who are the signatories and Mr. Speaker it is important to note that we need the contents of that letter because if I can remember that Ward Development Fund Bill very clearly, the Members who are supposed to be the signatories are the Board Members. Not the signatories from the other side. (*Loud Consultations*)

I would kindly, want to allow you to look into that so that we are able to constitute properly those committees. We do not want hitches here; hitches that are going to be contradicting our Acts. I cannot; and the board must sit down and give clarity as to whoever is going to be the signatory and then the list is taken to Mwakanongo to do the necessary. Mr. Speaker, that authority to sign, as per the Ward Development Fund Act, lies with the Board and not with the Minister. So, I will allow you to go through and look at that Act very clearly.

Finally, Mr. Speaker, nothing proceeds until the fast tracking on the implementation of that committee with regard to this Ward Development Fund is done. Fast tracking means that we are going to allocate it the whole of this week and the whole of this month, year or four years until the Ward Development Fund Act is implemented. So, from tomorrow we want a communication that will allow us to go to our Wards and bring you the required names.

We want, as from tomorrow the amendment to be made and we are willing to discuss so that after we have done this amendments and after people have ventilated, we can close shop for today and number 8 on the Order Paper for tomorrow or after the statement number 8 which is the motion and Bills will be the Ward Development Fund. I rest my case, Mr. Speaker.

Hon. Deputy Speaker: *Mheshimiwa* Ronald.

Hon. Ronald Melkizedek Milare: Thank you, Mr. Speaker sir. There comes a time when people get tired of empty talk; tired of promises; tired for being taken for granted, for being ignored; tired for being taken around in circles. I think we have been amazingly patient, Mr. Speaker, and we are saying here today that we will not be patient but for nothing less than the Ward Development Fund, Mr. Speaker and therefore with those few remarks I wish to call the mover to reply and I beg to support.

(Laughter)

Hon. Member for Kariobangi South Ward (Mr. Michael Wanjiku): *Ahsante sana Bwana Spika. Nikichangia, nataka niambie Mheshimiwa Chege kwamba hiyo kamati ambayo nasikia imeundwa, ni makaratasi tu imefanywa kwa haraka, upesi, ikaletwa hapa ili iweze kutumbumbaza. Nataka niseme----*

Hon. Deputy Speaker: Order Member! Order Member! Don't mislead the Hon. House because this is coming from KCB (Kenya Commercial Bank) dated 19th, today is 25th, proceed.

Hon. Michael Wanjiku: *Sawa sawa nitaendelea, Bwana Spika, lakini ni vile hiyo maelezo hajawafikia Waheshimiwa. Mimi nataka niseme ya kwamba, Bwana Spika, mimi Ward yangu ya Kariobangi nataka kuihama kwa sababu ya mambo nimeyapitia pamoja na ndungu yangu Kambi hapa na ndungu yangu Thuo. Wale wote ambao wamewahi kunipeleka kwangu nyumbani hata Mheshimiwa Selikal,*

wa kutoka Kule Lucky Summer; hata Mheshimiwa Shadrack, wanajua mahali mimi ninaishi. Wakati kumenyesha inanibidi, kama sina gari niitisha gari liweze kunivukisha ng'ambo ile nyingine.

Tulikuja hapa, tukaitishwa majina ya mabarabara, tukapeana. Mimi mwenyewe nimetoka hapa hata Gavana mwenyewe nimemuona, nimemwambia ule ushuru tunaolipa kule Light Industry sidhani kuna Wodi nyingine inayotoa ushuru kiasi hicho. Na kwa kutilia mkazo, sidhani kuna Wodi nyingine iliyo na benki kumi na tano isipokuwa Kariobangi.

Lakini wale wafanyikazi wa pale huja na gumboots kila asubuhi wakati kumenyesha. Kila asubuhi wananisimamisha njiani na kuniuliza; 'Hizi pesa zote mumetuongea za leseni, kusema ukweli, na barabara ziko namna hii, Mheshimiwa ni namna gani---

Hon. Deputy Speaker: Hon. Manyala please.

Hon. Michael Wanjiku: Tafadhali, Madam President, nataka niseme ya kwamba mimi nina Light Industry na wakati unasikia Light Industry unajua ni ya namna gani. Mimi, wakati kumenyesha, simu yangu inapigwa kila wakati. Wakati kumenyesha tunasimamishwa kila saa. Mimi mwenyewe, hata bibi yangu amewahi kuanguka kwa hayo maji, Bwana Spika.

Nami nataka niseme hivi, sisi hatuko hapa kuulizia haki ya wananchi na huku twapigiwa kelele na ilhali wengine wanajiita Executive hapa. Kazi ya hao Executive imekuwa nikulipa contractors. Kazi yao ni kuchua pesa tu na kujaza watu kwa maafisi. Hata unawezashindwa ni mikutano gani inaendelea pale na hakuna maendeleo inafanyika wala kuonekana?

Wakati wa kujitambua sasa umefika ambapo hakuna haja ya sisi kuitwa waheshimiwa ilihali huo uongozi hautupi hiyo heshima. Sisi hata afadhali tuitwe Councilors kama waliotutangulia walikuwa wakiitwa na tuingie hizo afisi vile walikuwa wanaingia na mambo yao inaendeshwa vyema. Tumepewa mamlaka ya kuwakilisha wananchi, kuunda sheria na kuhakikisha mambo yanaendelezwa vyema katika Kaunti lakini kazi yetu imekuwa ni kuandika makaratasi tu.

Niliomba kuwekewa kidhibiti mwendo barabarani mahali mtoto aligongwa na gari akafa, tukiwa pamoja na mheshimiwa Wanyoike wa Dandora Phase 1. Tuliandika barua mwezi wa saba, huu mwaka tumewekewa hicho kidhibiti mwendo. Sisi tumesema ya kwamba tumechoka na kama sisi tutang'olewa kutoka viti vyetu vya uongozi na wale wananchi waliotuleta hapa; hatutakubali kwanza kung'olewa kabla hatujawang'oa hao Executive, waende tulete watu wengine ili tuweze kuona maendeleo.

Nikimalizia nataka niseme hivi; vile Members wamesema hapa, kakuna mjadala yoyote italetwa kwa hii nyumba ipitishwe kabla yetu kuona hiyo pesa ya maendeleo mashinani imeletwa hapa tukaipitisha. Na hii sio pesa yetu ambayo tunachukua tuweke kwa mifuko. Hii ni pesa ambayo tutatumia kufanyia wananchi kazi kule mashinani ndipo wajivunie kulipa ushuru kwa sababu itakuwa na manufaa kwao.

Bwana Spika, mimi nataka niseme hivi; tumesikia Kauti nyingi sana zikifanya maneno. Tumesikia Kaunti nyingi sana, hata zikiwatuma watu nyumbani. Mimi nataka niulize, na sitaki kutumia jina ambayo halitaelekeza nyumba hii katika mwelekeo bora; kweli Waheshimiwa, sisi tuko hapa tayari kuangalia watu wakituangamiza? Hatuko tayari. Sisi hapa tuko na kamati ambazo ziko na nguvu kama High Court na hiyo nguvu yetu mimi naomba hizo kamati zitumie hiyo nguvu. Nataka nishukuru ile kamati ya Trade ambayo inaendeshwa na mheshimiwa Diana kwa ile kazi wamefanya leo; kwa sababu wamepekua mambo, mambo ambayo sisi hapa tunapitisha fedha Gavana akalipe madeni na badala ya kulipa madeni hayo wameendelea kulipa contractors. Kusema ukweli tumefika mwisho.

Nikimalizia nataka kusema ya kwamba mimi, watu wa Kariobangi hawatanisumbua tena kwa sababu ya mabarabara na watu wengine pale wanajaza mikutano kwa maafisi yao. Hiyo tumekataa, na tumekataa. Ahsante.

Hon. Deputy Speaker: Hon. Manoh Mbogu

Hon. Member for Nairobi South Ward (Mr. Manoh Mbogu): *Ahsante Bwana Spika na shukrani kwa wenzangu. Naombaa kuunga mswada huu wa kutupilia mbali maongezi ya leo yaliyo katika ratiba iliyo mbele yetu. Bwana Spika, ninawahurumia wenzangu ambao walijiunga na bunge hili kwa mara ya kwanza. Hawa wenzangu wanasutwa na waliowapinga mashinani. Waliowang'oa mamlakani wanawambia watu kule mashinani kwamba ni heri wasingewachagua eti wangeliwaacha wao wangelikuwa wanaendeleza zile miradi walizokuwa wanaendeleza.*

Bwana Spika, kulikuwa na M-pesa iliyokuwa ikiitwa LASDP ama LATIF. Wajumbe wale walikuwa wanatumia pesa hizo kuleta maendeleo mashinani. Wakati tumekuja kama wajumbe pesa hizo hazipo. Watu wanasema wale waliochaguliwa wameshafuja pesa hizo, haziko tena. Sasa hatuna sura mitaani, Bwana Spika.

Mjumbe mmoja wa Westlands leo asubuhi amenieleza ya kwamba alipokuwa anaendesha gari lake kule mtaani eti alitupiwa mawe windscreen ya gari lake ikavungika kwa sababu anashukiwa kuwa amefuja pesa ya Uwezo Fund na Ward Fund. Bwana Spika, maisha ya wajumbe iko hatarini kwa sababu ya vizingizio.

Ningependa jumba hili liweke maanani kabisa maongezi yanayoendelea hapa kuhusu Ward Development Fund. Tusipopata fedha hizo wajumbe wenzangu tuzipitishie miswada yoyote katika jumba hili hadi haki yetu na ya watu ambao walituchagua itimizwe. Hawa wajumbe, Bwana Spika, nyuso zao zaonyesha ya kwamba wanataka kufanya kazi. Wako tayari kabisa kufanya kazi. Lakini, jee waweza kupewa kazi ya kuandika bila kalamu? Huwezi ukaandika, Bwana Spika.

Naomba serikali ya kaunti ya Nairobi isikie kilio cha wajumbe hawa. Kilio cha wajumbe hawa ni kilio cha watu wa Nairobi. Sio kilio cha wajumbe hawa, kuweka pesa hizo mfukoni ama tumboni mwao. Ni

kilio cha watu wa Nairobi ambao walituchagua tukiwaelezea ya kwamba tutawafanyia kazi mitaani; ya kwamba tutawajengea shule; ya kwamba tutawajengea barabara; na ya kwamba tutawapelekea mataa.

Sasa hivi, Bwana Spika, tunapongea hali ya usalama Nairobi imedorora kila pahali kwa sababu gani? Mataa hakuna, kuna giza kila pahali na mashimo kila pahali barabarani. Wakati unaelekeza gari lako kuingia kwako nyumbani; wakati umeenda polepole kwa sababu ya mashimo, majambazi wanakuvamia. Bwana Spika, hatuko tayari hata kidogo kupoteza maisha ya wajumbe ama maisha ya watu ambao walituchagua kwa ajili ya starehe za watu ambao, vile wezangu wamesema, wanajaza mikutano kwa maafisi wakiwacha kutekeleza wajibu waliopewa. Ahsante kwa hayo, Bwana Spika, naunga mkono mswada huu.

Hon. Deputy Speaker: Only one more.

Hon. Member for Mutu-ini Ward (Mr. Martin Karanja King'ethu): I appreciate.

Hon. Deputy Speaker: Or you want us to proceed, Members? Yes, sit down.

Hon. Martin Karanja King'ethu: Thank you so much, for giving me this chance which I have fought for tirelessly and as I said the frustrations of the Members of this House are evident and I am here, Mr. Speaker, with all humility to say that if we lose the direction of where we are going as a House, our history will not count.

If we check the places we have come from; from every Ward--- and I know that, Mr. Speaker, you remember that you are also an elected Member--- then I don't think we will be having somewhere to stand in 2017. Besides every other thing that has been opposing the Ward Development Fund (WDF) there has been purported illegality of the Fund, but let me bring to the attention of this House the Constitution of Kenya Article No. 1, which says that all sovereign power belongs to the people of Kenya and shall be exercised in accordance with this Constitution.

Mr. Speaker, Sarah Serem and Nyachae the Chairpersons of SRC (Salaries Remuneration Commission) and CIC (Commission on the Implementation of the Constitution) respectively, have claimed that our demand for the Ward Development Fund is illegal. But, their commissions have been formed by the powers derived from this Constitution, and it is very serious, if they say that the Wanjikus' and Onyangos' of this County are perpetuating an illegality when they demand development; then they are diminishing our power.

Mr. Speaker sir, under Article 2 sub Article 4, it says that, '*Any law including the customary law that is inconsistent with this Constitution is void to the extent of its inconsistency. And any act of omission or in contravention of this Constitution is invalid*'. Mr. Speaker sir, it is common sense I assume that our Members here and every other person know that the law was made for man and not the man for the law.

And Mr. Speaker, when the Sarah Serem Commission and the CIC Commission claim that we are demanding this fund as an illegality, they are diminishing the voices of Wanjiku.

We are here as representatives from every corner of Nairobi and we are not ready to keep quiet. My Ward has been discriminated ever since; there is never a single tarmac road. The whole Ward, Mr. Speaker, has two public lights and that has put me in a lot of pressure and I understand every other pressure that is being experienced by the Hon. Members and without speaking much, I would also like to state that personally I am not ready to succumb to the pressure of my people not unless we are given the Ward Development Fund (WDF). Thank you so much, Mr. Speaker.

Hon. Deputy Speaker: Welcome. Hon. Zedi

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): *Ahsante sana, Bwana Spika. Mimi sina uzoefu wa kusimama hapa lakini leo maji yamezidi unga, Bwana Spika. Ningependa kusema kwamba tuna watoza ushuru wakaaji wa Nairobi lakini hakuna tunachowafanyia. That's why you will see other Counties having uprisings. Watu wanafanya migomo hapa na pale kwa sababu wanalipishwa ushuru mingi lakini manufaa hakuna.*

Kwa hivyo pia mimi singetaka kuona watu wanafanya migomo hapa kwetu. Bwana Spika, inafika wakati tunatumia hata pesa zetu. Kama mimi mliniona kwa gazeti la Standard, nililazimika kutumia pesa zangu na hawa waheshimiwa isifike wakati kila mtu itabidi atumie pesa zake kwa sababu anaogopa hata kutembea mtaani. Bwana Spika wengine wetu inabidi tuamke saa kumi ama saa kumi na moja, na kurudi jioni saa tano wakati raia wamelala.

Hatuwezi kuishi maisha ya namna hiyo; ni maisha ya uchungu ambayo mimi siko tayari kuendelea kuyaishi 2014. Bwana Spika, maji yanapozuiliwa mahali, na yawe mengi, hutafuta mwanja wa kupita. Kwa hivyo wakati huu tumekaa tumezuiliwa sana na imefika mahali yeyote atakayesimama mbele yetu; mbele ya mambo yetu, itabidi tupite naye. Ahsante, Bwana Spika. Kabla watu wa Baba Dogo hawajanichukulia-- signature of which si maombi yangu kuchukulia mtu signature--- lakini kama itabidi, mtu ataenda nyumbani. Asante.

Hon. Deputy Speaker: Hon. Mutiso—

(Loud Consultations)

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): *Ahsante Bwana Spika nasimama hapa kuunga huo mswada mkono tukijua ya kwamba sisi waheshimiwa tuko hapa, na wakati huu sisi ni waliofilisika. Na tuliona juzi kuna gazeti fulani lilikuwa linatupiga vita sana wakisema tuko na mwaka hapa tumepitisha Bills tano na hakuna hata Bill yoyote imeletwa na Assembly, Bills zote zimetoka Executive. Sisi kama waheshimiwa tunasema ya kwamba ni wakati sasa wa kwangusha miswada ya kutoka juu; kwanza tupitisha yetu ya Assembly ndio pia iweze kusemwa kwa gazeti ya kwamba Bills kadhaa za Assembly zimepita.*

Bwana Spika pia ilisemwa ya kwamba tumetumia milioni mingi sana za pesa, na hilo ni jambo la kuwachanganua wananchi watupinge mashinani, kwa sababu ile pesa tumesemekana tumefuja, kila mtu inasemekana ya kwamba, ukipiga hesabu kila mtu ni kama amefuja karibu milioni kumi peke yake. Bwana Spika, ukweli usemwe. Yule mrembo tulikuwa tumeoa sasa amezeeka, inabidi sasa aanze kuona sura yako kama mwanamume.

(Applause)

Sasa sisi tumeamua ya kwamba sisi ni wanaume; wacha sasa tuonyeshe sura zetu kwa sababu tunajua ya kwamba sisi miaka yetu inasonga na siku; hata ukienda kwa maafisi wanajua tumebakisha siku ngapi. Lakini sisi wenywe hatujui tumebakisha siku ngapi. Sisi kitambo signatures zikotwe tutakuwa tumeokota kadhaa hapa na hii ndio wiki ambapo mambo ni mawili; aidha tuende nyumbani ndio sauti zetu ziweze kusikika ama tupeleke watu nyumbani, ndio sauti ziweze kusikika.

Bwana Spika kuna maji taka ambayo imenisumbua karibu miezi tano mfululizo. Nikienda pale Highways, naambiwa niende kwa Water. Nikiitisha nambari ya Engineer fulani, napewa Engineer karibu watano. Dakika ya mwisho niliambiwa eti hawana vifaa ama vyombo vya kazi na kama ningeweza kujisimamia wangeweza kunitegenezea. Nililipa mpaka nikalipa Engineer aliyekuja mashinani mpaka na watu wa mkono na nikanunua hata simiti. Nilitumia shilingi elfu sitini kusuluhisha hilo tatizo la maji taka.

Walioshuhudia wanafikiri ya kwamba hiyo pesa nilitoa kwa Executive. Taa, nilitumia shilingi elfu kumi kununua vifaa vyake ili iweze kufanya kazi. Mimi pahali naishi mashinani barabara yangu ni mbaya, wanasema; 'ukiona barabara iko hivi, kweli atatengeneza zile zingine, kama ameshindwa na hii yake?' Bwana Spika, saa hii afadhali tupitane kwa corridor kama bubu, afadhali mtu yeyote awaye yule ajue ya kwamba huyu mheshimiwa ni mmoja wa wale walionichapa lakini at the end of the day lazima tutatuma mtu nyumbani ndio tuweze kufanya kazi. Ahsante.

Hon. Deputy Speaker: Thank you very much. The last one---- Why are you moving--- Okay, Hon. Member, you can proceed.

Hon. Member for Upper Savannah (Mr. Benson Amutavi): Thank you so much, Bwana Spika.

Hon. Deputy Speaker: Okay, the last speaker is Ndigirigi or Hon. George Ochola .

Hon. Benson Amutavi: *Yangu ni machache. Mimi nitauunga mswada huu mkono. Na nitawaambia waheshimiwa wenzangu kwamba nitawapatia motisha kidogo. Tumebaki na siku Elfu Moja Mia Tatu na Hamsini na Sita na Masaa Nane turudi election; March 4th for the next election; baado hajjamuliwa. Hii katiba inakorogwa na si mchezo. Na mnajua ahsante ya punda ni nini? Na pia nyama ya punda si ni nyama? Tafakari ya babu.*

Hon. Deputy Speaker: Hon. Ndigirigi---

(Loud consultations)

Hon. Wothaya Ndigirigi (Nominated Member from Nairobi West): *Ahsante sana Bwana Spika. Naunga hoja hii ya Ward Development Fund (WDF) mkono kwa sababu mimi naelewa kabisa vile hawa wabunge wanaumia. Nikisema ukweli mbele ya Mwenyezi Mungu ni kwamba kutoka Lang'ata, mimi kama Special Elect nasumbuliwa nikishinikizwa kusema ukweli kama hawa wabunge wetu wamepewa pesa. Mimi nasema hawajapewa. Na kama ni Executive ambao wamekataa kuwapa pesa wacha tuwafute kazi wote waende nyumbani halafu tuweze kuendeleza Nairobi kwa sababu tulichaguliwa na watu wa Nairobi. Ahsante sana.*

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

(Loud consultations)

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you, Mr. Speaker. As I stand here today, going by the mood of the House I want to state categorically that, these hearts have been disturbed; these hearts are molested; these hearts are irritated and these hearts are annoyed. Mr. Speaker sir, when I stand here, this is a young Kenyan fellow who is an Accountant by profession; an Auditor by profession and a Financial Consultant by profession. Mr. Speaker sir, I need to peruse the estimated budget we had. I want to state clearly and vividly that we are being taken for granted.

I want to echo the words of my learned friend, Imwatok, that I am not ready for the obituary thing; I am not ready for it. Mr. Speaker sir, we want things to be done in our Wards. We want things done but, Mr. Speaker sir, going by everything that I have seen with the figure work--- I am very good with figure works--- when it comes to figure work I am very perfect; we are being taken for granted and I want to state that I am going to stand with the Members if the Ward Development Fund doesn't get down to our Wards.

Mr. Speaker sir, I am going to diverlge a lot of information that at the end of the day in this Assembly either George Ochola goes, or somebody goes, but things remain working. And without much ado, I want to state that we are here to work for our electorates but not to maintain a *status quo*. Thank you.

Hon. Deputy Speaker: Hon. Members can we put a question? Hon. Kados the final word.

Hon. Member for Mihango Ward (Mr. Paul Muiruri - Kados): *Bwana Spika, ahsante sana kwa kuniona. Bwana Spika, mimi nashtuka kwa sababu niliona ya kwamba wewe ulikuwa unataka kufungia huu mjadala ukikumbuka wewe tulikuwa na wewe in the last defunct Nairobi City Council. Bwana Spika, juzi nilikuwa kwako kwa afisi, nikikwambia kwamba mheshimiwa wako anaenda akitutukana sisi akisema ati hakuna kazi tumefanya kwa Ward. Na nilikuja kwako nikaenda kwa waheshimiwa wote hata Mlatya*

nikawambia tunatukanwa. Kusema ukweli hata wewe hujafanya kitu chochote kwa Ward. When it was LASDAP we used to see things moving.

Right now since I was elected, *nilikuwa hapa juzi nilizungumza nikasema hakuna kitu hata kimoja ambacho naweza ringia kimefanywa kwangu na nafikiri hata hawa waheshimiwa wengine ni vile vile. And millions---* I understand it is around two billion shillings payments *zimefanywa, ambazo ni za contractors wale wale. Hatujui hawa contractors wanalipwa kwa kufanya kazi gani? Because I would say hata yule contractor alifanya kazi ya LASDAP kwangu wakati ule, hata sasa hajalipwa na alifanya around three years ago. Niko na barabara ambayo ilikuwa inatengenezwa kwangu; imesimama for 3 years now because of lack of payment.*

Nikisikia pesa zinalipwa, nauliza zinalipwa akina nani? Na bado mnatuletea mjadala hapa hata kama mimi naketi kwa hiyo kamiti eti tuitishe wananchi pesa zingine. I am supporting we adjourn, ili tuelezwe. I am in support. Kutoka zamani unajua, I don't support where there is a wrong lakini lazima tujue pesa zile zinalipwa zinalipwa akina nani? zinalipwa contractor mgani? Isiwe there is money which is paid lakini even the contractors wale waliokuwa contracted because of LASDAP wengi wao hawajaenda kwa Wards kwa sababu hawajalipwa hata zile pesa za zamani. And many County Representatives here can attest to that. There are so many contractors who are running after us. Were we elected for contractors to be running after us? Bwana Spika, I think I rest my case and I support.

(Applause)

Hon. Deputy Speaker: The mover to reply.

Hon. Nelson Masiga: *Shukrani. Kwanza ningelipenda kuwashukuru viongozi wenzangu. Sitaki kuwaita waheshimiwa kwa sababu tulipoingia katika nyumba hii tulikuwa waheshimiwa kisha tutakuja kuwa waliofilisika, mara hii tunaitwa waliodharauliwa. Nikisema hivyo namaanisha ya kwamba; mimi mwenyewe nimegura kwangu kutoka eneo langu la Eastleigh Kusini. Kwa sababu gani nimegura? Ni kwa sababu wale wananchi wamechachawishika kwa kutafuta sahihi na kutumia matamshi yanayoweza kukera moyo na dharau zianze kuelekezwa kwa familia yangu.*

Hivyo basi imenibidi nigure eneo langu kwa sababu pia familia yangu ina uzito kwangu. Singependa familia yangu kuweza kuingiliwa kisiasa. Mimi ni mwanasiasa lakini familia yangu si wanasiasa. Hivyo basi wahenga hawakukosea waliposema kwamba, 'utamu wa nyege ni kunyegezana'. (Loud consultations) Wengi watasema ya kwamba ni matusi lakini ni Kiswahili. Na msamiati huu nautumia hapa kwa kusema hivi, imefika wakati ambapo kama wajumbe wa Kaunti ya Nairobi tulikuwa tunanyegezwa, imefika wakati sisi pia lazima tunyegezane. Na sipendi kuwa mmoja wa wale ambao watasemekana ya kwamba, ni aliyekuwa ama aliyevuma; ndugu, shukrani.

Hon. Deputy Speaker: Order! Order Member!

Hon. Nelson Masiga: *Hivi sasa ningelipenda ya kwamba, Bwana Spika, wakati mwingine tunapokuja katika jumba hili, jambo la kwanza katika orodha---*

Hon. Deputy Speaker: Order Member! Are you replying to the motion?

Hon. Nelson Masiga: *Ndio. Nafikiri kama ungelinielewa kwa kina na unifuata kwa maada ungelijua nasema nini. Bwana Spika, naomba unipe fursa. Hivyo basi nasema kwamba tumesikia kilio, na kilio kimeweza kututoka. Basi kitumbua ambacho kilikuwa mchangani kimeweza kuchipuliwa. Na hivi sasa tunasema ya kwamba tunapoahirisha mswada huu tunaomba wakati mwingine tusiliongee jambo lingine ila jambo la kuweza kuendeleza mashinani. Tumekuwa katika hili Bunge kwa muda zaidi ya siku mia tatu sabini na nane. Tunaweza andika nyaraka nyingi kama watwana. Basi kuanzia sasa hivi, mimi sikubali kuwa mtwana ama yule ndege ambaye anaitwa chiriku baada ya kufyonza mavi, kazi yake ni kupiga kelele. Naomba kuwa muungwana. Na ni hayo, Bwana Spika, shukrani.*

(Applause)

Hon. Deputy Speaker: Hon. Members allow me now to put the question, Standing Order No. 93 (1) *“A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move that, the debate be now adjourned, or, in Committee of the Whole County Assembly that, the Chairperson do report progress.”* May as many of the same opinion say ‘aye’ and those of the contrary opinion say ‘nay’. The ‘ayes’ have it.

(Question put for the Adjournment Motion and agreed to)

The Assembly adjourns to 2.30 p.m. tomorrow.

(The House Rose at 4.38 pm)