



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Wednesday 16<sup>th</sup> March, 2016

The House met at 2.30 p.m.

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

### PRAYER

**Hon. Speaker:** Serjeant-At-Arm ring the bell for ten minutes. Remember, any Member who is seated at the gallery cannot sign for the day. If you are at the gallery there you are not in the Assembly. Please take note of that.

*(The quorum bell was rung)*

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Good afternoon Hon. Members. Please put off your phones. Hon. Members,

#### FUNDING OF THE COUNTY ASSEMBLY FINANCE CASH FLOWS.

Hon. Members I have the following communication to make. Hon. Members as you are aware the Public Finance Management Act 2012 provides that the County Assembly Service Board shall prepare through the Clerk of the County Assembly the budget of the County Assembly and submit to the County Assembly for approval. As such the 2015/16 budget for the Nairobi City County was passed on 25<sup>th</sup> June, 2015 and the County Assembly was allocated a sum of 1.696 billion made up from 1.122 billion recurrent expenditure transferred to the County Assembly cash at Ksh. 316 million and capital development of Ksh. 144 million.

Hon. Members, the Speaker wishes to bring to the attention of the Assembly the issue of erratic funding of the County Assembly by the Executive through the National Treasury through circular number 14 of 2015 provided for modalities for funding of the County Governments. At the beginning of this year a consultative meeting was held between the County Treasury and representatives from the County Assembly regarding the same modalities for financing. On 15<sup>th</sup> August, 2015 the Clerk of the County Assembly held a meeting with the County Executive Committee Member of Finance and Economic Planning which a framework for cash flow disbursement was agreed upon.

Hon. Members the same was communicated to the Assembly vide a letter dated 15<sup>th</sup> August, 2015. Further, an agreement was reached that the CEC Finance and Economic Planning remit the sum of Ksh. 150m per month to cater for the Assembly's recurrent costs. The disbursements for the months of January, February and March were to be increased in the light of the rise of collection usually experienced with the first quarter of the calendar year.

Hon. Members, the County Treasury had honored the said agreements all along. In line with the agreement the County Assembly requested the County Treasury to increase the remittance amount for February, March purposely to cater for development expenditure and more so the most important, gratuity for the Members.

The County Assembly forwarded a request for 250 million as the budget for Members' gratuity and chamber works which was however reduced by the County Treasurer by 112 million. No assurance was given on when the amount will be paid. The same concern was communicated to the CEC Finance and Economic Planning vide a letter dated 9<sup>th</sup> March 2015. The matter was subsequently discussed by the Service Board during a sitting on 10<sup>th</sup> March 2016. The product of the said meeting was instructions to the Speaker to write to the Governor purposely to seek his intervention with a view to securing funding for the gratuity of Members with the Commission on Revenue Allocation as provided that it pays in advance to Members when leaving the Assembly for the coming general elections.

Hon. Members, no response had been received from the Governor or the County Treasury on the fate of the cash. You will recall that for three years now the County Assembly has experienced erratic disbursement by the County Treasury. This has often forced the Assembly to scale down its operations and developments.

It is time this matter is settled once and for all and the best to achieve it is through honest discussions of the County Treasury and willingness to (*Inaudible*) the County Assembly or not. As we wait for the response from the County Treasurer, I direct that all business from the County Treasurer not to be transacted on the floor of this Assembly until all the dues to the County Assembly are paid and a written undertaking by the CEC Finance and Economic Planning to stop treating the County Assembly in such a manner.

*(Applause)*

**Hon. Speaker:** Therefore Hon. Members, all deliberations by all Committees by the CFSP are forthwith suspended until this matter is settled. It is so directed, I thank you.

## NOTICES OF MOTION

**Hon. Speaker:** The Hon. K'Otieno.

**Hon. Member for Sarang'ombe Ward** (Mr. Pius Otieno): Well Mr. Speaker, I want to acknowledge that I am not giving a Notice of Motion though I am somehow late in what I want to say. I just want to echo your sentiments and the position that you've just given on the suspension of matters that are affecting the Executive. The issues that you've read in the communication that you've given are serious and touch on the core of our lives and why we are here. At the end of the day ...

**Hon. K'Otieno:** ...We also want to leave this House with our heads high and our shoulders tall. We cannot leave this place in shambles especially for people like K'Otieno who will not run around the corridor. That gratuity is what I will rightfully call mine. If it is a matter of even suspending the CFSP and any other business that comes from the Executive, so be it. That should be part of civil disobedience that this House is going to advance so that even the CEC for Finance should know that whatever he is trying to sabotage, is core of our lives.

Mr. Speaker, probably, two weeks ago, we were called for a breakfast meeting with the same Executive and even the Governor gave an undertaking that the issue of gratuity is of serious importance that we need the commitment from the Governor himself, leave alone Mwakanongo. The Governor should give an Executive order instructing Mwakanongo that he pays an upfront. What is Kshs.122 million for 127 Hon. Members? It is just a drop of water in the ocean. If it calls for disobedience, then let us disobey and everything to come to a standstill. Immediately they wire this money, then we pick the business from there. Thank you, Mr. Speaker for your communication.

*(Applause)*

**Hon. Speaker:** Next business.

## NOTICE OF MOTION

**Hon. Speaker:** Hon. Imwatok Peter.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker, I would wish to place before this Assembly two notices of Motion. If you allow me, I will continue.

**Hon. Speaker:** **Hon. Speaker:** Very well, Hon. Imwatok.

## RECRUITMENT ON TEMPORARY BASIS OF ADDITIONAL HEALTHCARE PROFESSIONALS

**Hon. Peter Imwatok:** Mr. Speaker, THAT, aware that Article 43 (1) of the Constitution provides that every person has a right to the highest attainable standard of health which includes the right to

healthcare services including reproductive healthcare; deeply concerned that attainment over foregoing objective remains a challenge given the dire shortage of health workers within the County; noting that the County has adequate trained health professionals who are currently out of employment, and whose services can help fill the gap in provision of healthcare; this Assembly urges the County Executive to:

- i. Set aside a specific budget on the annual 2016/2017 budget for the recruitment on temporary basis of additional healthcare and professionals
- ii. Work in partnership with the relevant medical training institutions such as KMTC and University of Nairobi medical graduates who are currently out of employment for the said recruitment.

#### FRAMEWORK FOR THE EMPLOYMENT OF CASUAL LABOURERS FOR THE PURPOSE OF COLLECTION AND PROPER DISPOSAL OF GARBAGE

Notice of Motion No. 2, Mr. Speaker.

THAT, aware that the youth employment remains a major challenge for both the County and National Governments; deeply concerned that the Nairobi City County has the highest number of unemployed urban youth leading to rise in insecurity and other vices from the lack of economic opportunities for the youth; noting that the City has the potential to provide employment opportunities for the youth in environment and garbage management sectors if well leveraged; recognizing that unplanned waste dumping and blockage of drainage systems can be cured by providing a formalized well-structured casual labour and employment activities for thousands of youth across the City within their areas of habitation for purposes of waste collection and disposal; observing that foregoing arrangement has the potential to provide a clean living environment for all residents as well create sustainable livelihoods for the youth; this Assembly urges the County Executive to explore modalities for creating a framework for the employment of 1,000 strong casual labourers positions spread across all Wards for the purpose of collection and proper disposal of garbage across the City. I beg to lay the two Motions before the Assembly

**Hon. Speaker:** Very well, Hon. Imwatak.

**Hon. Peter Imwatak:** Mr. Speaker, before I sit, I wish to ask you indulgence. I want to invoke Standing Order No. 80 on a very pertinent issue that is affecting the County currently; the destruction of trees along Nairobi. If you go to Ngong Road, all the trees have been cut by advertising agencies. If you go to Jogoo Road, all the big indigenous trees of this City are being felled paving way for billboards. This is a concern as Assembly.

Mr. Speaker, you can give directions on that, maybe we can come up with a substantive Motion to discuss these advertisement agencies which are destroying our ecosystem for purpose of economic gain. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Imwatak, you can bring a Motion of Adjournment tomorrow and discuss and discuss that. I think you are right; it is a terrible thing going around. Thank you.

## STATEMENTS

**Hon. Speaker:** Hon. Shadrack Juma.

**Hon. Member for Baba Dogo Ward** (Mr. Shadrack Juma): Hon. Speaker, pursuant to Standing Order 41 (2), I wish to request for a Statement from the Chairperson of Sectoral Committee on Water and Sanitation regarding the delay in connection of sewer lines and water pipes networks in Mikigeini and Lonry Estates in Baba Dogo Ward.

Hon. Speaker, there has been an outcry from residents of Mikigeini and Lonry Estates in Baba Dogo Ward who continue to experience difficulty in accessing water as they connect plastic pipes to the main pipes which pose a health risk when the plastic pipes burst and mix with sewer.

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

- i. Reasons for the delay by Nairobi Water and Sewerage Company in connection of sewer lines and pipes in the said estates
- ii. Measures taken by the County Executive to ensure smooth operations and maintenance of pipe networks and sewerage infrastructure within the County.

Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Chairperson Water and Sanitation.

**Hon. Member for Mugumoini Ward** (Mr. Alex Ouda): Thank you, Mr. Speaker. I would require two weeks from now.

**Hon. Speaker:** Take note of that, Hon. Juma. Two weeks, and if the report doesn't come, we will know our next move.

Hon. George Ochola, Hospital Ward.

**Hon. Member for Hospital Ward** (Mr. George Ochola): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2), I wish to request for a Statement from the Chairperson of Sectoral Committee on Labour and Social Services regarding the shortage of ambulance drivers within the County.

Hon. Speaker, there has been an outcry from patients in County hospitals who have experienced difficulties in accessing the ambulances as only one driver is employed to serve in each Ward hence leading to the patients making their own arrangements to get to the referred hospitals.

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

- i. Why there is a delay by the County Public Service Board in deploying more ambulance drivers
- ii. Measures being taken by the County Executive to ensure the Nairobi residents receive quality ambulance services.

Thank you.

**Hon. Speaker:** The Hon. Chairperson, Labour and Social Services?

*(No response)*

Where is the Liaison Chairman?

**Hon Member for Dandora Area 1** (Mr. Peter Wanyoike): Sorry Mr. Speaker, you can give the Committee two weeks

**Hon. Speaker:** Very well chairperson, two weeks.

Hon. Members the following responses to statements:

1. Hon. Rachael Kamweru to the chairperson Sectoral Committee on Housing regarding renewal of leases issued by defunct Nairobi City council. Hon chairperson?

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you Mr. Speaker, response to statement requested by Hon. Rachel Kamweru, MCA and Member of planning Committee.

Mr. Speaker sir on Wednesday 17<sup>th</sup> February 2016 Hon. Rachael Kamweru, MCA pursuant to Standing Order 41(2)(c) requested the chairperson of Planning and Housing for a statement regarding the renewal of lease issued by defunct Nairobi City council. She further asked the chairperson to inquire into and report on:

1. Challenges impeding the renewal of leases that were issued under Nairobi City council
2. Whether there are any renewal that are going on
3. What policies have been put in place on lease renewal by the County Executive

Mr. Speaker sir, the Committee wrote to the County executive Committee Member responsible for urban planning on 18<sup>th</sup> February 2016 requesting to be furnished with a written response to the statement requested by the Member. The Chief Officer, Lands responded vide letter ref VAL/198/SG/1/92/NNI/IGM dated 25<sup>th</sup> February 2016.

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

1. Challenges impending the renewal of lease that were issued under the Nairobi City council

Mr. Speaker sir the Chief Officer, Lands, informed the Committee that prior to the advent of County Government, preparation, extension and renewal of lease was done through different City Council

Committee system. The recommendation would be presented before the general purpose Committee then the Finance Committee and later to the then Full Council Committee meeting. However since the introduction of the County Government there has been a vacuum, this therefore pose a chance to the renewal of leases.

2. Whether there are any renewal that are ongoing

Mr. Speaker sir arising from the response by the Chief Officer, Lands, it is clear that there is ongoing renewal of leases since there is no mechanism by which renewal can be done. However, the said Chief Officer during a meeting with the Committee on 4<sup>th</sup> March 2016 assured that the land whose lease is to be renewed by the County Government is safe and there should be no cause of alarm since the owners of the land shall be given priority during the renewal.

3. What policies have been put in place on lease renewal by the County executive

Mr. Speaker sir, the Committee was informed that the Land and Urban Planning Sector has come up with a draft policy on sub lease preparation, extension and renewal and it is intended to be tabled before the County Executive Committee meeting for approval. The policy is prepared in line with the constitution of Kenya as well as with other national legislation dealing with land matters and professions. Once approved the policy will address the challenges facing lease extension and renewal.

Mr. Speaker the Committee shall request the Executive to mover with speed and finalize the policy, in addition the Committee shall request the Executive to forward the policy to the Assembly for scrutiny before it becomes operational in Accordance with Article 185 (3) of the Constitution.

Mr. Speaker a copy of the response of the Executive has been attached herewith for response. Thank you I beg to lay the response.

**Hon. Speaker:** Very well, Hon. Rachel Kamweru?

**Hon. Maxwell Ochar:** Mr. Speaker Hon. Rachael Kamweru has talked to me that she has left and appointed Hon...this beautiful lady on her behalf.

**Hon. Janet Kimondo** (Nominated Member): Thank you Mr. Speaker, the statement is OK but the status quo should remain on those that are holding the leases right now until the policy is ready, thank you.

**Hon. Speaker:** Very well, take note of that Hon. Chairperson.

*(Point of Order)*

**Hon. Speaker:** Point of Order on what, Hon Jack?

**Hon. Member for Githurai Ward** (Hon. Jackson Ngare): This is a bit personal that is why am quoting Order 80.

**Hon. Speaker:** Hon. Jack Standing Order 80: *Personal Statements - by the indulgence of the County Assembly, a Member may explain matters of a personal nature although there is no question before the County Assembly, but such matter may not be debated.* So it is of personal nature?

**Hon. Jackson Ngare:** Yeah it is personal because one it concerns me as a person, it also concerns Members of this Assembly and Nairobi in general

**Hon. Speaker:** Order Jack, personal matter! You have stood on Order 80?

**Hon. Jackson Ngare:** Yeah it is personal Mr. Speaker sir, am very concerned, this matter is touching very much on me and I don't know exactly whether I myself am in the order or out of order?

**Hon. Speaker:** Go ahead

**Hon. Jackson Ngare:** When you stood Mr. Speaker to give the Communication from your Chair I got concerned it is a matter of natural reasoning and personal arrangement, organization and although I have never seen it written anywhere I found it a bit wanting when you read this statement because normally when I have a number of things to do I prioritize and when I deal with issue A and issue B,

**Hon. Member for Githurai Ward (Mr. Jackson Ngare):** ...if I cannot complete issue D, I don't go to issue E until I complete issue D.

**Hon. Speaker (Mr. Alex Ole Magelo):** Hon. Member, be specific on what you want to say.

**Hon. Jackson Ngare:** Yah. Mr. Speaker I find that you have pending statements to make in this House. One, last year you made a communication that in two weeks' time you were to give a communication about our iPads. Mr. Speaker sir, you have never come back on that. I thought of reminding you of your priorities list. So Mr. Speaker, I thought actually today you will make a communication on iPads.

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

**Hon. Jackson Ngare:** It is very personal to me and others, Mr. Speaker.

**Hon. Speaker:** So your problem is iPads?

**Hon. Jackson Ngare:** Yes iPads.

**Hon. Speaker:** I will answer you that tomorrow afternoon.



**Hon. Jackson Ngare:** Tomorrow afternoon.

**Hon. Speaker:** Yes, tomorrow afternoon and thank you for reminding me.

**Hon. Jackson Ngare:** So there will be no these papers, we shall have the iPads?

*(Laughter)*

**Hon. Speaker:** No you will get the answer about the iPads.

**Hon. Jackson Ngare:** Mr. Speaker I am talking about the iPads.

**Hon. Speaker:** Yes that is what I am talking about.

**Hon. Jackson Ngare:** Please talk about the iPads.

**Hon. Speaker:** I am saying I am going to give a report about them tomorrow 2.30 p.m.

**Hon. Jackson Ngare:** Thank you, Mr. Speaker.

**Hon. Speaker:** Thanks.

*(Applause)*

**Hon. Speaker:** Progress? Hon. Alex Otieno. Hon. Members, statement by Hon. Kenneth Irungu from the Chairperson of Trade, Tourism and Co-operatives regarding the existence of a cartel of people which is in cahoots with the County Inspectorate officers which has allegedly demolished a fence constructed by the County government contractor who is still on the ground. Hon. Member let us first finish with the statement here.

I can't hear you properly? Can we dispose off with this one first then we come to you.

**Hon. Karen Wanjiku:** Thank you Mr. Speaker sir. The issue of the lease is very important and I wanted to give my observation. There have been unscrupulous business people going around, and because they know the leases are almost over, they saying that they are renewing and extending the leases. So that is why it is very important for the residents of Nairobi to be protected from these people and Mr. Speaker sir we need to bring that policy as fast as possible. Thank you, Mr. Speaker.

**Hon. Speaker:** I think I agree with Hon. Karen Wanjiku. Hon. Chairperson, please take note of that issue of leases. Please you need to tell me why you are raising on? What are you answering and you

have got no paper--- But then I saw the alumni behind you, then I know you have everything. Then go ahead with the Irungu's statement.

**Hon. Jackline Nyangala:** Thank you Mr. Speaker, we have the response ready it was sent to the Tables office but it was not given to us. It is not ready from the Tables office but is done. We have the response, so---

**Hon. Speaker:** Is Hon. Irungu in? So can it be done tomorrow?

**Hon. Jackline Nyangala:** Yes, thank you.

**Hon. Speaker:** Alright. The Chairperson of the Sectoral Committee on Justice and Legal Affairs on Hon. Warutere's statement request.

**Hon. Jackline Nyangala:** Thank you Mr. Speaker. Mr. Speaker I am not aware of any response from the Executive, we have not been furnished with anything, so I will need your guidance on that.

**Hon. Speaker:** Hon. Warutere before I make my---

**Hon. Member for Roysambu Ward** (Peter Mureithi Warutere): Mr. Speaker you realize that as I said there must be an issue on this particular item. It has been like four weeks, no response is forthcoming. I think going forward all I need to do is a letter we suspend all lawyers doing business with this County, until further notice. That is a letter that I need to do. Further to that Mr. Speaker what I need to do is to confirm whether Hon. Elizabeth Manyala is properly dressed, Chairlady Women Caucus.

**Hon. Speaker:** Order Hon. Members! I think the Hon. Members of the County Assembly of Nairobi this afternoon are properly dressed and I keep telling you we have wonderful men and women across the Country. Order Hon. Manyala!

*(Loud consultations)*

Hon. Members according to Hon. Jackline Nyangala a Member of the Justice and Legal Committee, I have the following remarks to make. Indeed this issue of lawyers has taken another turn. Order Members! It looks like the Executive is not taking matters of this Assembly seriously. The guerrilla tactics being employed by the County Executive will not be allowed to creep on the floor of this Assembly.

Hon. Members, the Chairperson for the Justice and Legal Committee has until Wednesday 2.30 p.m. to furnish this Assembly with the required report in regards to the lawyers and monies paid to Tom Ojienda. Unless there is something that is being hidden by the Executive and I want to take this opportunity to send a warning to the County Attorney and the Legal department, furnish the Assembly with what we want and then on Wednesday if it is not there, then I will issue a directive as per the request by Hon. Warutere that we suspend all the lawyers in this County until the report is brought on the floor of this Assembly. What will the Justice and Legal department be scared of in bringing the report? Wednesday 2.30 p.m. it is so ordered.

*(Applause)*

## MOTION

**Hon. Speaker:** Hon. Alex Otieno. In future Hon. Members including you Hon. Otieno, if you put a notice when you are late we will not repeat that thing again. We have to be serious and you are a good citizen.

**Hon. Member for Mugumoini Ward (Mr. Alex Otieno):** Thank you Mr. Speaker sir. THAT, aware that the Nairobi City County has the potential to collect revenue upwards of Ksh. 4 billion per month as demonstrated by the Governor during a recent breakfast meeting with the Members of the County Assembly; noting that the Nairobi County e-payment system, the first cashless system for a County Government in Kenya, is yet to make significant impact due to manmade leakages at collection point; deeply concerned that the continued revenue leakage at various collection points is mostly through theft or inaction by County employees charged with overseeing collection at those points; recognizing that some employees within the revenue collection chain have overstayed their deployment at specific postings thus possibly building a cartel-like network that protect and promote the leakage and wastage; this Assembly urges the County Executive to transfer with immediate effect employees in the revenue collection chain

who have stayed at a posting for at least 3 years and adopt such practice going forward to prevent the formation of cartel-like revenue leakage avenue by County Government.

Mr. Speaker sir, Nairobi City County, for example, if you take parking, we have about 12000 parking slots within the Nairobi City County and the minimum payment for the parking is 200 shillings. So, if you multiply 12000 by 200, you get about 2.4 billion a month. Then come to rates. Rates generate about 4 billion a year. If you divide 4 billion by 12, that gives you about 300,000 per month. Then come to planning. Planning can generate 2 billion per year. Divide that one by 12 months. That gives you about 160. So, if you add those three items that I have sampled, you find that those ones only give you 2.8 billion a month. We have not taken into account what we generate from housing, fines and penalties.

Mr. Speaker, I was trying to give a breakdown of the 3 items that I have sampled. I have sampled parking, we have about 12000 parking slots and some are going for 200 and some 300. So, I have taken the minimum charged and that gives me 2.4 billion. Come to rates, it generates almost 5 billion a year. If you divide 5 billion a year by 12, that gives you almost 400 per month. Come to planning, it is supposed to give 3 billion a year. Divide that by 12 and it gives you almost 200,000. If you add them up, that gives you over 3 billion a month. And we have not taken into account what we generate through house rents, court fines and penalties.

So, if we actually collect all the amount that we are supposed to be collecting, we can even surpass 4 billion per month. And currently, the salary for Nairobi City County employees is about 1 billion but we collect about 1.2 billion. So, there is nothing that goes towards development and that is why the Nairobianians are crying that the County Government has done very little.

This is what I have demonstrated here. There are some employees that have overstayed. So, there is a cartel. If the County is supposed to collect 4 and we are collecting 1.2, where is this 2.8 billion going to? So, even the rotation is also important to the employees because you move from one section to the other section. For example, if you are working in accounts payable section, you can also be moved to accounts receivable. If you are within the personnel section, you can be deployed to benefits, then next time move to discipline or to assets section.

So, the rotation is also healthy to our employees and will also assist us in generating the required income so that we can develop Nairobi as required. Mr. Speaker, if you consider, right now Nairobi County cannot employ the lower cadres. Why is it? This is because the Nairobi City County does not have enough revenue to engage new employees.

The last lower cadres that were employed in the defunct City Council was 1989. So, with these rotations, one moving from point A to point B, point B to point C will assist the employee to build their cadre and also assist the Nairobi County to generate revenue and then plough some to development. With that, I now call upon Dr. Bishop Abuka to second the Motion.

**Hon. William Abuka** (Nominated Member): Hon. Speaker, I want to really thank you and with utmost respect to different faiths and religions, I would want to quote from the good book that our Lord said; “you kill the power of God and the word of God by your traditions”. While appreciating the importance of all the Motions that have passed and those which are yet to come, I would want to borrow from the animal farm that all Motions are equal but some Motions are more equal than others.

Mr. Speaker, this Motion is touching on the lifeline of this County. It is talking about money. It is talking about the economic wellbeing. It is talking about why we were elected and nominated to represent our people. The pilferages and leakages that the Hon. Alex has outlined here have been to date treated as a tradition. Some people while stationed at the various sections where they are manning revenue collection have gotten used to those sections. They have become so familiar that to them it is a tradition and a culture and touching them will invite riots on the streets.

I want to second this Motion. I wanted to hasten to say that this is the healthiest thing to do. To not only deal with the fear and suspicion that some people are collecting on behalf of others but also to generate confidence and we affirm that the Executive wing of this Government is serious about revenue collection, enhancing revenue collection and also inculcating the culture of financial discipline among its employees.

Mr. Speaker sir, there is no better time to do it than now. That is staff of the Executive wing of this County Government must realize that we have an enormous work to do and the job is to ensure that development is rolled out, payment is duly given out to those who are deserving, suppliers and contractors, and that the people who with their trust ensure that we are here now can confirm we are really up to some good for them. I want to second this Motion. Thank you Mr. Speaker.

*(Question proposed)*

**Hon. Speaker:** Hon. Members. Hon. Awino Nyangala.

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you Mr. Speaker. I stand to support. Mr. Speaker, there is a saying that says that familiarity breeds contempt. And apart from that, it goes further to corruption. Mr. Speaker, it doesn't matter how much we will go into the digital word. If we do not have people to protect the e-system, it will not work. And as Hon. Otieno has put it, our e-payment system is not achieving the objective that it was supposed to do. We were collecting more money when we were having the County parking and officers collecting money.

I know for a fact that on a Saturday I have been in town and approached one of the County employees and he said, “*Unataka kutoa pesa ngapi?*” So, the thing is that it is prudent that this thing--- Even the police officers cannot stay in one station for 10 years. So, why is it that we have people at the same place all the time? It is very prudent that this should be executed. The County should be able to rotate the employees. I support Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. Warutere?

**Hon. Member for Roysambu Ward** (Mr. Peter Warutere): Mr. Speaker, with all the best intentions at heart, I am trying to observe that we don't have a quorum in the House. This is a very important Motion. I believe we need to have a full House so that we can debate this Motion. It is the standard. Let's count and see if we have the prerequisite numbers to have this Motion go forward.

**Hon. Speaker:** Order Hon. Members, order! Serjeant-At-Arm, ring the bell for the quorum for ten minutes. Order Hon. Members! Hon. Manyala.

**Hon. Elizabeth Manyala:** Mr. Speaker, I think this House operates under rules and procedures and we have Standing Order that are guiding us and we cannot have an Hon. Member just standing up and declare that through his eyes he has counted stars and he wishes Members to adjourn and that there is lack of quorum. What Standing Order did he use?

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

**Hon. Member for Karura Ward** (Mr. Kamau Thuo): Thank you Mr. Speaker and also thank you to Hon. Manyala. My friend here was just contributing.

*(Quorum bell is rung)*

**Hon. Speaker:** Order Hon. Members! Stop that bell. Order Hon. Chief Whip, Minority!

**Hon. Kamau Thuo:** Thank you Hon. Speaker. I would want to support this particular Motion. But as much as I am supporting this particular Motion, I must point out that the problem we have in this City is not lack of resources because our people are at the grassroots, our people from the Sub-County offices, collect enough money that can sustain this City.

The problem that we have Hon. Speaker, is the usage of the monies that are collected from various collection points in this County. So, as much as we are saying that we should be transferring these guys after three years, I have issues with their bosses. As much as you are seeing this finance personnel---

**Hon. Speaker:** Order Hon. Chief Whip of Minority! You are disturbing. Do you want to be informed?

**Hon. Kamau Thuo:** On what? I am already an informed Member and you know this. Mr. Speaker, as much as we are saying that the personnel at the Ward level, at the Sub-County level should be transferred after three years, we must also do the same to the people at the finance office because I also heard Members of the County Assembly say that they would rather be messengers at the County Treasury office than being MCAs here.

So, Hon. Speaker, I would have issues with just pointing out that we only have leakages at the ground. We have the leakages all over and I would commend the Hon. Member for this Motion but we can

come with another subsequent Motion that seals all the loopholes that we have. We have seen just one loophole but we have 1001 loopholes in this County. However, in the meantime I support it fully. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. K'Otieno.

**Hon. Peter Warutere:** *(Inaudible)*

**Hon. Speaker:** Order, Hon. Warutere, Hon. K'Otieno is on the floor.

**Hon. Member for Sarang'ombe Ward** (Mr. Pius Otieno): Thank you, Mr. Speaker. I think if the Hon. Member is tired he is free to leave rather than disturb the peace of other Members. Mr. Speaker, I would actually call you to use your discretionary powers very well and I also want to appreciate the fact that familiarity breeds contempt.

Mr. Speaker, I just want to take the debate a notch higher and say that having been a student of human resources, human resource people are people who are also motivated by policy documents and legislation. It is now upon the Chairperson of Water, Hon. Alex, to sit down the Labour Committee because most of the time we say that we pass beautiful things here but they are hardly implemented by the Executive.

I am proposing this to Hon. Alex Ouda, that he inform the Head of Resource Management of the County to at least change their policy on staffing deployment and redeployment because basically that is what is missing in that HR policy. If we have a policy whereby you only work in a given department for not more than 2 or 3 years--- Hon. Warutere, I know that you graduated the other day with human resource so you understand what I am saying that there must be a policy on deployment and redeployment or even transferring of staff.

As we speak, there were Members of this County Government who were transferred from the Accounts Office and those guys are adamant, they have said that they are not moving from that department. Why are they not moving if all departments are equal?

It shows you how lucrative that department is and it shows you that probably they are used to pilferage and these small infringements that comes with this department. Therefore, if at all Alex wants to assist this County, let him sit down with the Labour Committee who should summon the HR Manager of this County Government and they come up with a policy that will show that whatever we say here is not just matters that Members are passing but we pass things that can actually stand the test of time. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Manyala.

**Hon. Member for Kayole South** (Ms. Elizabeth Manyala): Thank you, Mr. Speaker. I want to echo what Hon. K'Otieno has said. I sit on the Labour Committee and I think that the drafter of this Motion ought to have consulted the Labour Committee before coming up with this Motion and going by what he has even written here and the gaps which exist here are controls.

What is actually missing here is control because where cash is being handled you have to put controls in order to ensure that there are checks and balances in place. Even in the banks you cannot have controls over somebody who is overseeing what you are doing.

So, this is what is lacking but this can be done internally through the Labour Committee.

However, apart from that, when you decide to transfer, or what the Motion is talking about, deployment or transferring of staff every three years, I beg to disagree with that because under bureaucracy theory of Max Weber, people are usually employed as per their skills. For example, if I am an accountant and you want to deploy me to go and be an engineer, I will not be up to that task because I never learnt that.

So, deploying or transferring will not help a thing. What we want here should be controls and I would urge that this Motion be reverted back to the Labour Committee so that we ensure that either the capacity of these employees is built, we enhance them and also ensure that we put controls that ensure that there are no leakages or monies being misappropriated. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Manyala, are you supporting or opposing?

**Hon. Elizabeth Manyala:** I am opposing. Let it be done well because such a Motion cannot see the light of day.

**Hon. Speaker:** Hon. Carol Muga.

**Hon. Carol Muga** (Nominated Member): Mr. Speaker, it is unfortunate that the Member who was just here is misleading the House by saying that Motions have to pass through Committees before we bring them on the floor of the Assembly.

I think the Member is very much in order and I want to stand in support of this Motion because we know that--- A cashier is a cashier, I do not know those things of Webster, *sijui* who, those ones don't work here. What we are saying is that if you are a cashier you cannot stay at your station for too long, even in banks and it is a policy.



So, we need to have a policy that says that so that even if the employee is to ask, 'why have I been transferred', there is a policy that says that you have to be transferred in a certain period. So, Mr. Speaker, I stand here to strongly support and thank you for giving me the opportunity to contribute.

**Hon. Speaker:** Hon. Serkali.

**Hon. Member for Lucky Summer** (Mr. Kennedy Oduru): Thank you, Mr. Speaker sir. I stand to support this Motion. It is very, very important as our Members said, if we are referring to the Weber issue it is a point into working into divisional whereby our Hon. Member is talking about the engineering and whatsoever, the Weber policy allows that each interdepartmental--- If they are put together they form a common goal but here in this Motion we are only discussing a matter which is related to the Finance Department of which it is a habit that if someone sits in a certain place he or she becomes an expert.

There is a disadvantage and advantage of an expert. What we are talking about is the transfer whereby let's say if there are accountants in that department they should be transferred and not to sit in that position for so long. So that the person should not be used in that department to do some deals. What we want is transparency Mr. Speaker sir I beg to support this nice Motion.

**Hon. Speaker:** Hon. Magdalene.

**Hon. Magdalene Mbogori** (Nominated Member): Thank you Mr. Speaker sir, I stand to fully support this very Hon. Motion. In every institution having been a banker for very many years and even the tellers in a bank are rotated. There is nothing specific about sitting at that place and you are counting money and writing how much money you have deposited.

Therefore, for this to stop they have to be rotated and that what will make a sense. If we are in this County to do oversight duties properly we need to make sure that those holes that people know where to get the money from, in this County needs to be stopped.

So Mr. Speaker sir, I fully support and I sit in the Implementation Committee and if this Motion passes I will make sure it is fully implemented. Thank you. I call the mover.

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

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Mr. Speaker, I seek your directions, one when attention has been drawn---

**Hon. Speaker:** Hon. Hashim, are you supporting or opposing?

**Hon. Hashim Kamau:** First of all I am seeking your directions?

**Hon. Speaker:** On what!

**Hon. Hashim Kamau:** Under Standing Order No. 32, when attention has been drawn to you that there is not quorum what happens next?

**Hon. Speaker:** By whom!

**Hon. Hashim Kamau:** By *Mheshimiwa* Warutere!

**Hon. Speaker:** Order! Hon. Chief Whip Minority, be specific because Hon. Warutere was corrected and he never rose on any Point of Order.

**Hon. Hashim Kamau:** Okay! On a Point of Order No. 32 I am bringing to your attention that there is no quorum in regard to what Hon. Warutere said.

**Hon. Speaker:** Are you talking on behalf of Hon. Warutere or yourself?

**Hon. Karen Wanjiku (Nominated Member):** Point of Order!

**Hon. Speaker:** Yes! Hon. Karen Wanjiku!

**Hon. Karen Wanjiku:** Mr. Speaker, the Member is out of order, because we are not starting the Assembly since it is still in session Standing Order No. 32 speaks about when the Chair takes his seat. He is therefore completely out of order. Mr. Speaker, call the mover to reply. Thank you.

**Hon. Speaker:** Hon. Members, Quorum during the proceedings of the County Assembly “(1) *If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be. (2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung.*”

Now Hon. Members! Hon Hashim just stood and he didn't specifically stand on a Point of Order, he came on a direction then your direction is wrong. (*Loud Consultations*) Order Hon. Members!

Hon. Members! Standing on a Point of Order you must be specific because the Members were not specific on Orders, so we proceed. (*Loud Consultations*). Hon. Warutere you are out of the point when arguing with the Speaker, Yes Hon. Mumo and welcome back.

**Hon. Leah Mumo (Nonimated Member):** Thank you, Hon. Speaker, I am happy to see you.

**Hon. Speaker:** Thank you.

**Hon. Leah Mumo:** I want to rise on a Point of Order No. 32 to make you aware that this is a very important Motion and we all need the Members of this Assembly to be there, so that we can move it. Kindly I want to inform you, that there is no quorum.

**Hon. Speaker:** Clerk ascertain if there is a quorum. Okay! The bell to be rung for 10 minutes, then I give directions!

*(Quorum bell ringing for 10 minutes)*

**Hon. Speaker:** Very well Hon. Members, quorum during the proceedings of the County Assembly

*“32(1) if at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be. (2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the eight minutes- (a) if the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting without question put;”*

### **ADJOURNMENT**

Hon. Members! There being no quorum the Assembly be Adjourned until tomorrow 2.30 p.m. and tomorrow the mover of the Motion will reply, further to that Motion No.9 of the Public Account Committee shall appear on the order paper on Tuesday next week at 2.30 p.m. Thank you.

*(House rose at 4.00 p.m.)*