



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Thursday 3<sup>rd</sup> December, 2015

The House met at 2.30 p.m.

*(Hon. Speaker (Mr. Alex Ole Magelo ) in the chair)*

### PRAYERS

### STATEMENTS

**Hon. Speaker:** Is the Hon. Chairperson of Water in?

**Hon. Member for Mugumoini Ward** (Mr. Alex Ouda): Thank you Mr. Speaker sir, I'm holding brief for Chairperson Liaison Committee. The response to statement requested by Hon. Peter Warutere MCA from Chairperson on Select Committee---

**Hon. Speaker:** Hon. Chairperson let's do statements first then we come to requests please, thank you. Sorry Hon. Members the following Members: Hon. Leah Mumo request for statement from Chairperson, Planning and Housing regarding grabbed LR 336 in Eastleigh South Ward, Hon. Mumo? Hon. Wilson Ochola?

### STATEMENT REQUEST ON GRABBED LAND

**Hon. Member for Utalii Ward** (Mr. Wilson Ochola): Thank you Mr. Speaker sir, pursuant to Standing Order 41(2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Planning and Housing regarding grabbing of land LR 7879/25.

Hon. Speaker the expansive land in question is a private piece of land which has however been invaded by unknown people who have subdivided it and put up developments.

Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Status of the piece of land in terms of ownership and title
2. When the subdivision plan was approved and by who since the rightful owner of the land never authorized any such sub division
3. Who authorized the illegal construction of the building on the said land and disciplinary measures taken against them for subdivision
4. Measures taken by the County Executive to address the apparent land grabbing

Thank you Mr. Speaker.

**Hon. Speaker:** The Hon. Chairperson of Planning? Hon. Ochola you had another statement also for Planning?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Thank you Mr. Speaker, this needs us to go to site visit so that we can authenticate, so one week after recess. I would like to request you Mr. Speaker because our Clerk went on safari, he is not around and we have a number of responses which we are supposed to give the Assembly. So we are putting off all our requests until we come back because we cannot access the papers when they are away, thank you.

**Hon. Speaker:** So you are saying after recess you will bring the report?

**Hon. Maxwell Ochar:** Precisely Mr. Speaker

**Hon. Speaker:** Very well. Let's proceed.

The following requests for statements will be responded to; Hon. Manaoh Mboku from the Chairperson of Select Committee on Implementation regarding implementation status of recommendations contained in the Health Service Committee report on Mama Lucy Hospital and Pumwani Hospital. Implementation Chair? Hon. Millicent please?

**Hon. Maxwell Ochar:** Mr. Speaker the report of Implementation of Pumwani is ready because we sat on it when we were in retreat and we are just fine-tuning it so that we can bring it to the Assembly; and not only that we are bringing a full report, the Chair will read a full report.

**Hon. Speaker:** Very well. Hon. Samwel Kagiri from the Chairperson of Select Committee on Implementation again regarding the recommendation of Health Services report on Mama Lucy---I think that is just the same? Hon. Peter Warutere, Budget and Appropriation Committee regarding the contracting of Quids enterprises Ltd as receivership managers by the Nairobi City County Government. The Chairperson of Budget and Appropriation?

**Hon. Alex Ouda:** Mr. Speaker the statement was referred to Liaison Committee and that is why I'm holding brief for Chairperson of Liaison. Mr. Speaker I can't see Hon. Warutere around unless he is hiding somewhere

**Hon. Speaker:** Okay can you prepare the report so that when we come back from recess the report is ready. It belongs to the Assembly

**Hon. Alex Ouda:** Mr. Speaker I have the report ready

**Hon. Speaker:** Go ahead and read

### **STATEMENT RESPONSE REGARDING CONTRACTION OF QUIDS ENTERPRISES AS RECEIVER MANAGER OF NAIROBI CITY COUNTY GOVERNMENT**

**Hon. Alex Ouda:** Thank you Mr. Speaker, response to statement requested by Peter Warutere, MCA from the Chairperson Select Committee of Budget and Appropriation

Mr. Speaker on Wednesday 10<sup>th</sup> June 2015 the Hon. Peter Warutere MCA rose on the floor of the Assembly pursuant to Standing Order 41(2)(c) and requested for a statement from the Chairperson of the Sectoral Committee on Budget and Appropriation regarding the contraction of Quids enterprise limited as receiver manager of Nairobi City County Government.

He further asked the Chairperson to inquire into and report on:

1. The tender awarded to Quids enterprises limited as a receiver managers (tender documents including minutes of the award of the said tender)
2. Breakdown of amounts of monies collected by the company to date
3. Status of Jambo Pay limited e-payment module that was meant to immensely streamline payment for services, improve revenue and rent collection from the County estates and market stalls
4. List of directors, shareholders and managers of Quids enterprises limited.

The Select Committee on Budget and Appropriation wrote to the County Treasurer to seek for the answers on the issues raised by Members. However the statement was referred to the Liaison Committee pursuant to Standing Order 1 and 192 (a) and (d).

The Committee held a meeting with the County Executive Committee Member responsible for Finance and Economic Planning on 10<sup>th</sup> November 2015.

In this regard I wish to report to the Assembly as follows: That the tender document awarded the contract to Quids enterprises limited including the minutes awarding the tender and the list of directors of Quids enterprises have been attached to the response.

The County Executive was not satisfied with the services offered by the Quids enterprise limited and therefore the contract was suspended in July 2015 and hence there is no record of money collected by the company to date.

The CEC Member further informed the Committee that the matter was before the court of law and that the County has formed a red clamping team (Task force) who are County employees to supplement SGR which is not effective.

With regard to Jambo Pay system it is a form of payment platform which is used by the County and there was no duplication of duties between Quids enterprise and Jambo Pay.

The CEC Member further stated that the Jambo pay system was being rolled out progressively for different modules as they become ready and agreed by the County Executive Implementation Committee which has been charged with responsibility of overseeing the e-payment system.

Thus the following revenue systems have been enjoined in the e-payment platform.

1. Rates single business permit
2. Liquor licensing, house rent, daily parking, seasonal parking, market rates, e-construction and parking penalties.

Mr. Speaker sir the above revenue are collected through various modules including web and Unstructured Supplementary Service Data (USSD) and Android application and Jambo Pay agents.

From the date of inception to the end of May 2015 the County has managed to collect about Kshs.3.4 billion through the platform.

Mr. Speaker sir I beg to lay this response and thank you.

**Hon. Speaker:** Very well. Hon. Shadrack Juma from Chairperson of Sectoral Committee on Agriculture, Environment and Natural resources

**Hon. Member for Dandora Area II** (Mr. Stephen Kambi): Thank you very much Mr. Speaker sir. I have to share my sentiments concerning the same. Kindly, I urge you protect me from my good friend Hon. Imwatok. First of all I want to congratulate the Environment Department for failure to collect garbage within Nairobi. I am the custodian of all the garbage that is collected within Nairobi. Of late my Ward has been clean and yours have been dirty.

I believe you should as well feel the pinch. Most of the people that stand on this podium addressing the environmental hazard we have within Nairobi are more concerned of their areas of jurisdiction and representation. There is no single day this House has ever come up with a mechanism or a solution on what we can do with the dumpsite, forgetting there are lives there and there are also Hon. Members who represent the same, same area. I and my good friend *Mheshimiwa* Thuo and Dan Oria represent Dandora. The same for the Chairman for Public Works, Sirkal.

Mr. Speaker, the area is in a pathetic situation. The dumpsite is non-functional especially now that the rains are pouring. I am very happy and I want to congratulate the Chairman of the Environment Committee or whoever is responsible for the mechanism of the trucks that are supposed to collect garbage within Nairobi for their failure. I want that to be registered. For once, people of Kilimani, Muthaiga and elsewhere as you can hear most noise is coming from the upper side of town. *Watu wakae na takataka zao mpaka tutafute suluhu ya mahali takataka zitapelekwa.*

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! Order! You know the rules of the game.

**Hon. Stephen Kambi:** No problem Mr. Speaker. It's only that I am so moved and I want to ensure that I articulate this in a very passionate way. Nobody should blame the Environment Committee. I want to congratulate the Environment Committee. I want to know--- First things first, the first thing we should address and we should be seeking the Environment Committee to address is on how we can have a proper dumping site, a sanitary place. Failure to that, you can't be telling us you are so much concerned on how your garbage is going to be moved from your estate and not knowing where it is being taken. It is going to be dumped on other people's doorsteps. I am not saying this to please this House. This is a very serious concern. I have photos with me, I can share even with the leadership of the Assembly the situation at the dumpsite is pathetic. Their lives, their children, they are even dumping on schools.

Mr. Speaker sir, if I was the one making noise here I'm sure you would have given me a warning.

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

**Hon. Stephen Kambi:** So Mr. Speaker sir, I urge the Environment Department to be as dormant as possible until the day we'll find a solution for the sanitary plan. *Asanteni sana kwa kulala!*

**Hon. Speaker:** Hon. Hellen Katangie.

**Hon. Hellen Katangie** (Nominated Member): Mr. Speaker sir, I'm one of the Committee Members of Environment. I just want this House to please give us time. I wish you knew how frustrated we are as a Committee. Our frustration is how to get information from the officers. I want to concur with my Chairman that we need to be given time from next year. We have all heard your complaints---

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

**Hon. Hellen Katangie:** We have heard all your complaints but we are also having the same challenge through getting information. Please can you give us time? We only need a very short time. By next year we'll pull up our socks. We know getting information, like somebody who stood up talking here about the trucks, even to get documentation from the officers has been quite a challenge. We have even met several suppliers; they are not willing to go to the ground to pick whatever. They are not being paid or are being paid selectively.

I stand here to say please we need to put our heads together as a County and we are going to work hard to rectify whatever we have not. Please take it with us and I want to support my Chair. Please bear with us, we have been having challenges but come next year we'll pull up or socks, thank you Mr. Speaker.

**Hon. Speaker:** I think we are done on that. I have given you more than what you are supposed to be given. We now move--- order! I have given you more than you were supposed to bite. Order Hon. Members! The Chairman of Planning. Order Hon. Imwatok!

**Hon. Maxwell Ochar:** Thank you Mr. Speaker.

**Hon. Speaker:** Yes, Hon. Chairperson.

**Hon. Maxwell Ochar:** Mr. Speaker thank you for giving me this opportunity. We'll have to go to that area to stop that building so that the building can stop until we come back. Yesterday we had the Chief Officer for Planning. She told us very well that they have not given those people the go ahead to build. There are some things which they are supposed to get so that they agree then they start building. I still throw this to you because as I read the Order Paper today we are going on recess. Without your direction that we should go there as early as tomorrow since our hands are tied. It is you to tell us when to go there because we are going on recess.

Mr. Speaker, I will not sit down without adding my voice on the Environment. We had a doctor who is a CEO in Environment and this lady is very arrogant even to the Committee. That one I can attest to. The Committee has called her so many times but she does not appear. She is not co-operative at all. The dumpsite lies in Dandora II but the persons who are getting the feel of the dumpsite are the Korogocho people. In fact I can tell you without mincing words that most of the Korogocho people are sick because of the dumpsite. I can tell you for a fact that so many people who work at the dumpsite have been stopped because of one reason or the other, flimsy reasons. Now the dumpsite is filthy because nothing is happening. We should get a way and until we sanction somebody here, this County will not remain the same again. Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Members good afternoon once again. First of all I would like to thank the Chairmen despite their difficulties in accessing information. Only to correct Hon. Petronilla, that as the leadership of the Assembly we can only act if you bring complaints to my office. We will have her brought in. now we can use even police to bring the Member to where you are. I am a little bit disturbed that the officer mentioned is the Chief Officer of Environment. I promise you if you bring the complaints to the Office of the Speaker, I will take appropriate action to make sure that he or she is properly summoned to answer the questions that you want answered. I thank you.

The other one for the Planning Committee, it's your responsibility to secure the City of Nairobi. You know your job is cut out as a Committee.

**Hon. Member for Viwandani Ward** (Mr. Samuel Nyang'wara): Mr. Speaker you have ruled from the Chair that it is the responsibility of this Committee and as from today I am suspecting that we are going for recess and they will have no time to expedite whatever the Majority Leader brought in this House. If you can rule from the Chair, that this particular Committee moves and if it can be allowed two weeks to continue with their work.

**Hon. Speaker:** We'll come to that. Hon. Chairperson Legal.

**Hon. Member for Parklands Ward** (Mr. Jaffer Kassam): Thank you Mr. Speaker. This is a response to a statement requested by Hon. Herman Azangu, MCA from the Chairman of the Sectoral Committee on Justice and Legal Affairs.

On Wednesday 26<sup>th</sup> August the Hon. Herman Azangu, MCA rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of justice and legal affairs regarding the owners and the drivers of the private towing land rovers which patrol within industrial area and have been soliciting money from the residents by harassing them and taking vehicles illegally using master keys. In the statement the Chairperson was to inquire and report on:

1. Who is the owner of these private owned towing land rovers and who has contracted them
2. Which authority do they use to illegally arrest and take privately owned vehicles without the consent of the owners
3. The measures put in place by the County Executive in curbing such unscrupulous behavior and tendencies

Mr. Speaker sir, the Committee wrote to the County Secretary on 4<sup>th</sup> September, 2015 requesting him to inform the Chief Officer for Security, Compliance and Disaster Management to furnish the Committee with the written response to the statement sought by the Hon. Member. However, the Committee noted the same statement had not been responded to despite the requested time having lapsed and a reminder being sent to the County Executive.

Mr. Speaker sir, the Chief Officer of Security, Compliance and Disaster Management forwarded a response to the Committee on 16<sup>th</sup> October, 2015 and its meeting on 27<sup>th</sup> October the Committee considered the response provided and found it unsatisfactory. It resolved to invite the Chief Officer, Head of Supply Chain Management and the Director of Legal Affairs to a meeting of the Committee to provide further information and clarify on the contract awarded to Biskarn Transporters Company for the provision of towing services entered into by the County Executive.

In this regard, I wish to report to the Assembly as follows:

1. Who is the owner of these privately owned towing land rovers and who has contracted them.

The County contracted for the towing and other transport services through the Procurement and Chain Management. The contract was believed to have been awarded to Biskarn Transporters in February,



2105. The contract for supply and delivery of towing services is yearly and Biskarn Transporters have qualified for tender since 2012 to date.

2. Which authority do they use to illegally arrest and take privately owned vehicles without the consent of the owners.

The Inspectorate officers were empowered under section 259 of the defunct Local Government's Act to enforce any By Law within the jurisdiction of the authority and under the same application of By Laws under the designated parking places the same authority was drawn from the general nuisance By Laws part 3 on roads and streets 2007. The enforcement is done by uniformed City County *Askaris*. The Inspectorate officer is in uniform and may arrest any person or vehicle whom the officer witnesses doing any unlawful act or thing or finds in possession of anything which a permit, license, certificate or pass is required under written law and has no such license or certificate

3. The measures put in place by County Executive in curbing such unscrupulous behaviors and tendencies

Mr. Speaker sir, the Director of City Inspectorate has written a memo to all Sub-County Commanders sections and head of units instructing that no officer should operate with a private break down that is not within the list of County contactor services. No enforcement officer or any other person should drive a vehicle belonging to a Member of the public without his or her expressed authority while on duty. No officer should use abusive or uncivil language while dealing with any Member of the public. Any staff found to have violated the above order shall be forthwith suspended from the County services.

Mr. Speaker sir, I beg to lay this response.

**Hon. Speaker:** Hon. Azangu.

**Hon. Member for Land Mawe Ward** (Mr. Herman Azangu): Mr. Speaker sir, I don't agree with the Chair. I was not provided with the copy. I don't know whether he is reading what he knows or--- my question was about the people who are arresting people without---

**Hon. Speaker:** So you are not satisfied with what?

**Hon. Herman Azangu:** ---the people who are arresting but they are not the Council people.

**Hon. Speaker:** Hon. Member, what are you not satisfied with?

**Hon. Herman Azangu:** With the response.

*(Loud consultations)*

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



**Hon. Herman Azangu:** Hon. Speaker, they have not even furnished me with the copy of the response.

**Hon. Speaker:** Okay, you will be given the copy by the Chairperson. When we come back then you will interrogate the report.

**Hon. Herman Azangu:** Thank you.

**Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru):** Thank you Mr. Speaker sir. I have with me a statement response for Hon. Peter Imwatak.

**Hon. Speaker:** Yes Hon. Imwatak?

**Hon. Kennedy Oduru:** He is here, he requested this on 13<sup>th</sup> October. He further asked the Chairperson to inquire into and report on:

1. The number of parking slots at the sunken parking and Nairobi Law Courts parking bays.

Mr. Speaker sir, the Committee was informed that there are 241 parking slots at sunken park and 150 parking slots at the Law Courts car park. The Chief Officer further stated that out of the 150 parking bays 78 are reserved for use by Members of the County Assembly and 72 are used by other motorists.

2. Names of all parking attendants attached to the two parking areas and for how long they have been in charge of the parks.

The names of the attendants, managers of the said parking spaces are hereby attached to this response. The Chief Officer informed the Committee that the said officers were trained by Kenya Airports Parking Services (KAPS) to operate the machines. Further KAPS issues each officer with a password. She further informed that the officers have been stationed at the various facilities of the County since 2011.

3. Total revenue projected to be collected from the two parks during the financial year 2013/15 and the total revenue collected in the last quarter of this financial year

The Chief Officer informed that the revenue collected from the sunken car park for the financial year 2013/15 was Ksh. 26,135,298 while the revenue collected at the Law Courts car park during the same financial year was not available. The chief officer further stated that the total revenue collected from the 2 parts in the last quarter of this financial year was Ksh. 6,696,848. The sunken car park was Ksh. 4,985,448 while the Law Courts car park was Ksh. 1,711,000.

4. Mode of payment of the parking fees and the printing of yellow stickers.

The Chief Officer stated that the mode of payment in the said parking spaces was supposed to be automated and on an hourly basis. With regard to the printing of yellow stickers, the Chief Officer informed that the sector has written to the Chief Officer for Finance and Economic Planning for advice on the same.

Mr. Speaker sir, I beg to lay this response, thank you.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker, I beg to say a few words. First of all I am extremely unsatisfied by this statement. If today you take a chance to go to the sunken park you will realize there is no parking space which is open. The sunken park is full to the brim from 6:30 to 9:30 p.m. You will find the amounts quoted here by the Chief Officer below par of the estimates that we are supposed to collect from the sunken car park. Why am I saying so? The entire parking bay on a daily basis is full and there is double parking across with a cartel doing it.

Why I am saying I am not satisfied with this statement is that the Committee itself did not go to this sunken park to ascertain how many lots they have. That is a failure of oversight from the Committee itself. When you see the amount collected from 2013, 2014, 2015 it is depreciating every year but the parking lots do not depreciate. They are always full and double parked. When I asked about the yellow sticker, even if you go now to the parking of Assembly Members the other side you will find the KAPS Company had given machines but every now and then these machines are not working. People are given yellow stickers written by a biro. That shows you how much we lose.

According to our estimates on these two parking bays and the sunken park is supposed to give us Ksh. 30 million in a financial year. In the last quarter it is only Ksh. 6.6 million. By 4 quarters that is less than Ksh. 20 million. That shows you there is something wrong. I asked a question about who these park attendants are. I realized these park attendants have been there for more than 10 years. That shows you that there is a cartel running these parks and the money which is supposed to come to the County is going to a few people's hands.

Therefore Mr. Speaker, I beg your able Chair to direct the Committee to pay this sunken park and the High Court park a practical visit on a surprise. I beg to say that.

**Hon. Speaker:** Hon. Chairperson for the Sectoral Committee on Transport it is indeed important as Hon. Imwatok has alluded to. Indeed everybody knows, it is a common sense that that parking is normally full to the brim. Please go back, investigate and as the Member is implying the parking attendants have been there for more than 10 years. Can you find out the truth and why there is a variation of collection year in year out? When we come back from the recess we need that report on the floor of the Assembly.

**Hon. Kennedy Oduru:** Thank you Mr. Speaker sir. We'll do the same and I am requesting the Hon. Member to accompany the Committee during our site visit to the place.

**Hon. Speaker:** Very good. Hon. Members, Standing Order No. 37 (2) says "*Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct.*" I am directing that the Assembly will go to Order No. 10, then we go back to 8 and 9. Hon. Leader of Majority.

## MOTION OF ADJOURNMENT

**Hon. Leader of Majority:** Thank you, Mr. Speaker. Pursuant to the provisions of Standing Order No. 24 (1), this Assembly adjourns until Tuesday 9<sup>th</sup> February, 2016 in accordance with calendar of the County Assembly regular sessions.

Mr. Speaker, I call Hon. Adow to come and second the Motion.

**Hon. Member for Eastleigh North Ward** (Mr. Osman Adow): Thank you, Mr. Speaker sir. I think for the first time, I have caught the eye of the Majority Leader and I appreciate. I therefore do second the Motion and I wish everybody happy holidays, thank you.

*(Question proposed)*

**Hon. Peter Imwatok:** Mr. Speaker, first of all, I must say thank you for realigning the Standing Orders using powers vested upon you.

Secondly, I would like to support this Motion 109% because if you are all aware, His Holiness the Pope was in this Country about a week ago and he preached the essence of peace, liberty and freedom for the poor and more so for servant hood among the leaders. I believe this is the time as elected leaders of Nairobi we exercise these traits that the Pope had told us about, to go back and interact with our people.

It is also a time under the County Government Act for us to tell our electorates the challenges we faced because on most cases electorates are asking, what have we done for the last three years? This is a time to sit down and summon ourselves for a meeting with the electorates and tell them the truth as it is why we have all these challenges in terms of development, representation and oversight. We now have time to explain to them. Three months is enough time to feel at home out of Petma because we have frustrations including inside here. When you are taking tea, you are asked, have you paid? This time we are able to pay our own tea from our houses. At least we have a chance to share with our electorates a cup of tea at home.

Bearing that, Mr. Speaker, I believe as we come back in January, just as Majority Leader and others have said, Mr. Speaker, the House will never be the same. For those Chief Officers, especially those who have been mentioned, we will not relent to bring their names to this House. Those who call us illiterates, demagogues and all those names, we will not hesitate. We are also asking you as you go home, Mr. Speaker, go and brandish your knife well that will bring names here, those who derail the development agenda of this County; we will not have compromise with them.

Mr. Speaker, I believe as a County, we have a moral authority to guide the five point something million Nairobians to the right direction. I believe as a County and as Assembly, we have that authenticity to know that, Nairobi is the second largest County Assembly; no woman and no man can take it as a ride. I believe as we go to recess, I want to wish all the Christian community Merry Christmas and Happy New Year, to the Muslim world, we love you brothers and sisters. Thank you so much.

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**Hon. Speaker:** Yes, Hon. Ochola.

**Hon. Member for Hospital Ward** (Mr. George Ochola): Thank you, Mr. Speaker sir. Mine wouldn't be much, I will be very brief. We have done our oversight and legislative roles well. Even in the Bible, it is written that there comes a time when one has to go back to his people to be accountable to his people. The time has come, and this is the time from today until 9<sup>th</sup> February. I therefore support and I take this time to wish all the Hon. Members Merry Christmas and Happy New Year. Thank you.

**Hon. Speaker:** Hon. Members, there is other business we have to dispose but meanwhile, THAT Pursuant to the provisions of Standing Order No. 24 (1), this Assembly adjourns until Tuesday 9<sup>th</sup> February, 2016 in accordance with calendar of the County Assembly regular sessions. Thank you. We can now go back to the other Orders of the day.

## MOTION

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you, Mr. Speaker sir. We are glad because most of the Members have said within our powers--- we have tried to do the best we can and what we are not able to do, we leave it to God to do it. We can do to a certain extent but beyond that, you don't.

Mr. Speaker sir, I have a Motion that I am moving; a Motion related to the County Assembly of Nairobi. This Motion is basically about developments. One, is that in the financial year 2013/2014, the Committee--- I think I must be allowed to--- Mr. Speaker sir. I think these Members of this House, we need to respect each other, it is really in order. That is what I am doing, a Motion I move it the way I want.

*(Loud consultations)*

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

**Hon. Michael Ogada:** Mr. Speaker sir, I am moving a Motion and they didn't write it for me, I know how it is written, so that is what I am doing.

*(Loud consultations)*

**Hon. Michael Ogada:** So, what I am saying, the Assembly did a budget of Ksh.462 million in the financial year, 2013/2014 and we were not able to get the monies so that we could do the Assembly. In the following financial year, I think the procurement was done and construction started. As we talk today, I understand though I am not qualified enough to know what amount of work has been done and I understand almost 98% of the work has been done, I don't know.

Mr. Speaker sir, based on that, in the last financial year we were supposed to have funded the development project of the Assembly to completion. The County Executive did give an undertaking that they were going to fund the completion of the Assembly but unfortunately, they were not able to really give the money, so the Assembly was not completed. Because of the promise they gave us, both in writing and

verbal, we were not able to put it has a rolling expenditure. So, we didn't roll it over to the current financial year.

Mr. Speaker sir, as a result of that, they didn't pay and the financial year ended. The only Hon. thing that this House could do so that we don't do things illegally is that it has to be appropriated again and a budget provided for it so that it can be completed. So far Ksh.160 million for that Assembly has been given and the contract total figure was Ksh.310 million. So, which means there is a difference of around Ksh.150 million. We also have development of the Committee rooms which this Assembly wants to do at the basement because the County Government has given us up to December this year when we are supposed to vacate this Hall. That is the plea of the Public Service Board.

As I am the Chairman of the Committee, my Committee sat and we managed to deliberate deeply about it. As a result of that, there are many things which have come up. Many Members are really of the opinion that they don't need the new Chambers; they are comfortable where they are sitting until their time ends. So, they don't see the need of completing the Assembly; that is it. Others don't see the need of having new equipment and they are of the opinion they are comfortable where they are. Other Members are of the opinion that the Committee rooms that we have are good enough. We actually don't need to give them a new one.

Mr. Speaker sir, as a Chairman of a Committee, and with many people not feeling of having a new Assembly, so, why should I bother myself to force things to happen? Because of that, in the wisdom of the consultations I have done under Standing Order No. 48, I hereby stand to withdraw the Motion.

*(Loud consultations)*

**Hon. Speaker:** Thank you. Proceed.

## MOTION

**Hon. Speaker:** Order No. 9. Hashim Kamau

*(Loud consultations)*

## SUSPENSION OF THE PROCESS OF PROCURING A BANK TO MANAGE CASH COLLECTION IN THE COUNTY

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Thank you, Mr. Speaker. I know Members didn't have time to go through the Motion. We were busy waiting for the Motion that has ended. So, for that, I didn't want to take Members through the Motion but let me read it for the benefit of the Members.

THAT aware that the Nairobi City Government on 24<sup>th</sup> July 2014---

*(Loud consultations)*

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

**Hon. Minority Chief Whip:** ---launched an e-payment module at Laico Hotel which was meant to immensely streamline payments for services to help ease long queues at the City Hall and improve revenue collections in the County; further aware that the County Government contracted MS Web Tribe Ltd through a contract No. NCC/ICTRFB/114/2013-2014 at a bid of Ksh.23, 200,000 and a recurrent operation cost of 4.5% of total actual revenue through Jambo Pay which raised audit queries by the Auditor General; concerned that the County Executive on one of the local daily newspapers had advertised for a reputable bank to manage the critical functions of cash collections in the County; noting that several bodies and individuals have raised concern on loss of public monies through e-payment module in the County; this Assembly resolves that the County Executive do suspend with immediate effect the process of procuring a bank to manage cash collection in the County before they clear the audit queries raised on the collection of revenue through Jambo Pay In the County.

Mr. Speaker, just to highlight three issues to the benefit of the Members---

**Hon. Speaker:** Order, Hon. Members! Please be attentive.

**Hon. Minority Chief Whip:** Mr. Speaker, I wanted to bring to the attention of the Members and to enlighten to them three issues. One, there was a company known as Quids.

**Hon. Speaker:** Why don't you come a little bit up.

**Hon. Minority Chief Whip:** There was a company known as Quids that was mandated by the County Government to collect debts on behalf of the County, but unfortunately what they were doing was waiting at the cash office for the residents to pay debts, collect the list, invoice and get commission.

Secondly, there was issue of Jambo Pay. Mr. Speaker, we thought that when residents sat at their Houses and used their technology to pay through the e-payment, they are going to get commission from that but that did not happen as well.

Thirdly, we thought maybe they will be going to get commission through over and above what we were collecting, they were supposed to get 4.5% of that, but that did not also happen. What is happening now is that Jambo Pay is collecting commission from all the total revenue that is being paid to the County Government.

It happened in the National Parliament when they stopped the KenGen contract. My prayer is that until the PAC Committee comes with a full report of how payments are being done there, Mr. Speaker, the County is not in a business to create employment to private entities; people to wait at the cash office. They started with Quids, then Jambo Pay. Now we are giving to a different bank to sit in the counters and collect commission. For that reason, I move and I call Hon. Ngaruiya to second.

**Hon. Ngaruiya Chege:** Thank you, Mr. Speaker. I take this opportunity to thank the Chairman of Budget for reading the mood of the House and withdrawing that Motion.

Mr. Speaker, I rise here to second the Motion by *Mheshimiwa* Kamau on issues to do with bringing or digitizing systems when it comes to cash flow in this County. This is an issue that has become very thorny to the Budget and Appropriations Committee. In the first place, the Committee was not even involved when it came to issues to do with Jambo Pay. The Committee was not even involved on Quids issue and now again; they want to procure services of a certain bank.

Mr. Speaker, I think the County Executive should be aware that this Assembly, while it was initiated, the main reason was to assist on legislative matters where the Executive is not possible. But the Executive have been doing things without consulting this House. That is why in most cases, it has led to most of the things happening and not going in the right way. We therefore urge and resolve that whatever that has been requested in this Motion, let us suspend all this and tell the CEC Member for Finance come to the Budget Committee, Committee on Justice and any other relevant Committee before they think of procuring the services of any other bank because we are supposed to be involved in all ways and processes because we are the people who have been questioned by the Nairobians on what is happening in this County.

So, Mr. Speaker, let me second and I believe the Members present will support this Motion. Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Mumo.

**Hon. Leah Mumo** (Nominated Member): Thank you, Hon. Speaker. When you look at the mood of the House, I wish you call the mover to reply. I think the House is in support.

**Hon. Speaker:** Hon. Mumo, thank you. The Hon. Kamau Hashim.

**Hon. Minority Chief Whip:** Thank you, Mr. Speaker. I want to congratulate all Members for supporting including the Leader of Majority for the first time. I wish them Merry Christmas and Happy New Year. Thank you.

*(Question put and agreed to)*

## COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, The Nairobi City County Assembly Third Session: Communication from the Chair. Hon. Members, I have the following Communication to make. Order, Hon. Akuk!

Hon. Members, I wish to thank you all for how we have conducted the Third Session and the maturity we have exhibited. I hope the Fourth Session will be vigorous and robust. I therefore wish all of

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you Merry Christmas and Happy New Year and a pleasant recess. I declare that Third Session of the Nairobi City County Assembly closed as provided for under Standing Order 24 (1).

Subsequently, the Fourth Session will commence on Tuesday 9<sup>th</sup> February, 2016. Committees will resume sittings on Monday 18 January, 2016. Thank you. Hon Alex Ole Magelo, Speaker of the County Assembly.

Further to note, Hon. Imwatok, we have heard you and I take this early opportunity to warn the Chief Officers who are not cooperating with the Committees will face the wrath of the Assembly. I hope when we come in 2016, we will be a changed community of leaders. We will move in one direction for the benefit of the people of Nairobi. I know 2016 will be a busy year because most of us will be trying to figure out what is our next move, but the most important thing is the people of Nairobi, the ones you represent at this particular moment. For an officer to call the Members of this Assembly illiterate, I want the name of that officer because I will deal with him or her in accordance with our Standing Orders.

Hon. Members, the Assembly is forthwith adjourned until Monday, 18<sup>th</sup> January, 2016. Thank you.

***(The House rose at 4:15 p.m.)***