



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Tuesday 25<sup>th</sup> 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 the attention of the Chair has been raised that there is a lack of quorum in the House. I direct the Serjeant-At-Arms to ring the bell under Standing Order Number 31(b).

*(Quorum bell is rung)*

**Hon. Deputy Speaker:** Order Hon. Members! We may proceed.

### PAPERS

**Hon. Deputy Speaker:** The report of the Committee on Health Services onsite inspection visit to Eastleigh Health Centre. Do we have the Chairperson of Health in the House? Is Hon. Manoah in the House? The Chairperson for Health Committee. Kindly make a request. You are standing in for Hon. Manoah?

**Hon. Karen Wanjiku** (Nominated Member): Pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today Tuesday 25<sup>th</sup> October, 2016. Report of the Sectoral Committee on Health Services onsite inspection visit to Eastleigh Health Centre. I beg to lay.

**Hon. Deputy Speaker:** Thank you.

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## NOTICE OF MOTION

**Hon. Deputy Speaker:** Hon. Karen you can proceed.

**Hon. Karen Wanjiku:** Hon. Speaker, I beg to give the following notice of Motion. THAT, this Assembly adopts the report of the Sectoral Committee of Health Services onsite inspection visit to Eastleigh Health Centre laid on the table of the Assembly today Tuesday 25<sup>th</sup> October, 2016.

**Hon. Deputy Speaker:** Thank you.

## STATEMENTS

**Hon. Member for Karura Ward (Mr. Thuo Kamau):** Thank you Hon. Speaker sir. Pursuant to Standing Order number 41 (2c) I wish to request for a statement from the Chairperson of the Select Committee on Implementation regarding the implementation status on the Motion of the renaming of Limuru Road in Karura Ward to Prof. Wangari Maathai Road. On 6<sup>th</sup> September, 2015 that is last year. This Assembly adopted a Motion urging the County Government to rename Limuru Road to Wangari Maathai Road in recognition of the late Prof. Wangari Maathai's valiant efforts in environmental conservation in Kenya and beyond. One year down the line since passage of the Motion the road remains as Limuru Road. In the statement the Chairperson should inquire into and report on the following:

- a. The implementation status of renaming the said road to Prof. Wangari Maathai
- b. What is delaying the renaming of the said road
- c. What measures the County Executive has put in place to honour and recognize other heroes and heroines in the Country and in the County

Thank you.

**Hon. Deputy Speaker:** The Chairperson for Implementation Committee. Do we have the Vice Chair for Implementation Committee? A Member to do the undertaking on behalf of the Committee.

**Hon. Member for Zimmerman Ward (Mr. Pius Mbono):** Thank you Mr. Speaker, two weeks is enough.

**Hon. Deputy Speaker:** In two weeks the Assembly will be on recess.

**Hon. Pius Mbono:** The first week after recess.

**Hon. Deputy Speaker:** Thank you.

**Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege):** Thank you Mr. Speaker for giving me this opportunity. I just wanted to respond to that. The Madaraka Day speech of his Excellency the Governor I think they named the road forest road after Prof. Wangari Maathai. I don't see where the hullabaloo is. That thing has already been dealt with and I don't think the County Government is ready to go

back to renaming Limuru Road after Prof. Wangari Mathai. They have done and have realized it is important to recognize Prof. Wangari Maathai and forest road I think will be named very soon. It's only a matter of a few weeks because I think the Government has committed itself. Thank you Mr. Speaker.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker I think it is high time before the respondents of any question in this Assembly must take into consideration what is before the Assembly. As the Minority Leader has just spoken Maathai was so much enticed into forests that's why his Excellency the Governor of this County decided forest road was the best name to be changed to Wangari Maathai Road. Therefore, I think this question as far as it is concerned is irrelevant to this House.

**Hon. Jackline Nyangala** (Nominated Member): Thank you Mr. Speaker. I was one of the people who was supporting this Motion. I don't understand what the Hon. Member is coming to talk about a different road? It was about recognizing Wangari Maathai for her efforts, her work if anything we would have given her even Valley Road. I am not sure why it has to be Limuru Road. If the Hon. Member can tell us because it was recognizing the work of Wangari Maathai. It was not about a long or a short road.

**Hon. Thuo Kamau:** Thank you Hon. Speaker. I believe this is a House of rules and order. When I filed that Motion and sponsored it the Motion was very express on which road. When the Members of this Assembly were passing they didn't pass any other road. That's why I am going back asking for guidance.

As a House do we pass one thing and the Executive implements another thing? That's my query Mr. Speaker.

**Hon. Deputy Speaker:** Thank you Hon. Thuo. Hon. Members, under the Standing Order we are in Order Number 7. We expect responses to statements from the Chairperson of the Select Committee on Finance, Budget and Appropriation which was requested by Hon. Alexander Mulatya. The Chairperson for Budget and Appropriation Committee.

**Hon. Member for Hospital Ward** (Mr. George Ochola): Mr. Speaker, may I know first if the Hon. Member is in the House before I proceed? Thank you.

**Hon. Deputy Speaker:** Thank you. Is Hon. Alexander Mulatya in the House? The Member is not in the House. Is the response ready Hon. George?

**Hon. George Ochola:** Mr. Speaker it is ready though it's a bulky one which I wanted to dispense when he is seated.

**Hon. Deputy Speaker:** Have you given him a copy?

**Hon. George Ochola:** Yes he has been given a copy but Mr. Speaker you know issues of finance are very touching and I don't know if he is still going through until he gets conversant with every phrases made. Therefore we might give him time.

**Hon. Deputy Speaker:** Thank you Hon. George. I direct that the same appear in the Order Paper tomorrow for response.

## MOTION

**Hon. Deputy Speaker:** Hon. Manyala, as you still remember, you are the one who moved this Motion. And this was an interrupted business. I had already proposed the question. Now we are at the Plenary level. Members, you can contribute towards this report of the Committee on Labor and Social Welfare.

**Hon. Jacqueline Nyagala:** Thank you Mr. Speaker. I stand to support the Motion; Sessional Paper Number one, with a few concerns.

Mr. Speaker, the analysis of the Sessional Paper No. 1 of 2016 on Nairobi City County Strategic Plan stakeholders' engagement had seven key areas that were vital. The Committee then says ABC and D but those were only 4. So, my question was "where are the other three vital performances areas that they were supposed to put in?" Down there, there is the establishment of master commuter services or bus rapid transport system. My question was, what is the time line of this service? Procurement and integration of technology for effective parking management. If they did an analysis, what did they come with? You know all the problems that we are having with the parking management.

Mr. Speaker, come to water supply. The Committee copy-pasted this paragraph from the Strategic Plan. According to my colleague, the Hon. Member Manyala, in another Motion she said that there is methodology of doing this. So, how is it that you put this? And on this no. 3, if I remember correctly, Mr. Tom Odongo gave us some information about Ndakaini Dam and he said that they are upgrading it so that Nairobi can have more water supply. Now, in the recent time we heard about the project of water from Muranga, the tunnel. My concern is, apparently, if I am not wrong, Nairobi is supposed to get the supply of water from this tunnel but you are supposed to pay for it. Now, if we are the beneficiary of this water, we were never called. There was no public participation. Did Nairobi County participate in this? I am not sure. If the Committee would have probably asked that, we would have had more information about it.

There is ICT roadmap for Nairobi County. Mr. Speaker, I would like to inform you that Nairobi County got a loan of two million dollars from the World Bank and the contract is ending in 2015 December. My question; this project has not started, ICT Authority is still holding this money, the National Government is paying this loan, do we know how is it that the Committee doesn't know? What is this roadmap of ICT? If this contract is ending in 2015 December and ICT authority is holding the money--- It has been holding this money from 2014 and nothing has been done. I think that is a matter that we need to look at and ---

**Hon. Deputy Speaker:** Hon. Jackie, are the issues you are raising captured in the report of the Committee?

**Hon. Jacqueline Nyagala:** Yes. Everything is captured in this analysis. That is why I am saying I support but I have concerns because I don't think a lot of work was done since most of these things are happening but they have been put and they are going to be tabled today. Thank you.

**Hon. Deputy Speaker:** Thank you.

**Hon. Member for Mugumoini Ward (Mr. Alex Otieno):** Thank you Mr. Speaker. Just a Point of Correction. On the issue of Northern Collector---

**Hon. Deputy Speaker:** Order Hon. Member! Are you rising on a Point of Order or you are contributing to the Motion?

**Hon. Alex Otieno:** It is a Point of Correction to correct the Speaker who has just spoken.

**Hon. Deputy Speaker:** You may proceed.

**Hon. Alex Otieno:** Okay, thank you. Mr. Speaker, I just wanted to make a clarification about the tunnel that the Member is talking about. The tunnel is to collect water from different rivers heading to Ndakaini dam. Not that Nairobi is getting water direct from the tunnel. The tunnel is just to boost Ndakaini dam. Thank you.

**Hon. Deputy Speaker:** Okay, Hon. Members, it seems we are done with this Motion.

*(Question put and agreed to)*

**The Report Of The Select Committee On The Public Account Committee On The Report Of The Auditor General On The Financial Operations Of The Nairobi City County Executive For The Period 1<sup>st</sup> July 2013-30<sup>th</sup> June 2014**

**Hon. Member for Embakasi West Ward (Mr. Robert Mbatia):** Thank you Mr. Speaker. I urge that this Assembly adopts the report of the Select Committee on the Public Account Committee on the report of the Auditor General on the financial operations of the Nairobi City County Executive for the period 1<sup>st</sup> July 2013-30<sup>th</sup> June 2014 laid on the table of the Assembly on the 12<sup>th</sup> October, 2016.

Mr. Speaker, I would like to highlight some few issues and on behalf of the Public Accounts Committee and pursuant to the provisions of the Standing Order 180 (6), it is my pleasure and privilege to present to this House the report of the Public Accounts Committee for the said period. The mandate of this Committee is derived from the Standing Order 186 (2) (a) which states that there shall be a Select Committee to be designated as the Public Accounts Committee and shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.

I would like to thank the membership of this Committee and this is a report that was made during the transition. So there are few members that left this Committee. Let me highlight the membership first. The Vice Chair, Daniel Mutiso. Hon. Moses Ogeto, Hon. Maurice Gari, Hon. Maurice Akuk, Hon. Oscar Lore, Hon. Peter Owera, Hon. David Mberia, Hon. Matrin Mugo, Hon. Njuguna Mwangi, Hon. Martin Waweru, Hon. Jack Ngari, Hon. Steven Kambi, Hon. Julius Mwaniki, Hon. Thabitha Juma, Hon. Shardrack Juma, Hon. Rose Ogonda, Hon. Asha Abdi and Hon. Andrew Mbau.

**Hon. Robert Mbatia:** ...I would like just to highlight a few issues, this is a very comprehensive report. Also I would like to appreciate your office and Office of the Clerk and also the Kenya National Audit Office for the support that they gave this Committee as we were compiling this report.

We had 13 sittings in total and we have highlighted issues concerning current assets, cash and bank balances, bank receivables and we have made a few recommendations which I would like just to highlight very fast and give Members time to ventilate on it.

We have made recommendations especially on issues of book keeping which have been ailing this County Government for a while and we have made recommendations on proper book keeping that should be done for ease of records and ease of accountability and audit.

Mr. Speaker we mentioned something on fixed asset register which we ask that it be done with immediate effect because we are very fast losing assets of this County.

We also would like to request that this County Government does an evaluation roll very fast because the one they are operating with is outdated and they cannot have proper date of who should be billed and who should not be billed.

We have also highlighted the issue of pending bills and we ask the County Government to adhere to the budget and budgetary provision and concrete measures taken to settle the outstanding debts owed to this statutory creditors.

Also on pending bills we want to raise red flag because this also amounts to lending. When the County Government spends without following budgetary provision that is an indirect way of borrowing. It is clearly spelt on how to borrow in the Articles of the Constitution and in several sections of the PFM Act, so we ask that they adhere to that and they remit the deductions as per the requirement to avoid penalties on the statutory deductions that are always demanded. The other issue is the production of documents that we have highlighted and we ask the County Government to produce documents when they are required by the Auditor General and by any other Committee of this Assembly.

We also ask that they communicate to their banks who have been very reluctant to cooperate with the Auditor General. So we ask that they communicate directly to their banks and inform that those are public funds and they must divulge information when there is need. And finally there is also the issue of Jambopay. This issue of Jambopay has been an issue in this Assembly and we have recommended that for us to get enough information to discredit or credit that IT that was introduced, a special audit should be

done on the supply implementation and maintenance of the electronic revenue collection and payment solutions to the County Government.

The audit should also investigate the total amounts paid to Webtribe limited by the Nairobi County government vis-a-vis the amount of revenue collected by the company on behalf of the County Government.

The special audit should also determine the veracity of the system in collecting all County revenue and its foolproof-ness from embezzlers.

Finally in the special audit report we would like also to determine the number of actors involved in the contract beside Webtribe and the Nairobi County government.

That is the report, we urge this Assembly adopts it so that we can now start to put the County Government to account, thank you.

**Hon. Deputy Speaker:** Can you call a member to second your Motion

**Hon. Robert Mbatia:** Sorry. I signaled him, I thought I had said it. I would like to ask my member Hon. Ogeto to come and second me, thank you.

**Hon. Member for Kilimani Ward (Mr. Moses Ogeto):** Mr. Speaker as I stand here to second we also need the Chairman to audit this machines [mic]! Mr. Speaker looking at the report and what my Chairman has specifically said it is very categorical that we need to know the conduit of money; where it is passing through this monster called Jambo pay. What also we found is that the officers in Executive were not willing to give this information to the Auditor General.

If we have requested for a special audit and if we will find an officer doing an obstruction of the information required by the Auditor General; we have three independent institutions in the County that is Auditor General, Executive and the Assembly and Mr. Speaker you must realize that when information regarding embezzlement of public funds which is now being given to Auditor General it makes it very hard even for Nairobians to know how much of this money was spent, who was paid, when it was paid and for what purpose. If the information is not availed to audit it becomes difficult for us to scrutinize. When you ask them the problem they say it is not their mistake but for others. Recently when the president was asking about who ought to be responsible you saw officers blaming each other. That is why we said we need proper audited records so that we can ensure if we see this system Jambo pay is not trying to help County

**Hon. Moses Ogeto:** ... Mr. Speaker sir, since Jambopay came to place, monies for this County has gotten lost. And therefore I would wish that this issue be handled with full responsibility. Kindly Mr. Speaker take full responsibility of this House and any debates since we all know that you will be the only one responsible for this session. Thank you and I second.

**Hon. Deputy Speaker:** Thank you Hon. Ogeto.

*(Question proposed)*

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Mr. Speaker. This report seems to be very good but unfortunately, we do not have copies on our tablets.

**Hon. Deputy Speaker:** Hon. Manoah, the report is actually on your tablets and it was posted sometime back. Maybe you never visit your website. Thank you.

**Hon. Manoah Mboku:** Thank you Mr. Speaker. I will visit it. However, I want to support the report. The Committee needs to do other reports that are pending. Mr. Speaker, there is a special audit report that we have asking on that and is touching on Mariakani. I wish that the Committee would have combined that report with this one so that this House could deliberate on issues affecting County finances. As Hon. Ogeto has indicated, we need to have records that are very well audited that history in future will use to judge this current Assembly. We have matters that the Executive are hiding and those who will be in this House in future will think that Members of the first term did nothing. We therefore need to have reports that are very well audited and that indicate that Members of this particular Assembly deliberated on issues affecting the County and that we need the Executive to implement. I support this report. Thank you.

**Hon. Nominated Member** (Ms. Karen Wanjiku): Thank you Mr. Speaker sir. I want to support this report. Indeed it is a very good report and I would like to touch on its recommendations. One as given by the Committee is that 'the accounting officer should be responsible for collecting and accountability of revenue in accordance to the existing financial regulations and prudent management practices'. Indeed Mr. Speaker sir the PFM Act must be followed in this County. I want to give an example that touches on myself and the women that I represent. We have seen the conditional grant that is free maternity money that was given and have also seen the PFM Act being violated by changing that vote and paying for other things other than giving that money to the women and hospitals.

Mr. Speaker sir, I hope and believe that if this report is implemented then such things will not happen and I want to thank God that the money will no longer be coming through the County because we have seen that the National Government is giving monies to this County and yet we are complaining that is not the case. We cannot even account for the money that we collect in this County. It is unfortunate. There is a lot of impunity and I believe that with this report we are going to do our oversight role and deal accordingly. Thank you.

**Hon. Elizabeth Manyala:** Thank you Mr. Speaker. The report is indeed good but before we demonize Jambo Pay, it is only prudent that the County Assembly establishes a Sectoral Committee on ICT that will oversight the Executive. Ideally if you check the seven P's of the sustainable development goals, ICT is key. Up to now we are still behind on our mandate. We should move with speed and have that Committee to oversight all the vices are being meted within the County.

When we talk of audit Mr. Speaker, ideally as a County Assembly we do not audit the Executive. What we do is oversight and so if we have that committee which will work in line with Jambo Pay then I think that this will be a thing of the past and we will have something to write on about. It is therefore my plea that as we say that there are omissions and commissions on the part of Jambo Pay, demonizing it and saying that monies have been siphoned then the back still stops with us. We need to move with speed, establish the committee and then from there we can report adequately. Thank you Mr. Speaker.

**Hon. Nominated Member** (Ms. Jacky Nyangala): Thank you Mr. Speaker. First I would like to congratulate the Committee of PAC for a diligent work. It seems they have gone through challenges coming up with this report and I hope that we will pass it immediately so that they can embark to see that everything that we have talked about is done. Just to touch on ICT, I am very concerned about it. Like I said before, we have money that has been put for the integration of ICT for every service that the County is giving to the Nairobi's and so it would be very good if we can have an oversight committee that looks into this. I support. Thank you.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Thank you Mr. Speaker. I am very much worried because most of the issues discussed have become history. I am worried whether the Implementation Committee is doing its work. This is because some of the past recommendations from Public Accounts Committee PAC have not been implemented to date. There is no way that the Executive can go to the Bank and tell them to hide information. That is very illegal. Mr. Speaker I think that the last Public Accounts Committee's report highlighted this and up to now that has not changed then---

PAC has to give us recommendations on how to deal with such people. The issues on finance where information has been hidden, calls for the person in charge to be held responsible. On irregular hiring of employees Mr. Speaker, we have a provision in the acts on how people should be employed. If there is an irregularity then I believe that a special audit will help take the matter into account.

On fuel and work tickets, I remember the first report by PAC, they recommended that the Fleet Management Office should be eliminated from this County. Up to now, the Fleet Office is still operational and they also have their directors. Sincerely Mr. Speaker is this what we are doing as an Assembly? We recommended and passed as an Assembly that they do away with this office. Where are we as an Assembly?

I had asked the question on loss of revenue. We had lost about Ksh. 270 million per month up from Ksh. 70, 000 million per month. This is brought about by Jambo Pay. The recommendations by the Internal Auditor said that Jambo Pay is not worthy to be used in this County. The Executive has not yet seen this. Sincerely Mr. Speaker, if the Internal Auditor has recommended the elimination of Jambo Pay then what is it still doing in this County.

**Hon. Member for Mukuru Kwa Reuben Ward (Mr. Elkana Mauti):** I am one of the members of the Justice and Legal Affairs Committee whereby we have queries with *Jambopay*. We had gone with them for a retreat and we asked questions and got no answers. There is transfer of money from the National government...reaching to this County, some of the Executive officers go and put some blocks for the money not be delivered to this County and it belongs to Nairobians. So Mr. Speaker I do support the report. Two, put more effort for the Implementation Committee to come up with what they have come up with, with their other past Public Accounts reports.

**Hon. Deputy Speaker:** Thank you. Do we have any other Member? May I call the mover to reply?

**Hon. Member for Embakasi West Ward (Mr. Robert Mbatia):** Thank you Mr. Speaker. I would like also to thank the Hon. Members for the positive remarks on this. Actually the general feeling is that we need to do something and very fast. One of our mandates which is very important is oversight Mr. Speaker, and this is a tool of oversight. Just to mention that Hon. Manoah I hope he is still in the House, he mentioned about some other pending reports that are not tabled here.

I can say that, it is still not in our domain the special Audit report on Mariakani. We did our bit and forwarded it to the Auditor General's office and he has not brought it together with some other audit reports we have been asking, Mr. Speaker. This has been one of the major impediments for this Committee and the entire Assembly that we are unable to move fast because as we can see that this is a report of the year 2013-14 and we are already in 2016-17.

We have dispensed off every report that has come to us but Mr. Speaker what has been coming from Kenya National Audit Office (KENAO) has been delaying. Up to this point we have not received the

report. I only understand as I was coming in that they brought two reports for year 2014-15 as late as yesterday. So that has been the major challenge, I want to assure Hon. Manoah that, that is still a matter that is being handled by this Assembly and the County government should not move to give out the Mariakani Estate to any other institution until we dispense off that matter here, Mr. Speaker.

The other issue I would also echo what my two sisters have said; Hon. Jackie Nyangala and Elizabeth Manyala on the issue of an ICT Committee of the Assembly. It is true we are asking for a special audit of this reports, of this system while we could have in place that could day by day oversight how that system is working instead for us waiting for a problem to come and then ask for an audit, Mr. Speaker. So these issues of special audit would be done away with if we had an ICT Committee in place in this Assembly. I would also request, the general feeling of this Assembly is that this is a good report and let it not end there Mr. Speaker. As Hon. Mauti has said, now we take up the issue of Implementation. In this Assembly we have an Implementation Committee; it follows up to the letter of this report that is when the spirit of this report will be alive Mr. Speaker. So I thank every member and may God bless you and have a good evening.

**Hon. Deputy Speaker:** Thank you.

*(Question is put and agreed to)*

## MOTION

### RECOGNITION AND APPRECIATION OF THE RETIRED OFFICERS WHO PERFORMED TREMENDOUSLY IN THEIR WORK AND THE LONG YEARS OF SERVICE IN THE COUNTY

**Hon. Member for Clay City Ward** (Mr. Erastus Muiruri): Thank you Hon. Speaker. I beg to move the following Motion; that aware that Sub-Article 41 (1) of the Constitution of Kenya 2010 states that every person has the right to fair labour practices; further aware that Sub-Article 41 (2) of the Constitution states that every worker has the right to fair remuneration; acknowledging that most of the officers who served in the defunct Nairobi City Council were retained by the Nairobi City County for their dedicated and splendid work towards the betterment of Nairobi City County; concerned that some of the officers who retired after working for more than thirty (30) years have not been recognized for their outstanding performance in the public service in the County, this Assembly urges the County Executive to recognize the efforts of the retired officers who performed tremendously in their work by awarding them to show recognition and appreciation for their long years of service in the County.

Mr. Speaker and my dear Hon. Members, I was forced to come up with this kind of Motion, once I realized back in 2013 as we went around looking for votes, I happened to meet one woman who had retired from the defunct Nairobi City Council back in 2008 and up to 2013, she had not managed to get her dues on time. One of the reasons that she me she was going to vote for me was so that if I would lucky to get that position, I would fight for her and move to all the offices and ensure that she gets her money which may be could assist her in terms of buying uniforms and soaps. Those staff who used to work in some

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departments would get such kinds of benefits. In fact she was demanding 35,000/- which she had not gotten after 5 years.

So Mr. Speaker one of the reasons that I am seeking the support of this House in passing this Motion is because at some point even ourselves we shall retire from active politics and I am not saying that I am agitating that we should be given some benefits. But assuming there are those officers from the other side who retire from the various departments and I believe you have seen them queuing along the corridors, very old, as old as 70 years. Some have walked up those stairs and even some are not able to come and follow up their dues.

I think Mr. Speaker, we should have a mechanism that once a person retires there is a procedure instead of coming month after month and this translates into years. We should have a system whereby their dues are processed and it is indicated from which office they are supposed to get their dues. Some are our brothers, sisters and our neighbours. You can imagine somebody trying to get 35,000/- in five years and has not gotten it up to date. In fact, when they visit those offices of the likes of akina Gatimu and Okere, they are told that there is no allocation for that money. You can imagine how much energy is spent to give this County government the services to the residents and once you retire there is no allocation or some money or funds which has been set aside for your retirement or package and especially for that woman it was not a favour, there are those departments which used to be given uniforms and such kind of stuff and she had not received that. So she was supposed to be paid in form of money.

Another reason why I had to come up with this kind of Motion, Hon. Members you can bear with me in an event that you have been invited or you sneak in any meeting and you realize the meeting is coming to an end but you have not been given an opportunity to say hallo to the people who elected you. How do you feel Hon. Members? You feel like even dashing to the dais and holding the microphone and saying something because you are a public figure.

**Hon. Erastus Mburu:** .... These positions we got because they were God's blessing, we worked for them and that is why we are here. That is why I am saying that in some events we are supposed to call those retirees through the County Officials and let them be a good example as to how after retiring from working for a County like Nairobi. The status which they are in is not the status they would t like even to state that they used to work with the defunct City Council because of their deteriorating conditions.

Mr. Speaker this will give very good Public Relations, to how the Nairobi County has been having a relationship with its employees. One of the reasons that we have Public Relations Officers here like Ms. Pauline who is a very good lady and she is doing a good PR on our side and I hope on the other side they have a PR. It is because the PR brands the organization in a good picture to the public. so when I think if this employees who retired gives the County Government a good picture even the other people will have the same in their mind but if they see someone who is turning 80 years and he is crawling to get Ksh. 35,000/= after retiring seven or eight years ago. This will have given the County Government of Nairobi a very bad picture.

Therefore, Mr. Speaker I know the Hon. Members are going to support this Motion and I want to call a very good friend of mine, Hon. Njoroge Kairu to second the Motion.

**Hon. Member for Woodley Ward** (Mr. David Kairu): Thank you very much Mr. Speaker sir, allow me to second this Motion and as it is timely and it embarks on the existing roles because they are there to make the County follow the right procedures, recognize the employees and give them their benefits, in a manner that they deserve.

Mr. Speaker sir, if you look at the existing laws that are there, they state clearly that before the employees goes for retirement they need to be given their benefits before they leave their offices but because we don't follow our laws, that is why you see them suffering. It is the mandate of the County to look on how many employees we have and how many are going for retirement and factors their dues in the budget, so that after leaving their offices they get what it is rightful theirs.

In my view Mr. Speaker sir, the Motion is timely and it is important as it will even motivate other employees to do good services to our people because we know after that they will be recognized and given what is theirs. Thank you very much. I support the Motion.

**Hon. Deputy Speaker:** Thank you Hon. Njoroge!

*(Question Proposed)*

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you Mr. Speaker, I stand to support because it is very touching and I want to give a story and Hon. Mburu this is something that is quite timely. I have a house maid in my block of housing and she came to me and said that her husband died in January 2001 and she had not received the benefits of the husband. I then started following it up for her in January 2015, it was so difficult and I had to go and find out where the offices of the Human Resource and it took me six months and I decided it was not going anyway, so I wrote a letter to the Governor. The letter went to the County Secretary by December 2015, I went to the CEC in-charge of Finance and I said on humanitarian grounds "can you just pay this woman her husband benefits which was only Kss. 50,000/= shillings and for the last 15 years she has been following this money".

I then wrote another letter to the Governor and I think I wrote three letters, I found two people who helped me to follow the process and the file. At one point the file got lost. Infact in December 23<sup>rd</sup> or 24<sup>th</sup> I was told it was going to be paid on January 2016. When January 2016 came and went then I wrote another letter, it was so tiring and I had actually to find out who Mr. Okelle is and I asked him if he could pay the lady but nothing happened. I wrote another letter and I think it was either the third or the fourth letter, any way the lady was paid I think two months ago because the money had to go to the District Commissioner which took another month. Can you just imagine if she didn't know me and there was no way she was to get that letter for 15 years Mr. Mburu, and this other person was 5 years.

It is so disheartening coming to these corridors and you don't know where to go, like this woman had children and I had to take her by hand and walk with her almost one year to get this money. Thank you and I support.

**Hon. Alexina Moddy** (Nominated Member): Thank you Mr. Speaker sir, it is also interesting and maybe so shameful for an institution like Nairobi City County which happens to be the capital and the best example to the other Counties to follow, that we can be seating on somebody's remunerations for this long.

Mr. Speaker sir, Nairobi as a County we have personnel, those people who were in the former Council that left Nairobi are the founders and the people who made the Council to be an institution up to where it had reached before the attainment of the Constitution. I do believe with the new Kenya, third world and Government of the day we are supposed to have a system which after one has retired or maybe has been retired under medical grounds, they should be system that after three or maybe two months one should be paid completely to stop coming in the corridors.

I wonder how many other people are outside there today who don't know anyone to get hold of and walk with them in these corridors for them to be paid their dues. It is so sad and these are the voters of the day and they are people and Nairobi residents. It is so sad that others retired and have long died and no one is talking about them and yet we have got officers who are very qualified in the offices and seated there. I therefore support the Motion Mr. Speaker and I believe that something should be done and not to be left out there. Thank you.

**Hon. Member for Land Mawe Ward** (Mr. Herman Azangu): Thank you Mr. Speaker sir, I also want to talk about the problem which the staff or people who work within this County are suffering a lot by walking around the corridors trying to follow-up their retirement benefits. I think there is a problem in Human Resource Management because if they were good they could have prepared the retirement benefits for their workers.

We also have a problem in the system that they are using, I think that it is old and also they have no proper training, to their staff and even there is a lot of corruption in their system because they don't train their workers in order to motivate their skills, so that they can give proper service delivery. I therefore support this Motion Mr. Speaker.

**Hon. Margret Sewe:** Thank you Mr. Speaker sir, ..

**Hon. Deputy Speaker:** Hon. Azangu kindly switch off your mic!

**Hon. Margaret Sewe:** I stand to support the Motion. I think we should start by having a clear database of workers, how they are supposed to be paid and when. As a County, we need to be clear on the systems. I want to concur with the speaker who has just left, Hon. Alexina, who said that we should have systems that are running and have a timeframe for paying our workers, for example, in quarterly basis or yearly so that we dispense with whoever has given services to the County.

Mr. Speaker sir, it is quite sad and disheartening that after giving a lot of services to the County for like 20 or 30 years, and somebody will not be able to access his or her benefits. I wish to say that services should be paid for, and long service should be rewarded. I feel so disheartened that an old woman or man who has really worked hard for the County is made to go round the corridors for years without their pay after giving their very good services to the County. We know what goes on around City Hall. People who worked diligently are not paid when we know that certain times very shoddy things are done or happen at the expense of very good work. Mr. Speaker sir, I stand to support.

**Hon. Robert Mbatia:** Thank you, Mr. Speaker. I rise to support and also say that I have been a victim by extension. This is because I am a son of a man who worked in the former Council and also my mother worked here. My dad passed on in the year 2010, and by the time he passed on, he had still not been paid his dues and even to date. By then, I was a Councilor and I am an MCA now but I have been unable. Actually, I will ask Hon. Jacky to show me the ropes on how to get paid. My mum is still living; she retired about 20 years ago but has not been paid her dues. If those are parents of a politician in this House, what about those that don't know anyone yet they deserve what is rightly theirs?

These dues, Mr. Speaker, are in two folds; one is the dues that are paid by the employer, and the other dues are remitted to the statutory institutions, then they get paid when they retire. None is ever done. They never remit to statutory institutions like NSSF. That is what we have highlighted in one of our remarks in the Audit Report that we have just tabled and adopted here in the Assembly. So, we urge that this Assembly, as much as we are requesting, I know we can put our foot down and make sure remittance are done and the dues that are to be paid by the employer are done on time. It should be budgeted for and it should be part of the pending Bills. That is the debt that this County Government has. This is historical; my parents were not in this Government. So, this is not only with this County Government, even in the former Council. The former Council was not paying, neither is this County Government. We wonder what should be done but we should enforce for these officers who have retired to be paid their dues. I support. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** May I now call the mover to reply. Order, Hon Member! Please, it seems Hon. Karen has an issue which is a bit urgent.

**Hon. Karen Wanjiku:** It is not an interjection. I wanted to contribute to this Motion, if you allow.

**Hon. Deputy Speaker:** Thank you.

**Hon. Karen Wanjiku:** Mr. Speaker, indeed this is a very noble Motion. I have been thinking about this and it seems all of us were also thinking about it, only that the Hon. Member has saved us and brought a Motion which if implemented will save all these people. Refusing to pay these retired officers has brought a lot of problems that we even witnessed today in the devolved Government. I want to give an example of the workers we have now in the County. In our schools, the workers that were employed there are telling us, even if they are old, they cannot retire. The same case in our health facilities, those watchmen and

women are not able to work. Some of them are senile but they don't want to retire. When we asked them they told us they will not be paid their pensions, so they better stay there and get their salary. That is very wrong because we are not able to employ our youth yet we have people who cannot be able to work well.

Again, looking at corruption in the County, it is because of retirement. If you will not be paid your pension, you will rather eat what you can when you can. So, to reduce corruption and to have good people who can work for the County--- I believe, if we pay our retired officers well, we will not have these problems. I beg to support this Motion. Thank you.

**Hon. Deputy Speaker:** Thank you. The mover.

**Hon. Erustus Mburu:** Thank you, Mr. Speaker. Up to this point, I believe you can attest my Motion was timely. It has come out very clearly that there are those people who left this County and have been suffering in silence. The former retired president of U.S, Ronald Reagan, once said "*We are never defeated unless we give up on God*". Hon. Members, let us try to ensure those retirees are paid. We have got very young people working even here in the Assembly, likes of *akina* Kivila. Let us not put them in the same mess. We have seen others going through, very young MCAs, the likes of *akina* Ogeto. It is true, I am not lying. If we don't put structures, they will still fall in the same mess. I want to thank all the Hon. Members for supporting this Motion. I believe the Implementation Committee will not stop this fight at this point. Walk the talk; we have done our part. Implementation Committee, do the necessary. Thank you so much, God bless you.

**Hon. Deputy Speaker:** Thank you Hon. Members. I will decline to put the question on this Motion. I would refer it to standing Order No. 93 for Members to get an opportunity to debate on it. I direct the same Motion to appear on the Order paper tomorrow at 2:30 p.m. for 2 to 3 Members to debate thereafter we will put a question on the same. I think that is in order.

Thank you, Hon. Members. This Assembly stands adjourned to 2:30 p.m. tomorrow.

***(The House rose at 4:00 p.m.)***