



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 13rd May, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

PAPERS

The following Paper was laid on the Table:

- A report of the select committee on investigation into the conduct of Mr. Evans Ondieki, the County Executive Committee Member for Transport and Public works

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Mr. Alex Sanaika Ole Magelo): Let the Members come in first.

(Loud Consultations)

Order, Members! Hon. Members, the Nairobi City County Assembly Second Session- First Assembly; Communication from the chair:

Hon. Members, I have the following communication to make;

SPECIAL SITTING TO RECEIVE THE REPORT ON INVESTIGATIONS INTO THE CONDUCT OF THE COUNTY EXECUTIVE MEMBER FOR TRANSPORT AND PUBLIC WORKS

Hon. Members, our sitting this afternoon is necessitated by the need to transact an urgent business pursuant to Standing Order 26.

Hon. Members, the Speaker received a letter from the Leader of the Majority Party requesting that the Speaker convenes a Special Sitting of the Assembly for purposes of receiving the report of the select Committee on Investigations into the conduct of the County Executive Committee Member for Transport and Public Works, Mr. Evans Ondieki.

Hon. Members, as you are all aware, on Wednesday 30th April, 2014, the Assembly passed a resolution for the formation of a Select Committee to Investigate the Conduct of Mr. Evans Ondieki, the CEC Member for Public Works and Transport, pursuant to Standing Order 62 and Section 40(3) of the County Government Act, 2012.

The Committee has concluded its sittings and prepared a report for tabling in the Assembly. Section 40(5a) of the County Government Act, 2012 requires that the Select Committee report back to the Assembly with its verdict within ten days on whether it finds the charges against the CECM sustained or unsubstantiated.

It is for that reason that the request for this, Special sitting was made. Thank you.

PAPERS

REPORT ON INVESTIGATION INTO THE CONDUCT OF MR. EVANS ONDIEKI

Hon. Speaker: Order Hon. Janet, you go back and do the necessary.

(Loud Consultations)

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker sir. I beg to lay the following report. Pursuant to Standing Order 186 I beg lay the following paper on the Table of the Assembly today Tuesday 13th May 2014; A report of the select committee on investigation into the conduct of Mr. Evans Ondieki, the County Executive Committee Member for Transport and Public works.

STATEMENTS

Hon. Speaker: Statement from the Hon. Isaac Ngige of Mwiki Ward.

Hon. Member for Mwiki Ward (Mr. Isaac Njoroge Ngige): Thank you, Mr. Speaker, all is not lost.

(Applause)

Hon. Speaker: Yes please, I beg your pardon

**REQUEST – STATEMENT ON THE PLANNED DECONGESTION OF
NAIROBI'S CENTRAL BUSINESS DISTRICT (CBD)**

Hon. Isaac Njoroge Ngige: Mr. Speaker all is not lost, I rise to redeem the image of Hon. Members of Nairobi City County *(Applause)* I have a request for Statement, pursuant to Standing Order number 40. I would like to request for a Statement from the Chairperson, of Sectoral Committee on Roads and Public Works, on the planned decongestion of Nairobi CBD by the Department of Roads and Public Works. In the Statements the Chairperson should enquire into and report to the Assembly on:

1. What is the County Government's plan to decongest the CBD?
2. The number of the interested partners in the planned Nairobi City County Transport Service or the Bus Rapid Transport (BRT) system
3. Whether there exists an agreement or MOU between the County Government and Diamond Coaches limited

(Applause)

4. Whether any money has been paid to any public and state officer of the County Government by a Mr. Gulleid Kunow Mursal with respect to the planned Nairobi City Transport Service or the Bus Rapid Transport (BRT) system

Thank you, Mr. Speaker.

Hon. Speaker: Hon. Diana Kapeen, the Chairperson for Roads and Public Works?

(Applause)

Hon. Diana Kapeen: Thank you, Mr. Speaker sir, in respect to the question asked by Hon. Isaac Ngige from Mwiki Ward, I kindly ask your office to give us four weeks. I believe each question needs a month.

Hon. Speaker: No.

Hon. Diana Kapeen: A week, Mr. Speaker sir. Sorry, a week. I'll give you a reason. We do not want as a Transport and Public Works Committee to do work that is going to be swept under the carpet, Mr. Speaker.

(Applause)

Mr. Speaker, I ask that the Transport Committee, my able Members who are not prone to bribes be given four weeks.

(Applause)

Hon. Speaker: Hon. Chairperson for Works, Roads, very well as the Speaker, I give three weeks for the completion of the requests by the Hon. Member. You only need three weeks. You don't need four weeks. Thank you.

(Applause)

**REPORT ON INVESTIGATIONS INTO THE CONDUCT OF MR. EVANS ONDIEKI,
COUNTY EXECUTIVE COMMITTEE MEMBER FOR PUBLIC WORKS,
ROADS AND TRANSPORT**

Hon. Maurice Akuk: Hon. Speaker---

(Loud Consultations)

Hon. Members: Shame.

(Loud Consultations)

Hon. Speaker: Order, Members! Order!

Hon. Members: Shame.

(Loud Consultations)

Hon. Maurice Akuk: Hon. Speaker, protect me.

(Loud Consultations)

Hon. Speaker: Order!

(Loud Consultations)

Order, Members!

(Loud Consultations)

Order, Members! order!

(Loud Consultations)

Hon. Members: Shame.

(Loud Consultations)

Hon. Speaker: Order Members!

Hon. Maurice Akuk: Hon. Speaker, thank you for protecting me.

(Loud Consultations)

Hon. Speaker: Order! Hon. Members, order! Hon. Members, this is the Assembly of the County Assembly of Nairobi and the word shame has no place here. Allow the Hon. Member, Hon. Akuk to complete the business which you the Members of this Assembly rightfully gave him which was to conduct the investigation.

(Applause)

Hon. Members you may not like what he has but allow him as a matter of the Standing Orders of this Assembly. Allow him to complete. Thank you.

Hon. Maurice Akuk: Thank you, Hon. Speaker, Hon. Members on Tuesday 29th April, 2014 the Hon. Chege Mwaura MCA, moved a Motion for the censure and removal from office of the County Executive Committee Member for Public Works and Transport, Mr. Evans Ondieki for gross misconduct amongst other charges. The Motion which detailed the charges against the CEC sought his removal from office on five grounds as follows:

CHARGE 1

That Mr. Evans Ondieki recently made allegations in the media imputing improper motives against the Members of the County Assembly and casting aspersions against MCAs integrity.

CHARGE 2

That Mr. Evans Ondieki had failed to appear before the Sectoral Committee on Transport and Public Works without justifiable reasons and when he had failed to answer questions relating to his responsibilities satisfactorily.

CHARGE 3

That Mr. Evans Ondieki was rude and insulted some Members of the County Assembly terming them as hooligans.

CHARGE 4

That Mr. Evens Ondieki incited members of the public to picket outside the Assembly in order to intimidate the Committee against carrying out their mandate.

CHARGE 5

That Mr. Evans Ondieki asked County Assembly Members to bring a list of five roads per Ward knowing very well that there were no budgetary provisions for the same and today nothing tangible has come out of the request thereby causing Assembly Members an embarrassment.

Hon. Members as you are all aware on Wednesday 30th April 2013 we passed a resolution for the formation of a Select Committee to investigate the conduct of Mr. Evans Ondieki, the CEC Member for Transport and Public Works pursuant to Standing Order 62 and Section 43 of the County Government Act 2012.

Subsequently, the Select Committee on investigations into the conduct of Evans Ondieki, the Nairobi County Executive Committee Member for Transport and Public Works, was formed pursuant to Section 43, County Government Act 2012 and Standing Order No. 62 (6). Hon. Members the Committee held a total of six sittings within which it heard from both parties, concluded its sittings and prepared the following report which have been tabled in the Assembly Section 45(a) of the County Government Act 2012 requires that the Select Committee report back to the Assembly with its verdict within 10 days on whether it finds the charges against the CECM substantiated or unsubstantiated. Hon. Members I wish to report as follows. The Committee makes the following recommendations:-

That pursuant to Section 40(5a) of the County Government Act and Standing Order 62(6), the Select Committee on investigations into the conduct of Mr. Evans Ondieki the Nairobi County Executive Member for Transport and Public Woks finds the allegations as contained in the Motion for censure and removal of the CEC Member from office by His Excellency the Governor Dr. Evans Kidero, as unsubstantiated. Thank you.

(Loud Consultations)

Hon. Speaker: Hon. Members the business of the day is complete. Therefore the House remains adjourned until 3rd June, 2014. I have the following words to the Committee of Works; you have a task before you and this time it is important you thoroughly investigate all matters concerning the Statement requested by Hon. Ngige. Therefore I want to thank you once again and I hope you continue enjoying your holidays. Thank you.

(Applause)

(The House Rose at 4.57pm)