



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 18th October, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the Chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members attention of the Chair has been raised that there is lack of quorum in the House. I so direct the Sergeant-At-Arm to ring bell under Standing Order 31 (2) for 10 minutes.

(Quorum bell rang)

Hon. Members we have the quorum in the House and we now may proceed.

PAPERS

Hon. Majority Leader (Mr. Elias Otieno): Thank you Mr. Speaker, I think you must be attentive when am laying this paper: Pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today Tuesday 18th October 2016, the Nairobi City County Budget Review and Outlook Paper 2016. Mr. Speaker as I lay the paper I know I will come back again to table the name of Karen Wanjiku to the Speaker's Panel and I beg all Members to pass that name without any hindrance, thank you.

Hon. Deputy Speaker: Thank you Hon. Majority Leader, we expect the Nairobi City County Bursary Funds Regulation Chairperson, Early Childhood Committee...



Hon. Karen Wanjiku (Nominated Member): Mr. Speaker I beg to lay the following paper: Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Tuesday 18th October 2016 the Public Finance Management-Nairobi City County Bursary Regulation 2016.

Hon. Deputy Speaker: Thank you and I do commit the paper laid to the Delegated Legislation Committee, thank you. Report of the Select Committee on consideration of Nairobi City County Animal Control and Abattoirs Management Bill 2016. The Chair of Agriculture, Environment and Natural Resources?

Hon. Zulfa Mohammed (Nominated Member): Thank you Mr. Speaker. Pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today Tuesday 18th October 2016, report of the Sectoral Committee on Agriculture, Environment and Natural Resources on the consideration of the Nairobi City County Animal Control and Abattoirs Management Bill 2016, thank you.

STATEMENTS

Hon. Deputy Speaker: Under statements the following responses should be issued: statement requested by Hon. Pius Mbono from the Chairperson on Sectoral Committee on Planning and Housing regarding land occupied by Kenya Power and Lighting Company at Roysambu. The statement requested by Hon. Pius Mwaura from the Chairperson of Sectoral Committee on Transport, Roads and Public Works regarding relocation of matatu terminus behind Kenya National Archives along Tom Mboya street and statement requested by Alexander Mulatya from the Chairperson Sectoral Committee on Finance, Budget and Appropriation regarding the assignment of Equity loan of Ksh. 5 billion to Kenya Commercial Bank. Statement requested by Hon. Elkana Mauti from the Chairperson of Select Committee on Ward Development Fund regarding the operationalization of Ward Development Fund account. The various Chairs, who is ready?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Hon. Speaker, this is a statement requested by Hon. Pius Mbono, I don't know whether he is in the House but am ready. Can I proceed?

Hon. Deputy Speaker: You may proceed.

Mr. Maxwell Ochar: Hon. Speaker on Thursday 26th July 2016 Hon. Pius Mbono, MCA pursuant to Standing Order 41(2) c requested the Chairperson of Planning and Housing for a statement regarding land occupied by Kenya Power and Lighting Company at Roysambu sub station. Hon. Speaker he further asked the Chairperson to inquire into and report on:

- I. Whether Kenya Power and Lighting company owns the parcel of land LR 9344 and LR 8625
- II. How was the land allocated to Kenya Power and Lighting company

- III. Measures being taken by the County Executive to recover the public land for public utility development.

The Committee wrote to the County Executive Committee Member responsible for Urban Planning on 29th July 2016 requesting to be furnished with a written response to the statement by the Hon. Member. The officer responsible vide the letter VAL/883/SG/1/92/LLI/LGM dated 29th July, in this regard I wish to respond to the Assembly as follows:

That report on the parcel land LR 9344, LR9345 and LR 8625, the Committee was informed that LR9344 measuring 6.14 acres or 2.4848 hectares was acquired by East Africa Power and Lighting Company Limited of P.O. Box 30089 Nairobi from Power Properties limited in September 1958. Similarly the said Company acquired land LR 8625 measuring 6.00 acres or 2.428 hectares from DG industrial in July 1956. In addition LR 9345 was subdivided into two parcels to give us LR 9345/2 measuring 9.06 acres or 3.66 hectares and transferred to East Africa Power and Lighting Company on 23rd June 1966.

The Chief Officer, Lands, further stated that the three parcels of land were never allocated to the predecessor of Kenya Power and Lighting Company limited. By that the Company purchased them from the aforementioned parties. Copy of response from the Executive has been attached herewith for reference. I beg to lay this response on the table of the House today.

Hon. Deputy Speaker: Thank you Maxwell. Hon. Pius Mbono

Hon. Member for Zimmerman ward (Mr. Pius Mbono): Mr. Speaker I agree with this report, in fact I did some private research to ascertain the ownership of the three parcels of land and in fact I have the facts now in this report. Sometime back there was a group of people that inhabited that area before the KPLC put a perimeter wall. There were so many questions regarding the ownership of that big parcel of land and now that I have this report I will be able to give the feedback to this group and that matter will be settled. I agree.

Hon. Deputy Speaker: Thank you Hon. Member. Hon. Michael Ogada, you have response?

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you Mr. Speaker I have response for Hon. Mulatya. As a Committee we have been looking for Mulatya for the last two weeks and we have not been able to get him so I managed to find him today, I gave him the report of which we have agreed with him that he is going to go through today and then we can respond to it tomorrow.

Hon. Deputy Speaker: That is in order Hon. Chairperson. Do we have Chairperson for Transport and Public Works?

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir, on Tuesday 26th July 2016 Hon. Pius Mwaura Mbono, MCA rose on floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of Transport, Roads and Public Works Committee for a statement regarding reallocation of matatu terminus behind Kenya National Archives along Tom Mboya

street. According to the Member the terminus had encroached the area causing security threat to the Archives and users since anyone has access to the environment. The Member further asked the Chairperson to inquire and report on:

- I. The reasons as to why Tuk Tuk operators are allowed to operate outside this National Monument
- II. Why well demarcated parking areas have been given to NNK Shuttle Bus next to the National Archives.
- iii. The Governor's directives on matatu terminus and operations in Central Business District (give clarifications of the same) and
- iv. Measures being taken by the County Executive to ensure there is security to the National Archives as a National Archival Depository

Mr. Speaker, the Committee wrote a letter to the Chief Officer Transport, Roads and Public Works and copied to the Executive Committee Member (CECM) for Transport, Roads and Public works and the Ag. County Secretary on 27th July, 2016 where the contents of the request were outlined. Further, the County Executive Committee Member for Transport delivered a written response to the Committee on a letter dated 11th August, 2016.

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

1. Reasons as to why Tuk Tuk Operators are allowed to operate outside this National Monument

No Public Transport Vehicles including the Tuk Tuk have any authority to operate at the National Archives (formally commercial stage). The National Archives redesigned their entrance to remove the place where matatus used to stop and block their access. The vehicles are therefore operating from there illegally and are subject to prosecution. The matter should be referred to Compliance, Security and Disaster Management for advice.

2. Why well demarcated parking areas have been given to NNK shuttle bus company next to the National Archive

No Public Transport Company has been allocated any rights to operate a matatu stage next to the National Archives. Those operating from there are doing so illegally.

3. The Governor's directives on matatu termini and operations in Central Business District (give clarifications of the same)

The Governor directed that matatus should not enter the CBD and the process has delayed due to non-completion of termini outside the CBD where they were to be relocated. The sector has however fast-tracked the completion of the stalled terminus projects so that matatus are relocated. The status of the termini is as follows:-

- The Murang'a road terminus project and Ngara Road projects have been terminated and the County has moved in to finish the works
- Park road terminus is nearing completion and;
- Desai service road is also substantially complete
- Once these termini are complete there shall be space to relocate the matatus out of CBD

4. Measures being taken by the County Executive to ensure there is security to the National Archives as a National Archival Depository.

The County allowed the installation of a barrier to ensure that only authorized vehicles access the Archives.

Mr. Speaker sir, I beg to table this response. Thank you sir.

Hon. Deputy Speaker: Thank you Hon. Chairperson for Transport. Hon. Pius.

Hon. Pius Mbono: Mr. Speaker. I do not agree with this response. This is because I think that the response was hurriedly made or written by the Executive without going to the ground to do fact findings. The matatus are operating within this area. The Tuk Tuks Mr. Speaker have blocked the entire entrance to the National Archives and I think that somebody in City Hall is trying to sabotage this. The Matatus and Tuk Tuks are there and if you can happen to pass there Mr. Speaker, there are some City Askaris who just stand there and I think they solicit cash from these people.

Mr. Speaker to support this I have a letter from the Ministry of Sports, Culture and Arts. They requested some intervention from the Office of the Governor on 30th March, 2016 and made the same complain. If you can allow me Mr. Speaker. I can read part of this letter. It reads 'now the MKN Matatu Sacco's want to create a parking bay in front of our doors overlooking Tom Mboya Street. It is important to stress that the doors facing Tom Mboya Street are used to bring in and move records. Besides, it can be very unsafe if the matatus start parking at the Kenya National Archives both in front and behind. Mr. Speaker, the leadership of the Archives are now frustrated and I have this letter and my argument is that these people---

Hon. Deputy Speaker: Intervention kindly. The Clerk has brought to the attention of the Chair that they do not have a copy of what you are reading and so they are not able to verify the information as contained in what you are reading.

Hon. Pius Mbono: Do I ---

Hon. Deputy Speaker: Please table so that we can give you an opportunity to raise the same issue maybe tomorrow.

Hon. Pius Mbono: Thanks Mr. Speaker.

Hon. Deputy Speaker: Okay. Thank you. I can see several requests here. Is it that you have dialed by mistake or? Order Chairman! What is the matter?

Hon. Kennedy Oduru: Hon. Speaker sir. Besides the fact that he did not table the document to the Committee, there is a point where he stated that the Tuk Tuk's are still there. The issue that he raised was why the Tuk Tuk operators are allowed to operate outside the National Archives---

Hon. Deputy Speaker: Order Hon. Chairman! The Member was ready and so kindly give him time and we will allocate time for you as well tomorrow. Thank you.

Hon. Kennedy Oduru: Thank you Hon. Speaker sir.

Hon. Deputy Speaker: Can we move on?

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker. On Thursday 29th September 2016, Hon. Elkana Mauti, MCA pursuant to standing order 41 (2) (c), requested the Chairperson of the Select Committee on Wards Development Fund for a statement regarding the operationalization of the Wards Development Fund account.

The Member asserted that pursuant to section 15 of the Wards Development Fund Act 2014, the County Executive Committee Member for Finance and Economic Planning opened an account for Wards Development Fund kitty. However, it is not clear whether the said account is operational or not and who are its signatories.

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

- i. Confirm the signatories of the account
- ii. Amount deposited to the said account up to date, to provide the latest bank statements in the last six months and;
- iii. Status of the payments to the contractors who had completed Wards Development fund projects


Mr. Speaker sir, the Committee wrote to the County Chief Officer Roads, Transport and Public Works on 6th September, 2016 requesting to be furnished with a written response to the statement requested by the Hon. Elkana Mauti. In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;

I hope that the Hon. Member is in the House Mr. Speaker.

THAT

A. ON THE OPERATIONALIZATION OF THE WARD DEVELOPMENT ACCOUNT

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



Mr. Speaker, the County Executive Committee Member for Finance and Economic Planning responded via letter reference NCC/F&EP/GSM/367/2016 dated 13th October 2016 informing the Committee as follows;

i. Confirmation of the signatories of WDF

The County Executive Committee Member for Finance and Economic Planning via letter Ref CFO/LMG/1906/2016/E dated 14th September, 2016 requested the Central Bank of Kenya to open a WDF account. The Central Bank of Kenya opened a Ward Development Fund Account No. 1000309741 and communicated to the County Executive via letter CBK/BD/KRS/PMG/16 of 19th September, 2016. To fully operationalize this account, we are in the process of filling the electronic mandate forms for the signatories. This process is expected to be completed by 21st October, 2016.

ii. Amounts deposited in the bank

As stated in (i) the above the account will be fully operational once all the processes required by the Central Bank of Kenya are completed.

iii. Status of payments to contractors of WDF projects

To date the total contracts awarded for all WDF projects is Ksh. 909,370,133 to date. Out of the contract awarded only Ksh. 313, 060,771 has been certified for payment and the amount paid is Ksh. 8,608,054. The County has been experiencing cash flow challenges in the first quarter of the FY 2016/2017 due to cyclical nature of our major revenue streams like rates, Business permits and therefore affecting payments to all contractors. The situation is expected to improve in the second half of 2016/2017.

Mr. Speaker, copies of the response from the County Chief Officer Roads, Transport and Public Works have been attached herewith for reference. Thank you.

Hon. Deputy Speaker: Thank you Chair. The Member who requested for the statement. Hon. Elkana Mauti.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker. I am very much worried because the Committee is relying on the letter which they were given. They have not done their own scrutiny to come up with a clear report. They have just given me what they have been given from the Executive and they haven't given me what they refer to as attached. If you have a report that is attached and I am not having a copy of the same then where do I lie? How do I believe that what you are telling this Assembly is correct?

Secondly, I requested for the statement and Mr. Speaker they have stated clearly that they have opened an account. So how do you open an account without signatories? This is a lie and I would like to

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

know from the Committee how they opened they account minus the signatories and so what account is that? We requested for the statement as clearly stated and the award was Ksh. 313 million. I did not request to be told how much money was allocated or what the value of the project was. My question was how many contractors have been paid upto now. Have the processed certificates been paid? They have no answer.

Mr. Speaker, I think what I requested for is very imperative to this Assembly. I disagree with this Committee and I want them to come back with a clear report. This is because they even do not know the question I asked about getting a report on the contractors that have been paid. I meant listing them one by one and not telling us---

Hon. Deputy Speaker: Order Hon. Elkana! Kindly go to the last paragraph on the status of payments to contractors. It is very clear that the Ward Development Fund Projects were awarded to the tune of Ksh. 908 million and that the money which has been satisfied by the contractors is Ksh. 313 million but what has been paid out is only Ksh. 8 million.

Hon. Elkana Mauti: Mr. Speaker sir, my question was on knowing the contractors who have been paid and not by word of mouth. What is the evidence to show that these people have been paid? There is none!

Hon. Deputy Speaker: This 8 million?

Hon. Elkana Mauti: Yes. Who are these people that have been paid? *Hewa!*

Hon. Deputy Speaker: Thank you. Hon. Members I think we need your input before *Mheshimiwa* Gari responds. Kindly give Members an opportunity to contribute on this. Thank you.

Hon. Patrick Ngaruiya: Thank you Mr. Speaker for giving me this opportunity to add on what has been said. Mr. Speaker I agree with the Member who had requested for that statement. If I can remember very well, the said statement has taken more than six months for him to be served with a response. The Chairman of this particular Committee---

Hon. Deputy Speaker: Order Hon. Member! I think you are misleading the House.

Hon. Patrick Ngaruiya: I am not Chairman

Hon. Deputy Speaker: The issue of six months is not---

Hon. Patrick Ngaruiya: Actually it is more than six months.

Hon. Deputy Speaker: Proceed!

Hon. Ngaruiya Chege: Thank you. Mr. Speaker I can recall very well that we were in the previous Assembly when this particular statement was requested and the Chairman is not very serious with his work. He is part of us and he is not supposed to rely on information that has come from the other side of the

Executive and believe it is the truth without doing a thorough investigation to it. Because whatever he has read and whatever we are hearing from outside is totally different.

Mr. Speaker this particular statement is not on our---the Member who had requested, we are sailing in the same boat. The statement requested affects the Nairobians. These are contractor s they were given jobs, some of the projects have even stalled and what I have listened he Chairman say that out of the 331 million, only 8 million has been paid. The amount of money that the contract was awarded was more than 900 million and the budget for those projects was more than 1.2 billion.

So Mr. Speaker we can see that there are a lot of disparities when it comes to that particular statement. Today in the morning I was with the CEC Roads and Public Works, Mr. Speaker and he was telling me that how are you going to help me so that this Particular account is going to be opened and money put and then the contactors are paid. So the Chairman is not serious when he reads a statement which is not complete, he needs to come here and tell us that the account has been opened, it has got this amount and we are rolling out this project. From his information Mr. Speaker, I am seeing that we are also going to wait for another six months before money is going to be put in that particular account that has got no signatories.

In fact there was also a meeting with the Implementation Committee, where even the CEC Finance promised that they are going to remit money in that account, all that is not forthcoming. Chairman you are part of us, be serious with what you are doing and be serious when you are responding questions in this House because this is affecting you and affecting us also. Thank you.

Hon. Deputy Speaker: Thank you. Osman Adow your mike is on.

Hon. Member for Eastleigh North Ward (Hon. Osman Adow): Thank you, Mr. Speaker. Most of the stuff that I wanted to say has been said by the Minority Leader. But what I wanted to add is that the Committee is served and they were told that the account has been opened and it has no signatories, it doesn't actually make sense. I would like to have such an account myself if they can direct me to that bank. Thank you.

Hon. Deputy Speaker: Thank you Hon. Member, kindly switch off your mike.

Hon. Chief Whip of the Majority (Mr. David Mberia): Thank you Mr. Speaker for the opportunity. I think Mr. Speaker the Chairman of this particular Committee is not serious. This matter concerns the 85 elected Members of this House and it must accorded the maximum response it requires. The money which was allocated for projects in the WDF must be deposited in that account. Out of the 85 Wards, which contractor was paid the 8 million and for what job Mr. Speaker sir? I think the committee must com clearly or else what we are going to do next is to ensure that the contractors in our Wards if they complete their projects, we compile the list and bring it to this committee for payment. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. I think Hon. Chairman the Members are not in agreement at all that the response you have given out is substantive. So maybe you make a comment or you defend your position before the House makes a ruling on it.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker. I think we are all elected 85 Members and I am one of them. If there is a serious matter like this and then a person can say that I am not serious, I wonder why. I am very serious with this Ward Development Fund thing. The first one is about the account. Mr. Speaker in the previous years, we had issues with the Comptroller of Budget and I think it is 2 about months ago when the Comptroller of Budget gave us an Okay to open the account. And if you read this thing Mr. Speaker, this process is supposed to be completed by 21st of October, we will have the signatories of that account. I don't know if Elkana Mauti understands English or French. It is very clear---

Hon. Deputy Speaker: Order member! Can you withdraw such kind of reckless statements?

Hon. Maurice Gari: Mr. Speaker I withdraw that but the account is due by 21st of October 2016. We will have the signatories, and we will have the account opened. Mr. Speaker I think you know the nature of this seat, it is not the first time. We are trying to push the Executive to our level. Some of the contracts have been awarded and others are lagging behind.

Hon. Deputy Speaker: Hon. Gari, are you and your Committee satisfied with the process?

Hon. Maurice Gari: Of Elkana Mauti's request we were satisfied because he asked about the bank account, the people who have been paid and it is written down here that is what we got from the Executive. Mr. Speaker there are some of the documents which I cannot access, they must bring us the documents and that is---

Hon. Deputy Speaker: What the House is asking is that are you in concurrence with the findings or the response from the Executive.

Hon. Maurice Gari: Elkana Mauti's request, this one I am satisfied and we are waiting for---

Hon. Deputy Speaker: Hon. Chairman it is not limited to the request by the Hon. Member, it is about the Ward Development issue. Are you okay as the Chairman of the Committee?

Hon. Maurice Gari: We understand that all the processes have some problems. But in particular the statement which was requested by Hon. Elkana Mauti, I think it is written down and it is in order. But we have problems with what--Mr. Speaker and everyone knows that. That is why we wanted to meet them in the Implementation Committee so that we can bulldoze them on everything that we want, Mr. Speaker.

Hon. Deputy Speaker: Declined. Hon. Members I think the Assembly will make at least a resolution out of this and the communication will be out in the next sitting that should be tomorrow. Let us

go and find out and then we will give the way forward on this issue of Ward Development Fund. Next. Which Committee is that? Which is that Jackie?

Hon. Jackline Nyangala (Nominated Member): I have two personal statements that were approved. Shall I go ahead?

Hon. Deputy Speaker: Which one? You may proceed.

Hon. Jackline Nyangala: Mr. Speaker it has come to my attention on national television on a report that is being done by the Mombasa County Assembly on the impurities found on Dasani water. It is my request that the County Assembly administration through the Procurement Department stop the supply of Dasani bottled water and replace it with another one until maybe the Water Committee declares that it doesn't have impurities. I think everybody has seen that. *(Applause)* Or Health I don't know whatever. I need your help.

Hon. Deputy Speaker: That is Committee on Health.

Hon. Jackline Nyangala: So?


Hon. Deputy Speaker: Proceed with the one.

Hon. Jackline Nyangala: Mr. Speaker the new Nairobi County Assembly Chambers this building, with all due respect and we give credit where it is due. I don't know how much it cost. But Mr. Speaker this Assembly is very beautiful, it is better than most National Assemblies of other countries in Africa. Whatever amount it cost is not in my knowledge but the inside of this House is nice looking, gives a professional and dignity to the House and the Honourable Members that sit in it and gives the dignity and importance to everything that is debated in this House. However, Mr. Speaker I wanted to give suggestions to be considered on the challenges of getting in and out of the sitting place. I don't know if it can be redone or something can be done. I am wondering how the big people sit and get out of this place, it is a little bit restrictive. But it is very beautiful like I said.

The entrance to the respectable House is also giving a very professional look and a respectable sense of the building. I would also suggest that the main entrance of this House should only be used by the Hon. Members because we have had many guests come in and they just run out. So if we can control the movement from the main entrance and the staff already have their main entrance, it would be good. I would urge the administration to regulate the visitors that enter through the main door and separate the visitors' entrance from the Hon. Members and the staff too. Thank you.

Hon. Deputy Speaker: Thank you Hon. Jackie for the observation and complements to the County Assembly Service Board indeed they have done a wonderful and a commendable job. Thank you. I hope they will take up the issue with the sitting maybe to adjust a bit for people who have extra *(laughs)* let me not go there because the Majority Leader is waiting for what next. I am going to *(laughs)*..... Can we proceed? Indeed Jackie what you have raised is a pertinent issue because I can see the Majority Leader is

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



straining a lot on how to adjust. You are comfortable? Are you sure Majority Leader? *(Laughs)* Okay, can we proceed Clerk?

PROCEDURAL MOTION

Hon. Majority Leader (Mr. Elias Otieno): That pursuant to provision of Standing Order No. 22, this Assembly approves the appointment of Hon. Karen Wanjiku, MCA to the Speaker's Panel. Mr. Speaker, I think that almost everybody in this House know how Karen Wanjiku is very active in Standing Orders, so I call upon members of this House not politicize to it but to approve Hon. Karen Wanjiku to sit in the Speaker's Panel and also it is credit to the so called nominated one. Because--- Okay I don't know whether they are called Special Elect, because they are nominated. So it is a plus to the nominated for being one of the nominated ones to come and sit in the Speaker's Panel and I will not swallow that pride because I know all of you in the near future, because we want to cut the cost, you people are not going to get these positions again. The wage bill is too big in this country. Imagine 40 and above Members who are just getting salary without sweating, Mr. Speaker.

Hon. Deputy Speaker: Order!

Hon. Majority Leader: Thank you Mr. Speaker. I call upon---

Hon. Deputy Speaker: Order!

Hon. Majority Leader: ...the Deputy Minority to come and second the Motion.

Hon. Ngaruiya Chege: Thank you, Mr. Speaker. I rise to second this Motion and I want to tell the Majority Leader that these Special Elect do not get their salary for free, they are not idle. They represent the women and the youth of this country.

(Applause)

So Mr. Speaker that is why they have one of their own who came and even she beat all the odds, even all of us who came here in March and she has tried to quote all those Standing Orders and the Constitution and that is why the leadership of this House has realized that this particular Member in the name of Karen Wanjiku is fit to be in that position. Mr. Speaker when you were away last week on Thursday, she sat on that seat, Mr. Speaker and she had not been briefed. Mr. Speaker let me tell you she controlled this House and the House was in order and everybody respected her orders. I think she is capable, I think she has all it takes. I even heard some Members say, let me sit down because if Madam Speaker sees me, she might chase me for a whole month. Mr. Speaker we are seeing a person who has all the qualities and I want also to thank the House for finding it good that even the Special Elect can be recognized specially.

(Applause)

Hon. Ngaruiya: (Applause)

Also I want to say that even there are so many seats that are being held here, like the Majority Leader's office, Minority Leader's office, the Speaker's and the Chairman we are all leaders and I think also everybody in this House is a leader, is it. We should also encourage rotational leadership so even tomorrow somebody else can even sit to be the Chairman of Health Committee and even in the other committees Mr. Speaker.

Hon. Deputy Speaker: Hon. Manoah you need to understand, your Standing Order well. You cannot rise on a Point of Order when a Member is seconding a Motion. Thank you

Hon. Patrick Ngaruiya: So Mr. Speaker, thank you.

Hon. Deputy Speaker: Thank you. Switch off your phone.

Hon. Patrick Ngaruiya: I second.

Hon. Deputy Speaker: Hon. Members, before I propose the procedural Motion, I must apologies on behalf of this Assembly and the leadership that the Hon. Karen, did preside over the Assembly on Thursday as a designated Member of the Speaker's Panel without your approval. We are very sorry for that but I think you will bear with us. Thank you.

(Question Proposed)

Hon. Caroline Muga (Nominated Member): Thank you Mr. Speaker for giving me the opportunity to support this Motion and today the Deputy Minority Leader has really spoken and as I support this Motion I just want to concur with the sentiments that Hon. Wanjiku has really displayed her mastery of the Standing Orders and in the Constitution and so this is one position that is well deserved that I don't think anyone would want to oppose it. So I stand here to support this Motion and congratulate my fellow nominated Member Karen Wanjiku Thank you.

Hon. Tabitha Juma (Nominated Member): Mr. Speaker I thank you for this opportunity, I also stand to support this Motion in support of Karen being nominated to sit in Speaker's Panel and like all my colleagues have said Karen has shown a great mastery of the Standing Orders and the Constitution and she is always persistence and never gives up no matter what other thinks and that is what we call leadership, whether people agree with you or not. If you know what you stand for, you stand for it and you speak for it and I am again in support.

Hon. Member for Umoja 11 Ward (Mr. Kingsley Odida): Thank you Mr. Speaker I really stand on the floor of this House and in need when I stand there must be something...

Hon. Deputy Speaker: Do you think that is an achievement, Hon. Kingsley?

(Laughter)

Hon. Kingsley Odida: To some it could be, silence does not mean anything Mr. Speaker and we are many of us indeed so when I stand there must be something good to that. Secondly Mr. Speaker I stand to congratulate my sister and a fellow Member of Education Committee Hon. Wanjiku. From what other Speakers who have spoken before me I would like to say Mr. Speaker all the attributes that she brings to the Speaker's Panel can be summarized in a few words. I think she optimizes the woman who is focused and she is hard working and I know she will perform well.

Mr. Speaker, what other speakers have said her mastery in the Standing Order and all the Acts that comes with the County Government I think she is doing so well and even she has set the bar too high for most of the Members who sit in this Hon. House. Mine is to congratulate her and to wish her well. Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Thank you. Your microphone is on Hon. Member.

Hon. Leah Mumo (Nominated Member): Thank you, Hon. Speaker and I stand to support fully being one of our own that is a major step and I want to tell Hon. Karen the sky is not the limit. I can see Hon. Karen going far because every time most of the Members who are always in the Assembly, Hon. Karen must be there. Secondly you can never guard Hon. Karen because she always stands on her right. She always knows what she always talk about, and I want to tell her it is an advantage for her being a Member for Health Committee, we are lucky to have too speakers, Hon. Nyangwara and Hon. Hon. Karen Wanjiku so I think that I am in the right Committee and am happy. So I fully support.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir, I stand to support the appointment of our sister. This been integral part of the Constitution so it means we are embracing the Constitution. Congratulation my sister, all what we have been lacking is a normal contributor since she is a good debater and I really like when she sit where she is because she is a good debater, but the end of everything is being a head of us and it is something which is in the Constitution. So Kudos for those people who have thought it wise to appoint her to that position, that means that now we are going to have two ladies in the Speaker's Panel we are making progress. Thank you, Hon. Speaker sir.

Hon. Magdalene Mbogori (Nominated Member): Thank you Mr. Speaker, for this opportunity because I want to take it to congratulate Hon. Karen, this is one of the position that is very well deserved and also given on merit and I hope all other positions in this Assembly can be awarded on merit because this Assembly has very capable women. Thank you, Mr. Speaker.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker and allow me also to support this procedural Motion brought in by the Majority Leader, indeed Mr. Speaker, I would like to thank Majority Leader for having settled on Karen Wanjiku because of her position as far as debate in this House is concerned. It is not just a matter of choosing somebody but I think the Leader of Majority was lead my wisdom to settle on her because in most cases, some of the Members we have in the

Speaker's Panel rarely come in the Assembly, but you will find Hon. Githaiga in the Assembly and this is what it might have lead the Majority Leader to settle her. So Mr. Speaker, I support this Motion. Thank you.

Hon. Member for Woodley Ward (Mr. David Njoroge): Thank you very much Mr. Speaker sir, for giving me this opportunity and allow me to oppose the Motion, with the reason that have been given by the Members, that Hon. Karen has been rewarded just because of understanding Standing Order. I think all the Hon. Members who are in this House are guided by Standing Orders and they understand it and that is not enough reason for rewarding Hon. Karen.

Another thing Mr. Speaker, I want to say is that the person who was in that position is a victim of circumstances. Mr. Speaker sir, Hon. Millicent, was doing very well but, because she signed certain Motion to impeach the Speaker.....

Hon. Deputy Speaker: Order! Hon. Njoroge, Order! Maybe you are misleading the House. You cannot mention the name of the Speaker without a substantive Motion. Can you withdraw that, you are not allowed because it is an allegation. Hon. Njoroge it is a prerogative of the Speaker, to appoint any Member in the Speaker's Panel so it is within the powers of the Speaker to appoint any Member whether it is derived from what that is not your business. The Speaker has appointed Hon. Karen to sit in the Speaker's panel.

Hon. David Kairu: For that reason I shall give it tomorrow and I will give the reasons why and what I saw in the House. Thank you very much.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Thank you Mr. Speaker, and in support of this Motion I will not forget to tell the Special Elect that the spirit of having them was to elevate the spirit of ladies in the political arena. Today Mr. Speaker, the Nairobi City County Assembly has elevated the Special Elect to the highest point. And now to the Special Elect you have reached the apex of this triangle. So there is no where you can go, unless you go back for positions.

Hon. Deputy Speaker: Order! Order! (*Laughing*) Hon. Member can you withdraw that because it is abet weird and it is... Order Hon. Member! Don't look upon the Nominated Members in this Assembly.

Hon. Jackson Ngare: Mr. Speaker am not belittling them and they have not complained. They have understood it....

Hon. Deputy Speaker: Order! Hon. Member, please! Don't look down upon Members. Thank you.

Hon. Jackson Ngare: Mr. Speaker I withdraw.

Hon. Deputy Speaker: Hon. Zulfa!

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker sir, I will start by congratulating my sister and colleague Hon. Karen Githaiga Wanjiku and not forgetting to congratulate the leadership of

this Assembly who saw in their own wisdom to appoint Hon. Karen Githaiga. We all agree Mr. Speaker as the way all the others have said that she is one of the most well deserved Member to hold that position. It has been a struggle for the Special Elect and I think today the history of the Nairobi Assembly will be written in golden letters.

It is one of the few Counties that have actually elevated Special Elect to that noble seat and I want to encourage the leadership together with the Membership of this House to hold our hands as the Special Elect. We have been cooperative enough and I want to thank you and the leadership of this House as the Vice Chair of the Caucus that this is indeed a special day for the Special Elect Mr. Speaker. Moving forward if there are any vacancies in any Committees I appeal again to the leadership of the Assembly to consider at least this last lap of this House, so that we are able to cooperate in one House and family. Thank you and I finish by congratulating Hon. Karen again. Thank you.

Hon. Deputy Speaker: The Mover to reply!

Hon. Elias Otieno: I want to reply and before I do that I want to remind Hon. Leah Mumo that Nyangwara is no longer in Health Committee, he was removed because he was poached from Cord to the other side of Jubilee and also I think you will accept my letter because also am going to give another Special Elect that position of Hon. Nyangwara because there is no way that I will allow Jubilee to sit in Speaker's Panel three of them against one Cord Member so I am going to handle it.

When I table it, I don't want people to vote because that is Cord side and it is the appointing authority to give but also let us give Njoroge. There is no way if you sign Impeachment Motion to remove me from the office and expect to sit with me in the same office again. You should not come here to defend somebody who wants to impeach people we are here to stay my friend.

This behavior you are just taking around you should stop it, because we mean business now and Hon. Karen I want to wish you good luck and you are going to perform and on his side we shall give it on merit not to those people who are coming in the Assembly so that the Speaker can see them and you expect them to be Chairs of the Committees because they are Special Elect. Even now you can just count them here. Where are they? We are giving the competent people even though you are a Special Elect, on that side Hon Karen Wanjiku is always in the House and on this side I know it's only that I don't want to mention the names.

So if I give someone don't come to ask me, why I decided to give so and so. I don't like it and I don't do it like that. I don't want anybody to direct me on what to do. So Hon. Karen Wanjiku I know you are not going to set me, in future because you are going to sit in that seat. I know you people one day you will say "Majority Leader out" I thank you all and I call upon the Nominated once again you should do a party for your own.....

Hon. Majority Leader: Have a get together with her because it is not easy.

(Loud consultations)

Hon. Deputy Speaker: Order Members!

Hon. Majority Leader: The one who is going to sponsor is none other than Nominated Member not somebody like me. I cannot remove even a single cent to give you yet you are getting free salary.

Hon. Deputy Speaker: Order, Hon. Member!

(Question put and agreed to)

Hon. Deputy Speaker: Order! Serjeant-At-Arm, please can you close that door! You are very unlucky, come and sit.

MOTION

Hon. Jacqueline Nyangala: Point of Order, Mr. Speaker.

Hon. Deputy Speaker: Hon. Jacqueline Nyangala.

Hon. Jacqueline Nyangala: Mr. Speaker, Motion No. 9, the whole Committee of Labour is not in. is it in order for us to debate what they brought yet they are not here? Can we defer it, may be?

Hon. Deputy Speaker: Thank you, Hon. Jacqueline. I think this was brought to the attention of the Chair that the Committee on Labour is out in Mombasa. Actually, they are sitting as Assembly as well, so they are not with us here. This will mean we will have to defer this Motion to next week when the Committee will be in the House. Thank you. Can we go to the next order?

MOTION

Hon. Deputy Speaker: Hon. Members, on Motion No.10, it is resumption of debate which was interrupted due to lack of quorum in the House. So, we will pick it up from where we left. The Motion had already been moved and seconded, so can we proceed.

Sorry, the Motion which was interrupted was Motion No. 9 which we have deferred. Motion No. 10 is a fresh Motion. Can we get the mover of Motion No. 10? Chair of Finance.

REPORT ON THE ANNUAL DEVELOPMENT PLANS FOR THE FYS 2016-17 AND 2017-18

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. I beg to ask this Assembly to adopt the report on Select Committee on Finance, Budget and Appropriations on the Annual Development Plans for the FYs 2016-17 and 2017-18

Mr. Speaker sir, the initial step in any budget calendar is to put in place plans that enumerate the intended lines of action.

Hon. Deputy Speaker: Order, Hon. Chairman, can you move the Motion first then you build it.

Hon. Michael Ogada: Mr. Speaker that is what I am doing.

Hon. Deputy Speaker: But what I am saying, Mr. Chairman, you move first then you go to the Motion.

Hon. Michael Ogada: Mr. Speaker sir, I beg to move--- and that is what I did. I beg to move that this County Assembly adopts the report on Select Committee on Finance, Budget and Appropriations on the Annual Development Plans for the FYs 2016-17 and 2017-18.

Hon. Deputy Speaker: Thank you.

Hon. Michael Ogada: Mr. Speaker sir, the initial step in any budget calendar is to put in place plans that enumerate the intended lines of action. Once in every five years, the County Government is required to prepare a County Integrated Development Plan which amalgamates all manner of development initiatives being undertaken by all actors in the County over that duration. An Annual Development Plan (ADP) is an extract of the County Integrated Development Plan and a document that is meant to help the County implement the County's Master Plan.

Mr. Speaker sir, as we said during the consideration of the ADP for the FY 2015/16, an annual plan is a blueprint that brings together the policy formulators and implementers with an aim of having a predictable and organized way of rolling out development projects in the County. In the process of either preparing or implementing any plan, the contributions of the elected representatives, the development partners, Non-Governmental Organizations, the general public and the County Executive cannot be gainsaid.

In fact the provisions of Section 102 of the County Governments Act 2012 dictate that the County Integrated Development Plan (CIDP) from which the Annual Development Plans are extracted should at the very least endeavor to integrate the national values in all processes; protect and integrate rights and interests of minorities and marginalized groups; protect and develop natural resources in a manner that aligns National and County government policies; align County financial and institutional resources to agreed policy objectives and programs; engender effective resource mobilization for sustainable development; promote the pursuit of equity in resource mobilization within the County; provide a platform for unifying planning, budgeting, financing, program implementation and performance review as well provide a basis for engagement between County government and the citizenry, other stakeholders and interested groups.

The Finance Committee last year commended the Finance and Economic Planning Sector for the measures which it had put in place to safeguard our financial resources. One of these measures was the introduction of electronic payments systems which were meant to limit human errors associated with money contact and financial discretion. The Committee notes that despite the good intentions of some of these

initiatives they are yet to deliver us to the Promised Land. The challenges which have faced one of the electronic payment methods, Jambo pay, are well documented and don't need to be restated here. For example, the Committee learnt during these deliberations that despite the increase of parking fees by over 100% in 2013, the revenue from the Parking stream had only increased by about 1%. It is therefore conclusive to report that the increase in parking fees has not achieved its twin intentions of increasing revenue injections or decongesting the City.

The Committee urges the Sector to relook at the contract agreements for the e-payments to ensure that the County does not remain the ultimate loser. The Committee still regrets to report that the revenue collection potential of the County has been limited by revenue officers who lack integrity. The Committee has urged the Finance Sector to see to it that the challenges which have faced revenue collection are addressed hastily.

Mr. Speaker sir, as we have said before, this County and more so its elected officials will be judged on how well they have been able to either implement or influence development across the County. In this regard therefore, the scorecard of this County is dependent on the work of the Public Works, Roads and Transport Sector. Members may recall that in the budget estimates for the current financial year, we had approved for the Sector to implement road maintenance projects across the 85 Wards at a cost of Ksh.5 million per Ward. The Committee urges the Sector to quickly roll up it sleeves and start implementing these projects as well as all the roll over projects that had been approved for finalization.

In the ADP for the FY 2017/18, the Sector anticipates to among others undertake public lighting across the Wards at a cost of Ksh.7.2 million per Ward as well as put up traffic signals across all major City roads. Thus, the Committee notes are good plans that if implemented would be beneficial to the County residents. However, the Committee noted that the Plan had not documented the planned development projects for the Ward Development Fund. Also more alarming was that some projects had not been earmarked for development in the coming financial year. The Committee believes that the only purpose of the WDF would be to ensure equitable distribution of projects across the Wards. The Committee would hence be recommending that the WDF projects be included in the ADP for the FY 2017/18.

Mr. Speaker sir, the Finance Committee during the consideration of the ADPs for the FY 2016/17 and 2017/18 was at pains to quantify the progress of the Physical Planning, Lands and Housing Sector. In the ADP for the FY 2015/16, the Sector had planned to improve the condition of the 16,829 council housing units by making them more secure and habitable. The Sector had further planned to reactivate the AD-manager to enhance service delivery and bolster revenue collection. The Committee notes that both of these were good initiatives that if implemented would have a positive effect of improving our revenue resources. Despite this positive outlook, the Sector had been slow in implementing the approved projects. The Committee is therefore doubtful whether the Sector would be able to roll out any anticipated projects for the FY 2017/18.

(Hon. Deputy Speaker leaves the Chair; Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku) takes the Chair

Madam Speaker, one of the Sectors that consist of many sub-units is the Office of the Governor and the success of its functions would have a positive effect on the service delivery function of the County Government. In the financial year 2017/18 the Office has planned to reroof City Hall at a cost of Ksh. 24 million. The Committee is of the view that this is not a priority for the County and need not be budgeted for in the coming financial year (s). The Committee would hence be keen in the coming financial year to ensure that only priority projects which have direct impact on City residents get funding going forward.

Further, the Committee notes that Legal Department has allocated Ksh.40million for decentralization of City Court, a matter that is also budgeted for in the current financial year. The Committee notes that this is a progressive move by the department to ensure efficient decentralization of justice. The Committee was particularly excited with the plan for the ICT Sector to roll out an Integrated Revenue Management System. Whereas the Committee notes that the anticipated cost of over Ksh.1billion is exorbitant, it recognizes that if fully funded through donor engagements, it would help improve our annual revenue injections.

Madam Speaker, it does not need a County-wide survey to determine that the biggest problem facing the City is how to contain the garbage generated on a daily basis.

Hon. Michael Ogada: Madam Speaker, the Finance Committee has time and again called upon the Agriculture Sector to show outputs for its projects to ensure that the County receives value for its money. During the review of the ADP for the FY 2017/18, the Committee noted that among others, the Sector anticipates to install sewer and water tanks, set up poultry units in the seventeen Sub-Counties as well as establish fish ponds across the County.

It is important to remind Members that among others in the FY 2015/16, the Sector had anticipated to engage itself in promotion of agricultural technologies to support crop, livestock and fisheries through the urban agriculture programs as well as tapping in to the products from neighboring Counties by promoting food processing technologies.

The Committee noted that the Sector had taken too long to establish fish ponds across the Wards as well setting up of greenhouses despite the same being key to the rolling out of urban agriculture. The Committee therefore urges the Sector to be diligent in the implementation of its programmes.

Committee's Recommendations

In addition to the recommendations already contained in the body of this report, Madam Speaker, and pursuant to the provisions of Section 126 (3) of the PFM Act, 2012 the Committee recommends that this County Assembly resolves as follows:

- i. That the ADPs be amended by deleting all projects that have either been completed or are past their intended completion dates;
- ii. That the ADP be amended to include the development projects for the County Assembly as attached;
- iii. That all the amounts allocated for development programmes in the ADP for the FY 2016/17 should be amended to ensure they are consistent with the figures approved in the budget estimates for the FY 2016/17;
- iv. That the ADP for the FY 2017/18 should be amended by adjusting the timelines of projects implementation to be as per the realistic completion dates;
- v. That the ADPs be amended to include details of how the County is responding to changes in economic and financial environment; and
- vi. That the ADP for the FY 2017/18 be amended to include the Wards Development Fund Projects for the coming financial year.

Madam Speaker, in conclusion and pursuant to the provisions of Section 126 (3) of the Public Finance Management Act 2012 the County Budget and Appropriations Committee recommends that: "This County Assembly adopts the Report of the Finance, Budget and Appropriations Committee on the Annual Development Plans for the FYs 2016-17 and 2017-18.

I beg to Move and Request Hon. George to second.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Madam Spaker. I stand to second. I think the ADP has come at the right time. One thing you know very well is that for you to work effectively in any budgeting you must plan. Your plan will entail what you intend to do with what you have, that is in terms of revenue. If you go to the ADP, actually it mirrors what is in vision 2030. It is only that this is a one year plan. For us to grow, develop and change effectively we must plan for all this to be achievable.

If you look at what the ADP is talking about, we did give timelines for all the projects that we intend to do and how they will be rolled out depending on what kind of revenue we have. This will give checks and balances even to the Executive side. We carried out thorough scrutiny on things that we find are not crucial to the Wanjiku outside here but factored in things which can bring development and change that the *wananchi* want and have been waiting for. In my opinion this is the best document and I'll call upon this House to adopt it without alteration because this is what is going to give guidelines on how we are going to undertake our services and duties as far as the change we want. Thank you Madam Speaker.

(Question proposed)

Hon. Jackline Nyangala: Madam Speaker, thank you. Congratulations, I didn't have the time to do that. I stand here to support. However, I'd just like the Budget Committee to look at--- something that

caught my eye, the ICT 1 billion. I know that the World Bank was funding this project for 2 million dollars so if they can just go back and check that out but I support, thank you.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Madam Speaker and once more congratulations for you being on that seat. Looking at the recommendations of this Budget and Appropriation Committee, it's a very good plan. We want to approve this plan. Let this plan not be on paper, these plans which have been approved after the Committee of Budget took time to do. Let this not be like what I heard the other day about water which was being taken from some parts of the Country and making other parts to dry up because of a plan which was passed without doing risk assessment. This will be done during the time we will be in elections. Let this same plan pass through very tough public participation so that it cannot be like the 6.4 billion project which was commissioned in secrecy. I beg to support.

Hon. Temporary Deputy Speaker: I call upon the mover to reply.

Hon. Michael Ogada: Thank you Madam Speaker and thank you Hon. Members for taking the shortest time to look at a very bulky document. That is a document for 2 financial years. This is a confirmation of the confidence that you have in the Committee. Once a Committee has gone through a document you really must support it because you have got confidence in us. The other thing is that the Hon. Member has just spoken about ICT. According to the report we got is that we are supposed to give something which we gave as a County then maybe the money is going to be given in tranches but for this coming financial year it is going to be funded to a tune of 1 billion. The other billion maybe is going to be in the other financial year. That is a good challenge. We are going to pick on it and then we maybe reporting back. Otherwise, thank you very much Members for supporting this document.

(Question put and agreed to)

MOTION

Hon. Temporary Deputy Speaker: Chairperson Sectoral Committee on Justice and Legal Affairs.

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Madam Speaker, I beg to move the following Motion; THAT, this Assembly approves the report of the Sectoral Committee on Justice and Legal Affairs on the vetting of the nominees for the County Policing Authority, laid on the table of the Assembly on Tuesday 27th September, 2016.

Pursuant to our mandate, some names were forwarded to the Committee through the Hon. Speaker's office and these were our findings and I'll go to the findings straight.

Mr. Speaker sir, the Committee's findings on each of the officers was as follows;-

Mr. Peter Mutuku Mutua – Business sector category;

- a) The nominee met the required academic qualification as per the advert;
- b) The nominee had the required experience and skills for the work; and,
- c) The nominee had the statutory requirements and was cleared by the relevant bodies.

Ms. Anastasia S. Mutuku – Women category;

Upon the Committee recommendation for further examination of Ms. Anastacia Mutuku KCSE certificate, a communication was made vide letter ref: NCCA/J&LA/COR/07/2016 dated 24th March 2016 addressed to the Chief Executive Officer, Kenya National Examination Council requesting for confirmation of the nominee's results.

The Committee was furnished with a written response from the Kenya National Examination Council vide letter ref: KNEC/CONF/RQ&A/ARCH/FORG/22/16/422 dated 30th March 2016.

The Committee findings was as follows, that;-

- i. The KCSE examination certificate for Mrs. Anastacia S. Mutuku was obtained from a forged document;
- ii. Mrs. Anastacia S. Mutuku did NOT register NOR sat for the year 1990 KCSE examination at Kambu Secondary School under index number 30177017; and,
- iii. The Code 30177 does NOT exist in the KNEC database for the year 1990KCSE examination results records. The Code for Kambu Secondary School during the year 1990 KCSE examination was 31113 and NOT 30177.

Dr. Mercy Njeri Osando – Persons with special needs category.

Upon further examination,

- a) The nominee had outstanding academic qualifications;
- b) The nominee had the required experience and skills for the work; and,
- c) The nominee had the statutory requirements and had been cleared by the relevant bodies.

Mr. Ismael Ibrahim Khalif – Youth Category

Following the Committee recommendation for verification of the applicant's KCPE results, a communication was made to the Chief Executive Officer, Kenya National Examination Council vide letter ref: NCCA/J&LA/COR/09/2016 dated 31st March 2016 requesting for the confirmation of the nominee results. Further, a second communication was also made to the Head Teacher, Light Academy – Nairobi Boys Secondary, Karen seeking confirmation of the nominee's results.

The Committee was furnished with a written response from the Chief Executive Officer, KNEC vide letter ref: KNEC/GEN/ARCH/ST/KCPE/16/006/012/009 dated 5th April 2016 confirming the results of Ismail I. Khalif to be GENUINE.

Further, the Committee also received a letter from the Head Teacher, Light Academy – Nairobi Boys Secondary, Karen vide letter dated 12th April 2016 stating as follows, that:-

- i. Mr. Ismail Ibrahim Khalif was a student at Light Academy;
- ii. The aforementioned was a hardworking and a friendly student; and that,
- iii. The results obtained in his IGCSE academic certificate were of TRUE records.

Mr. Gore Mohamed – Community Based Organization category; and,

Upon further examination, the Committee recommended for verification of the applicant's KCE results, hence a communication was made to the Chief Executive Officer, Kenya National Examination Council vide letter ref: NCCA/J&LA/COR/08/2016 dated 31st March 2016 requesting for the confirmation of the nominee results.

The Committee was furnished with a written response from the Chief Executive Officer, KNEC vide letter ref: KNEC/GEN/ARCH/ST/KCE/16/011/001/056 dated 21st April 2016 confirming the results of Ismail I. Khalif to be GENUINE.

The nominee had the required experience for the work and had the statutory requirements and cleared by the relevant bodies.

Mr. Patrick Lumumba Olali – Religious category.

Upon the Committee recommendation for further examination of the KCE certificate, a communication was made vide letter ref: NCCA/J&LA/COR/08/2016 dated 31st March 2016, addressed to the Principal Examination Secretary for confirmation of the nominee's results.

The Committee was furnished with a written response from the Kenya National Examination Council vide letter ref: KNEC/CONF/RQ&A/ARCH/FORG/22/16/426 dated 5th April 2016 stating as follows, that;-

- iv. The KCSE examination certificate for Mr. Patrick Lumumba Olali was obtained from a forged document;
- v. Mr. Patrick Lumumba Olali did NOT register NOR sat for the year 1980 KCE examination at Bar-Kowino Secondary School under index number 61002038; and,
- vi. The centre by the name Bar -Kowino Secondary School Code 61002 does NOT exist in the KNEC database for the year 1980 KCE examination.

Madam Speaker, following the conclusion of the vetting exercise, the Committee urges the County Assembly to resolve as follows;

THAT;-

- i. Having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 179(2)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Committee recommends that the County Assembly approves;
 - a) Mr. Peter Mutuku Mutua – Business sector category,
 - b) Dr. Mercy Njeri Osando – Persons with special needs category,
 - c) Mr. Ismael Ibrahim Khalif – Youth Category, and
 - d) Mr. Gore Mohamed – Community Based Organization category for appointment as members of the Nairobi City County Policing Authority;
- ii. Pursuant to Section 41 (1) (c) of the National Police Service Act, 2011, the Committee recommends the nomination of;
 - a) Hon. Elias Otieno, MCA (Majority Leader); and,
 - b) Hon. Abdi I. Hassan, MCA (Minority Leader) to the membership of the County Policing Authority herein.
- iii. The County Assembly REJECT the nominations of Mr. Patrick Lumumba Olali – Religious category and Ms. Anastasia S. Mutuku – Women category for the Nairobi City County Policing Authority due to forgery;
- iv. The County Executive terminate any association or working relations that involve compensation through public coffers with Mr. Patrick Lumumba Olali and Ms. Anastasia S. Mutuku forthwith;

- v. The County Public Service Board takes full responsibility for not conducting the minimum due diligence required before clearing nominees for consideration and appointment and that they be sanctioned in case of any future recurrence;

And Madam Speaker, at this point, I would like this message to go to the County Public Service Board that they should not take the County Assembly as a rubber stamp. We did our job and we found that they had failed miserably and they were trying to pass their failure to us which we discovered in time.

- vi. The County Public Service Board should consider establishing systems that will assist in verification of certificates and other testimonials submitted by applicants in any employment; and,
- vii. The County Executive move with speed to ensure that the remaining number of nominees required to complete the membership of the County Policing Authority be recruited in order to comply with the law, and that further the two (2) rejected nominees be replaced.

And I hereby request my deputy, Hon. Ogeto to second this Motion. Thank you.

Hon. Moses Ogeto: Thank you Madam Speaker. I second.

(Question proposed)

Hon. Leah Mumo: Thank you Madam Speaker. I stand to fully support because it was long overdue and it is a good move and I really support it.

Hon. Jaqueline Nyangala: Thank you Madam Speaker. I stand here to support. I am in the Justice Committee. We took a very long time. We looked at everybody. We vetted and spoke to everybody and we found it fit to approve the said people the Chairman named. And again, just to reiterate, the Public Service Board should be more careful and more diligent when they are doing their interviews. Thank you.

Hon. Peter Warutere: Thank you Madam Speaker for allowing me to voice my concern and support the Motion by Hon. Jaffer Kassim and his Committee for doing a very good job. My take on the same is that time has come for us to set institutions and to establish institutions that can work for the benefit of *Wanjiku* down there. I take note of the facts like professional affiliations, qualifications, knowledge of the subject, experience and much more has been taken into consideration in ensuring that suitable people are nominated to the County Policing Authority.

Lastly, I take cognizant of the fact that both Majority and Minority Leaders have been included in the same authority thus making the work of this Assembly much easier for all of us. And it is for that I support this Motion.



Hon. George Ochola: Thank you Madam Speaker. As much as my colleagues have supported the Motion, I want to thank the Justice and Legal Committee for at least in this one, nobody was favored in regards to the tribe or ethnicity. Madam Speaker, the other time when the Public Service Board was doing recruitments some slipped to employment without good qualifications or required merits. But this one, Madam Speaker, I was really waiting to hear whether they will pass it blanket or they will interrogate it and bring what they think would bring good service to the people. I want to thank them because of disqualifying those who don't fit and qualifying those who meet the requirements. Thank you.

Hon. Hashim Kamau: Thank you Madam Speaker. I know it has taken a long time, from March to now, but that notwithstanding I stand to support and say that these are people that are suitable for this position. But Madam Speaker, there is one issue. Somebody who was seconded on religious category to produce forged documents and the recommendation of the Committee is just to terminate the association with that person, that is to be lenient. I was of the suggestion that in fact the person should be arrested. The recommendation should be that the person should be arrested and arraigned in court.

Secondly, there were names that were mentioned. The name of the Leader of Majority and the Minority Leader. I don't know if they were vetted but I know that they were elected by the two coalitions. So, I know they are suitable for that position. Madam Speaker, I support the Motion.

Hon. Pius Otieno: Thank you Madam Speaker. I take this chance to congratulate you as the only steadfast man from jubilee who was worthy to get that seat. I know when I refer you as a man, I mean what I say and I say what I mean. Secondly, Madam Speaker, allow me to thank the Justice and Legal Affairs Committee for the good work that they have done in so far as this Motion is concerned. Issues of security are very serious and we cannot relegate them to back banner. Madam Speaker, if you look at the current state of affairs in this County in terms of security, we are seriously lagging behind. Something needs to be done urgently. I would urge this Committee to have a meeting and investigate into the conduct, the working environment of those employees who work in the Inspectorate Department. This is one of the worst department that I have seen or met within this County that does or carries out its operation as if they are not answerable or accountable to anyone.

Madam Speaker, if you see how these people manhandle hawkers. I speak about hawkers with a lot of passion whether they are Luos or not. They are Kenyans whom I think I represent. These people are manhandled, mishandled, their rights trampled upon. Some of them have kids and these people, without shame, or without a single decorum---

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

Hon. Moses Ogeto: Thank you Madam Speaker. What I would wish my colleague Hon. K'Otieno that let him be within the context of the Motion. I would wish he finishes so that you call the mover to reply. Thank you.

Hon. Pius Otieno: Madam Speaker, I am within the confines of this Motion because County Policing Authority will be dealing with matters on security and the Inspectorate fall under the armpits of County security. I don't know how I might come down to that level where the Hon. Member might understand but I believe whatever I was trying to transact or prosecute--- the Inspectorate manhandles hawkers and that is an issue of security. If people will one day rise in big numbers, bring demonstration to the CBD I am sure even this government, whether national or county, shall be paralyzed and those are issues of security. Security is not just a question of somebody coming in and breaking into your house or robbing you your phone. There is an aspect of biological security. Those are matters of security. Issues of hawkers are of security. Poor environment is of security. Let us not have that limited scope of security.

Madam Speaker, I want to end by saying, those two persons, the Majority Leader and the Minority Leader, who have been given that opportunity to sit in that particular Board, I would urge them that it not about our interest but about the interest of those Nairobians who may not find an opportunity to come and transact business in this House. Have a meeting with those hawkers and just see what we can do once and for all so that even if we shall have to be controlling them but we do that with a lot of humanity. Those people are being handled very badly and sometimes if you take your time and sit at the statue of Tom Mboya, you will come to see the evil that exist within Nairobi County or that Inspectorate Department. Thank you and I beg to support.

Hon. Temporary Speaker: I call the mover to reply.

Hon. Jaffer Kassim: Thank you Madam Speaker. I wish to thank the Members for considering this report and debating on it. Two things I wish to add. I think this message goes to the Governor, His Excellency, that the law says that the appointment should go with the number of Sub-Counties and unfortunately we have only seven, I hope when he gets our report he will look at how to increase the numbers accordingly. Secondly, the hawkers' issue is a City Inspectorate issue and it is an enforcement issue. It has nothing to do with the policing. The County Policing Authority is appointed by the National Police Service Act and will be looking at general security, *Nyumba Kumi* issues and other security issues. Maybe a complaint can be taken to them but as far as the County is concerned, the enforcement of the laws of the County is done by the Inspectorate. With that, I thank you Madam Speaker and wish you all the best. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: The House stands adjourned until tomorrow 2:30 p.m. House Business Committee to meet at the rise of the House. Thank you.

(House rose at 4:50 p.m.)

