



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Thursday 5th May, 2016

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Serjeant-At-Arms to ring the bell for 10 minutes

(Serjeant-At-Arms to ring the bell for 10 minutes)

Serjeant-At-Arms. When the bell is being rung no Member should walk out of the Chamber!

Order Hon. Members! Can we begin our session?

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon Hon. Members once again. I will sit down and wait for the Members to walk in. Hon. Members I have the following communication to make. Section 37 of the Leadership and Integrity Act 2012 provides that;

1. Each public entity shall prescribe specific integrity and leadership code for the state officer in the public entity. The specific leadership and integrity code prescribed by a public entity

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shall include all the requirements in the general leadership and integrity code under part two of the Act and may provide for the manner in which any requirement of the specific or general code may be satisfied.

Hon. Members, in line with the aforementioned provision, the Nairobi City County Assembly through the Powers and Privileges Committee developed a leadership and integrity code. The code was therefore approved by the Ethics and Anti-corruption commission and subsequently gazetted on February 1st April, 2016. In this regard, you are expected to collect copies of the code from the Serjeant-At-Arms, acquit yourselves with its content and append your signature on form attached thereto. The duly signed form should be returned to the office of the Chief Serjeant-At-Arms on or before close of business Friday 6th May, 2016. Hon. Members note that the law requires that all state officers in case of Members of the County Assembly are to sign the leadership and integrity code. It is so directed. Thank you.

PAPERS

Hon. Speaker: Go ahead

THE REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION ON THE RETREAT HELD ON ROYAL CITY HOTEL IN MILIMANI, KISUMU COUNTY

Hon. Maxwell Ochar: Thank you Mr. Speaker sir. Pursuant to Standing Order number 186, I beg to lay the following paper on the table of the Assembly today Thursday 5th May, 2016. The report of the Select Committee on Implementation on the retreat held on Royal City Hotel in Milimani, Kisumu County on 10th to 13th March, 2016. Thank you.

Hon. Speaker: Thank you hon. Ochar

STATEMENTS

Hon. Member: Thank you Mr. Speaker. As I make this request, I know that we are breaking for recess. However, it is a matter of urgency so kindly give us some guidance. Pursuant to standing order 41 (2) c, I wish to request for a statement from the Chairperson of the Sectoral Committee on Early Childhood Education and Vocational Training regarding the cash remittance to the bank for bursary cheques by the County Executive.

Hon. Speaker, the County Executive has issued bursary cheques to Members of the County Assembly. However, it has been noted that most cheques were not accepted due to lack of cash in the bank. In the statement, the Hon. Speaker, the Chairperson should inquire into and report on;

- 1) When the County Executive will remit cash to the bank to allow the processing of bursary?
- 2) Measures the County Executive has put in place to avoid rejection of bursary cheques by the banks in future?

Hon. Speaker: Hon. Chairperson Sectoral Committee on Children Early Childhood Education and vocational training? Chairman!

Hon. David Kitavi: Good afternoon Hon. Speaker. Thank you very much. Since we are going on recess, that matter will be handled by the Committee immediately we resume and it will be the first item in the Order Paper.

Hon. Speaker: Thank you Hon. Chairperson. Hon. Hashim Kamau?

Hon. Nominated Member (Ms. Zulfa Hakim): Mr. Speaker I will make the request for statement on behalf of Hon. Hashim Kamau.

Hon. Speaker: Very well

Hon. Zulfa Hakim: Pursuant to Standing Order 41 (2) c, I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning, Housing regarding the parcel of land REF NO: 27/8/18 at Ridgeways Kiambu Road. Hon. Speaker, in the statement the Chairperson should inquire into and report on;

- a. Whether land Ref. No. 27/326 which was original, No. 27/8/18 is registered in the name of Peter Kamau Ruhangi
- b. Whether the said land was charged back on 6th October 2011 to Paramount Universal Bank Limited for Ksh. 65 million?
- c. Whether there was an indenture between MS. Bonacode Limited and Gamken Kenya Limited dated 27th January, 2002 registered on the 30th January 2002 in the volume of books number 68, folio No.90 file 9413, by 6th August 2012. MS. Bonacode Limited had enrolled in the valuation role and was in arrears of Ksh. 535,739

- d. Whether the said LR. No. 27/326 is as a result of subdivision of land LR 27/8 which was subdivided into 30 plots and that the subject matter was surrendered as a public utility
- e. Grounds on which the Chief Valuer issued a statement dated 17th November, 2015 stating that LR. No. 27/326 was issued to Wonder Joy Party World Limited.
- f. Whether the Council has given a temporary use to Wonder Joy Party World Limited in regard to LR. No. 27/326
- g. Establish if whether the temporary occupation license supersedes a title deed registered under registration act 2012 and land Act 2012 and CAP 280 of the government land Act.

Hon. Speaker: Very well. Can I have the statement? Hon. Chairperson Select Committee on Planning and Housing

Hon. Maxwell Ochar: Thank you Mr. Speaker. After perusing the Order Paper, I came to realize that we are going for recess today. The response will be brought one week after recess

Hon. Speaker: Very well Hon. Chairperson. Hon. Members, we will skip Order No. 7, 8 and 9. We go to Order No. 10. Hon. Members.

MOTION

ADJOURNMENT OF THE ASSEMBLY

Hon. Deputy Speaker: Thank you Hon. Speaker. Hon. Members. I wish to move the Motion of adjournment of the Assembly in accordance with the calendar of the County Assembly. Hon. Members, that pursuant to the provision of Standing Order 25, this Assembly adjourns until Tuesday June 7th, 2016 in accordance with the calendar of the County Assembly regular Session.

Hon. Members, as you are aware, earlier in the year we had set the calendar to run the Assembly for the entire Session of 2016. And today being the date of 5th, we are supposed to adjourn the Assembly to next month. That is a long recess of one month. I kindly ask the Members to consider this and approve the same.

Hon. Speaker, allow me to call Hon. Karen to second the Motion of adjournment. Thank you. Hon. Karen.

(Hon. Karen bows)

Hon. Speaker: I did not hear her say anything. Hon. Karen, you didn't say anything.

Hon. Deputy Speaker: Hon. Speaker, she is in order under the Standing Order. The Standing Order allows a Member to bow and this is in reservation the allocated time for a Member to contribute on the same at a later time on the Motion. So, it is in order. You can propose the question.

(Question proposed)

Hon. Speaker: Hon. Members. Hon. Mauti.

Hon. Elkana Mauti: Thank you Mr. Speaker sir. I am here to support the Motion. Our only fear is that the two week's communication of the IPads is nowhere. Since we started this Assembly, we have approved a budget of 465 million for our Assembly. We are worried. Is this Assembly made in heaven? We have never gone there. I thought that as we come back from the recess, everything will be complete. But the big fear is that you promised to communicate to us. You communicated that we were going to receive the IPads. Up to now there is no *dalili*. *Dalili ya mvua ni mawingu* but *dalili ya Ipads* cannot be determined.

Hon. Speaker: Order Hon. Member! What did you say?

Hon. Elkana Mauti: I was saying *dalili ya* IPads are not determined up to now. Mr. Speaker---

Hon. Speaker: There is a Point of Order.

Hon. Deputy Speaker: Hon. Speaker, the Member should be audible enough so that we capture whatever he is saying. The words are not coming out clear Hon. Speaker. Seriously, can you tell the Member to be audible enough so that we get what he was saying?

Hon. Elkana Mauti: You know, some us are from the other part of the country. So, we cannot be heard. I was talking about IPads. Are you getting me? Mr. Speaker, we are glad we are going back. We want to go and interact. Remember we are heading to election which I am told is in March 2018. Mr. Speaker, Members here are very much worried. Even up to now, the staff of this County have not yet received salary for almost one and a half months. We are worried about what will happen. So, it is this House to make sure workers of the County have been paid their salary.

Mr. Speaker, going back, we hoped to have the forms for the bursaries which were supposed to be submitted before we go for our recess but up to now it has not happened. From your office, you can communicate with the education department so that we can get those forms. Let it not wait until we come back to push. I think we had approved a budget of ICT classes, five classes in each Ward. Up to now it has not commenced. I hope this was not even to be asked as a statement but it is an area which is important. Mr. Speaker, I hope my statements and my queries will be communicated from your Office to the Executive side so that the Members will be comfortable when they are on recess.

Hon. Speaker: Hon. Members, there is one thing that I need to make very clear here. One, is the issue of the state of the County Assembly Chambers. Your memory is right with you, it is only about three weeks when I suspended the arrangements of Nairobi County Assembly and the Executive. Hon. Members, I want you to search your souls and take note of the problems that we are having with the Executive in terms of revenue. Hon. Members who have just indicated that the staff have not been paid for one and half months. Now, I want to tell you that we had brought the supplementary because of lack of and erratic funding of the County Executive. In last year, where a lot of things came in and they were not approved.

I am glad that you found that all that was said was not the correct position. And now that you have approved the supplementary will not go on leave and I know Members are not going on leave. I can promise you that if our money is not remitted to us so that the Assembly, which is 90% complete---. In fact, Hon. Members, and I can attest to that, for those Members who have gone to that place (the new chambers), it is actually complete. We only need the money to pay the contractor. Not what the Members are saying. That the money had been given to Magelo and others.

We have to be very careful. The Chairman of Budget is here. He call tell you the problem we are going through in the funding of the County Assembly. The other thing that I can promise you is that when you come back, your iPads which I have been following day and night will be ready for you. That I can promise you and you can take that to the bank.

Therefore, Hon. Members, what I want your energies to be on is when you get the Executive in-charge of Finance, we are not at war with him. The Speaker is not at war with him neither is the Assembly. Our business and him is only one; transfer our funds to the County Assembly, then we are left with our own problems. So, Hon. Members, I want to tell you that as soon as we get our money, we pay that even before

we do any other thing. The Assembly will be ready for you when you come back. And I want the Chairman of Budget and Members of the Budget Committee to be on our side this time and help us achieve what we have not achieved for three years. I thank you.

Hon. Chairperson, Education.

Hon. Boniface Kitavi: Thank you Mr. Speaker. I stand here to support this Motion of going for recess. However, when you are making the communication, I was waiting for you to give directions whether the Committees will be meeting for the next three, four or two weeks during the recess period.

Hon. Speaker: Hon. Chair I will do that as I am finishing.

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Thank you Mr. Speaker. As we go for the recess Mr. Speaker, I am sure that Members will have adequate time to be able to meet with their constituents so it is important that we go for this particular recess. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Hon. Wanjiku.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir. It is good that you noticed that I reserved my place to speak because I wanted to be sure of what I am saying. Mr. Speaker sir, we are supporting this Motion of adjournment but we have a request. We cannot be at home for one month, we need the committees because we also need to do oversight, we have projects, we have budget and we also have the Appropriations Bill that we are going to pass. We need to do our oversight role, we are not going home we will be coming for committees and that is a special request I am making, thank you.

Hon. Speaker: Order Hon. Member, I think before we finalize, I would like to inform the Hon. Members I just told you earlier that I am not going on leave and you are not going on leave. What you are doing is that you are going on leave from Plenary. So you will be meeting and I really want you to meet as committees more so because of the Appropriation Bill so that we can finish our work. So the committees will meet as usual although I know you are going to have a very busy two weeks schedule because we know we have the County Assemblies Forum (CAF) meetings on the 16th, that week you will be away. So you will continue having your meetings and please the Chairman of Planning can have his way and the Liaison Committee to go through with the demolition. Thank you.

Hon. Speaker: Hon. Members, I call the Mover to reply.

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Thank you Hon. Speaker because you will be making a communication on this later, I really concur with Hon. Karen on the issue of committee sittings that you consider members to be given opportunities to continue having their committee meetings uninterrupted. I

must thank all the Members who have contributed and even Members who have not contributed but they have the same feeling that Members need to proceed with the adjournment. Thank you Hon. Speaker.

Hon. Speaker: Very well Deputy Speaker.

(Question is put and agreed to)

(Applause)

Hon. Speaker: You will be getting your communication in regards to the CAF meetings from the Office of the Clerk. We proceed briefly as we are waiting for answers, we will proceed to 8 and 9 and then we can go to finalize with the statements.

BILL

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2016, ASSEMBLY BILL NO. 2 OF 2016, SECOND READING

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much Mr. Speaker sir. I beg to move that the Nairobi City---

Hon. Speaker: Order! Hon. Members, if you move and there is no quorum, know that you will get your salaries after 6 months because we don't pass this, we will put this, this is just a warning and this is true if there is no quorum of one person we will not proceed because we cannot have an empty House while the register has about 80 Members. It is unacceptable. Serjeant-At-Arms close the door.

(Loud consultations)

It is true Hon. Members, if there is quorum the Appropriations Bill will be a waste and we cannot have this kind of a thing going around and in fact when we come back, whether you call me a bad person, no signatures will be done, and they will be done here at the table of the Speaker. Yah if you want--- We will give you the Standing Order.

Mr. Michael Ogada: Thank you once again Mr. Speaker sir. I hope all Members will be around as we deliberate on this Bill. Mr. Speaker sir, I beg to move that the Nairobi City County Supplementary Appropriations Bill 2016, be read a second time. Mr. Speaker sir, the County Assembly on the 28th April 2016 approved the report of the Budget and Appropriations Committee on the Supplementary estimates for the financial year 2015-16 to ensure that the approved figures are properly anchored in law. This Appropriations Bill has been submitted to give legal basis for the utilization of the funds. The Budget Committee has scrutinized the submitted Bill and confirmed that it is consistent with the figures approved in the Supplementary estimates in the House.

Mr. Speaker sir, I wish to beg Members to support this Bill and give the County the go-ahead to utilize the funds and for the completion of development projects and the other lines of expenditure before

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the end of the current development projects. Mr. Speaker sir with those few remarks, I wish to request Bishop to come and second.

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, I want to second by saying the following remarks. Mr. Speaker by passing this Bill, we are going to empower the Executive to spend close to 8 billion on development expenditure. The implications as you are urging us to remain in the House, is that in all the 10 sectors, the probability is that majority of the Wards will benefit from this Appropriations Bill. Secondly Mr. Speaker, I want to applaud you for the wise ruling that the committees are going to continue meeting because it wouldn't have made sense that you pass the 8 billion to the Executive and there is nobody to oversight to push these things to happen so that by the close of this financial year at least we are able to spend what has been allocated for the development of this city.

Mr. Speaker with those few remarks, I want to urge Hon. Members that there is a wise saying that says that; "the last minute can save a man or a woman if he is ready to take action". I think with the passage of this Appropriations Bill in my opinion, if we harass the Executive, if we can make them work, I know it can make an impact and everybody would have the chance to come back here. I second.

Hon. Speaker: Very well. Well said. Hon. Deputy Speaker.

Hon. Deputy Speaker: Mr. Speaker I think the County Supplementary Appropriations Bill has gone through a lot of processes, we had the Physical Strategy Paper and we had the Budget tabled before this House. Members did get a lot of opportunities to defend the position of the budget for 2016, and for that reason Mr. Speaker, I kindly ask the House to at least to approve the same without much ado on this Mr. Speaker, kindly call the mover to reply.

Hon. Speaker: Very well, the mover of the Motion to reply.

Mr. Michael Ogada: Thank you very much Mr. Speaker sir. My committee is happy because of the support we have been receiving from your office and the office of the Clerk and I am only here to reaffirm that our committee is seriously working for this House and is always on the side of this House.

Hon. Speaker: Thank you.

Mr. Michael Ogada: Mr. Speaker sir that one you can be assured that we are going to work tirelessly going as a committee to ensure the business of the House is properly taken care of and with that I really want to thank Members of this House who have given their support to the Committee and the work they have been doing. Therefore Mr. Speaker sir, I just request that you put it to vote because I know that Members are ready to pass it. Thank you very much.

(Question is proposed)

(Question is put and agreed to)

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AUTHORIZE THE SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICES OF THE YEAR ENDING 30TH JUNE 2016 AND TO APPROPRIATE THAT SUM AND THE SUM VOTED ON THE ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSE, SECOND READING

COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Deputy Speaker (Chairman): You may get seated and I direct the Serjeant-At-Arms that the door should remain closed. We have a serious business before us, kindly don't allow any Member to walk out of the House.

Hon. Chairman: Members, we are now in the Committee of the whole Assembly. Hon. Michael, can you move. Hon. Members, please adhere to the directive of the Chair. Don't go and disturb the Serjeant-At-Arm, those are the instructions from the Chair. Direct your anger to the Chair but not the Serjeant-At-Arm. We will start with Clause 2.

Clause 2

(Question proposed)

(Question put and agreed to)

Schedule

(Question proposed)

(Question put and agreed to)

Long Title

(Question proposed)

(Question put and agreed to)

Clause 1

(Question proposed)

(Question put and agreed to)

Hon. Chairman: Thank you, Hon. Members.

Hon. Michael Ogada: Thank you, Mr. Chairman. I beg to move that the Committee reports to the Assembly the considerations of the Nairobi City County Supplementary Appropriations Bill, 2016 and its approval thereof without amendments.

(Question put and agreed to)

Hon. Chairman: Thank you, Hon. Members.

(The House resumed)

(Hon. Speaker in the Chair)

Hon. Chairman: Thank you. Hon. Speaker. I beg to report that the Committee of the whole Assembly has considered the Nairobi City County Supplementary Appropriations Bill, 2016. Assembly Bill No. 2 of 2016 and approve the same without amendments. Thank you. Hon. Speaker.

Hon. Speaker: Thank you, Hon. Chairman. I call the mover to reply.

Hon. Michael Ogada: Mr. Speaker sir, I beg to move that the County Assembly do agree with the Committee on the said report. Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Chairperson.

Hon. Michael Ogada: Thank you. Hon. Speaker. I beg to move that the Nairobi City County Supplementary Appropriations Bill, 2016 now be read for the third time.

(Question proposed)

(Question put and agreed to)

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AUTHORIZE THE ISSUE OF SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICE YEAR ENDING 30TH JUNE 2016 AND TO APPROPRIATE THE SUM VOTED ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES

Third Reading

STATEMENTS

Hon. Speaker: Hon. Members, we now go back to first business of the day, and we quickly go to Order No. 7. Statement requested by Hon. Andrew Mbau from the Chairperson of the Sectoral Committee

on Transport and Public Works regarding the privatization of the clamping of vehicles that default to pay parking fees on time. Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Speaker, I kindly ask this House to defer this Statement before this House today as it appears on the Order Paper because the mood of Adjournment has already been set and I don't think whether the Members are ready to concentrate on this. Kindly relieve them and we meet here after recess. Thank you.

Hon. Speaker: Yes, Hon. Chief Whip.

Hon. Chief Whip Majority (Mr. David Mberia): Mr. Speaker, I don't know why the Deputy Speaker is in hurry to say that the mood of the House---- I can see the Chairman is already up on his feet to bring the report on the table of this House, thank you.

Hon. Speaker: Hon. Members, I think the Deputy Speaker looked at the mood of the Assembly and he has the right to look at the mood, but you can tell us otherwise. Hon Chairperson, please respond.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker sir. I have a preliminary response to a Statement requested by Andrew Mbau, from the Committee of Transport and Public Works.

Hon. Speaker sir, on Wednesday 4th May, 2015, the Hon. Andrew Mbau, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the privatization of the clamping of vehicles that default to pay parking fees on time.

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

1. Whether the County Government is in the process of outsourcing the services of clamping vehicles whose owners default in payment of parking fees.
2. Whether the County Government has allegedly sought the services of a private company while the company is capable of undertaking the task.

Hon. Speaker sir, the Committee at its sitting held on 5th May 2016, deliberated on the Statement requested by Hon. Mbau and came up with the resolutions on how it will undertake the issue as follows:

The Committee has written a letter to the Chief Officer of Transport and Public Works and copied to the County Executive Committee Member responsible for Transport, Roads and Public Works, County Executive Committee Member responsible for Finance and Economic Planning and the County Secretary conveying the resolutions of the Assembly that any engagement with the Company contracted to clamp vehicles be immediately suspended until the Committee concludes its findings and report to the Assembly.

Mr. Speaker sir, I wish to further report to the Assembly that the Committee has written to the Chief Officer for Transport and Public Works and copied to the County Executive Committee Member responsible for Transport, Roads and Public Works, County Executive Committee Member responsible for Finance and Economic Planning and the County Secretary on 5th May, 2016 requesting to be furnished with a written response to the statement by Hon. Andrew Mbau and to provide the Committee with all documents pertaining to the contract including advertisement for the tender, minutes of the Tender Committee that awarded the contract and a copy of the contract document signed with the private firm.

Hon. Speaker sir, I wish to give an undertaking that the Committee will give a comprehensive response to the statement the first week after recess. I beg to lay this preliminary response, thank you.

Hon. Speaker: Hon. Mbau.

Hon. Andrew Mbau: Thank you Mr. Speaker. Suffice to say this answer is not satisfactory even though it is a preliminary. They should have tried the core things in this scandal, let me call it a scandal. Just yesterday we were furnished with a copy of the award. How come they have not said that? It appears there are a lot of grey areas in this response. This was just for the sake of giving a response to appease the House. It is not satisfactory, we expect more that's all.

Hon. Kennedy Oduru: Hon. Speaker sir, I would like to inform the Hon. Member that it is preliminary and what the letter contains was stating very clearly that whatever he is inquiring we'll do an investigation into it meaning that we have done a letter waiting for the response from the Executive. Therefore, we'll scrutinize whatever we'll get then we'll make our comprehensive record. This is why we termed this one as a preliminary report, thank you.

Hon. Speaker: Hon. Alex Otieno.

Hon. Member for Mugomoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker sir. Let's give credit where it is due. The Committee has tried. The report just came here yesterday and if you could hear what the Chairman is saying, they have done a lot. They have written a letter and have also requested all the necessary information that Hon. Mbau had requested. We should also congratulate the Committee for acting very fast and the Chairman has categorically said that the first week after recess they will give us a report. Please, let's give them time and have a comprehensive report, thank you.

Hon. Speaker: Hon. Mbau and then we go to Hon. Marion.

Hon. Andrew Mbau: Mr. Speaker, if you could remember your ruling yesterday that this dealing with any private company should stop. Maybe that should have been the very answer that we ought to have been furnished with that there is no proceeding with this dealing whatsoever.

Hon. Speaker: Hon. Marion.

Hon. Marion Githinji (Nominated Member): Thank you Mr. Speaker. Actually I was going to say what Hon. Mbau has said. The first thing we wanted as Members yesterday after adjourning for this important issue is to confirm what the Speaker ruled yesterday that it has been suspended while we wait for the answer to come. Has the process been suspended? That I think is the most important thing that we are asking.

Hon. Speaker: Hon. Chief Whip and then Hon. Oduru be prepared to tell the Assembly whether what we said to stop has been stopped.

Hon. Majority Chief Whip (Mr. David Mberia): Mr. Speaker, there are rumors running around that the process has been suspended. Can the Chairman confirm to the House before he brings the comprehensive report that the process as we speak has been suspended.

Hon. Speaker: Yes, Hon. Ochar and then Hon. Ochola.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker. I think the Committee has done a lot. I happen to sit in that Committee. If you read the response clearly, it deters the Executive from proceeding with anything concerning that thing until our investigation is over. That is the furthest we can go. In fact it is contained in that letter. Again, that letter is copied to all the necessary departments. It cuts across 3 departments including the County Secretary. I think that letter is comprehensive as we are now waiting for the response from the other side. We as the Assembly oversight Committee have told them what we want, what we wanted to do and what should and should not happen. Thank you Mr. Speaker.

Hon. Speaker: Can we have Ochola then Hon. Karen and then Weche. I am sorry Hon. Ochola, the lady is ahead of you. You are a good citizen.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker. The Committee has tried giving that preliminary response in such a short time but this is a House of rules and procedures. We don't deal with rumors, we don't deal with verbal communication. We need a written official document showing that it was suspended (*Applause*) thank you.

Hon. Speaker: Hon. Deputy Speaker.

(*Laughter*)

Hon. Deputy Speaker: Mr. Speaker, this issue of the MOU and the contracting of towing and clamping of vehicles by yesterday we thought it was only the letter of award which had been released. To my amazement, the contract had been signed. The copy of the contract which came to my possession did not even bear the date upon which it was executed. The signature which appears for the County Secretary, there is a contradiction because we thought it was one Mwakanongo but he has denounced the signature. Mr. Speaker, the same signature does not seem to be one for Dr. Ayisi. We know for some time Mwakanongo was holding brief in that office.

Now the challenge is where the contract was signed and the date is not indicated. We can't understand exactly who signed on behalf of the County Secretary. Again, there is a stamp from the legal department by one lady Violet. There is no signature for Violet. It is a bit tricky. We need to put in stringent measures to make sure this does not see the light of day. We have stood our ground and I believe none of these Members or even the office of the Speaker will be compromised. *(Applause)* I want you to promise this Assembly that things won't change when we get back from the recess we start hearing funny stories and things are not coming out straight. You need to call these people because they are visible, they hold offices and have a sitting with them and get a clear position. Let them denounce their signatures in your presence Mr. Speaker. Get a witness maybe just for benefit of doubt to make sure that the two million dollar was never brought somewhere near your office like purported to have been given in the petrol station somewhere in Westlands. Thank you Hon. Speaker.

Hon. Speaker: Hon. Ochola.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Mr. Speaker at last I have got the opportunity to air my views. First, I want to thank the Committee for working and giving a response at most 20 hours. I will appreciate what they have done but, having the Committee done the same I want to distance myself with what is going on. The MOU which was signed, I concur in the report which the Chairman gave. He did mention that it was suspended. I want to follow what Hon. Karen has said. We should not work or act on verbal but we need a written document signed which proves that actually this has been suspended. For there, we can know if it is true.

Mr. Speaker, you know the culture in this City Hall especially the Executive side. They may say something, we will go on recess thinking that everything is on hold but when we come back we will find that they were operating and this will be very bad. They didn't even look at the revenue, how they are going to affect the revenue collection in the County. These people are killing the development within our County. For that, mine is to request you with the powers you have that you call a Kamukunji, let the Members impeach these people who are found signing or their stamps were on this MOU so that they can serve as an example to the rest, thank you Mr. Speaker.

Hon. Speaker: Can I have Hon. Mauti and then quickly we have the Chairperson for Budget then we close the chapter.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker sir, this is very wonderful. We thought cartels ended in City Hall but they are still surviving. As we come from recess we want you to have all documentation; we want to know who requested because according to the law the user department is the one to request for any procurement. Secondly any privatization which will be done by the County of Nairobi should be approved by this House. If it has not been approved the MOU does not substitute for privatization if not approved by this House.

Mr. Speaker I am very much worried because the Committee that I sit in, the Justice and Legal Affairs, whereby the Inspectorate is being used on towing, has been privatized without the knowledge of the Committee.

We were approving the supplementary budget at committee and we were worried if the Committee on Budget and Appropriation is not aware that privatization of collection through towing has been done. This is very illegal; signing a document without even a date. Our Legal Department don't know what it is doing. Also the Justice and Legal Affairs Committee. I ask, does a stamp substitute a signature? You can make a stamp in River Road and use it on a document. Does it substitute a signature of the Legal Department? This is not be taken lightly. I hope when we come back from recess we talk about the documents you will present before this House. Thank you.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much Mr. Speaker, I wish to have a voice on the same. One thing coming to our mind is that this thing, if not looked at it properly, is going to be a scandal. Because one we had same problem when it came to KEMRI issue where everybody, when they were summoned by everybody, they all denounced what took place and they were not pretending not to have known what was taking place and when they realized the Committee was becoming hard then they pretended to have suspended it.

Mr. Speaker when you look at what is at hand now it is unethical, it is evil to say you are contracting a service that you are currently doing to a person to pay him. Commission can never be more than 20%. This person is going to go with over 70% of collection; that is scandal. As a house if we allow that thing to continue I think we will not be doing justice to the people of this City.

The other thing is currently we have charges that you pay for towing. My Committee just received a document I think from your office when they were requesting that the towing fee be revised upwards. In fact they are increasing it almost 500%. With the knowledge that they want to steal from the people of Nairobi, this thing is not going to be right and as a House we need to put our feet down and make sure we don't allow people to go away with it. Thank you.

Hon. Speaker: Can we have the Hon. Chief Whip and Hon. Jacky

Hon. Chief Whip (Mr. David Mberia): Thank you Mr. Speaker once again if what the Deputy Speaker has confirmed that the contract has been signed and the statement which you made yesterday, that copy of the contact, but if indeed this contract has been signed then we all know that is happening and what happened earlier that some of our members have been compromised. This time around this House must bite, we can never allow someone to earn 70% as commission to steal from the people of Nairobi. We cannot allow to render 2000 workers as jobless because of greed and corruption. The County Secretary and CEC Member of Finance must be censured on the floor of this House and am the one who is going to bring this censure Motion immediately we come from recess.

Hon. Jacquilene Nyangala (Hon. Nominated Member): Thank you Mr. Speaker, from everything I have heard this is really dumbfounding however if the documents are signed without a date already it is an illegality so that means somebody somewhere is actually doing something that is illegal. We can't let this happen, thank you.

Hon. Deputy Speaker: I want to confirm to Members this is form of contract agreement for the quotation NCC/ADMIN/075/2014/2015 provision of towing and transport services. This agreement is signed by Nairobi City County secretary in the presence of Violet Oyangi Deputy Director Legal, signed by Charles Mwangi Kingo'ri for and on behalf of Bizcam transporters. This is the contract. Thank you.

Hon. Member for Kilimani ward (Mr. Moses Ogeto): Thank you Mr. Speaker I want to quote some few articles of Constitution for private /public partnership. When I was trying to look at my document which we the people voted for it brings a lot of irregularities. In the same Constitution where articles have been defined well, there must be a committee headed by somebody and before you proceed I don't know how this government works. What we can say is the ones who are colluding are just thieves. If the simple Constitution can't be followed! Whoever signed a signature without a committee being constituted...even our Thika superhighway the Chinese engaged the Kenya government and there is something they agreed. We don't know this company that has been engaged. Which treaties have they signed with the County government, we don't know? The owners of the company should be prosecuted. We are not going to allow this to happen. Thank you.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Thank you Mr. Speaker for this opportunity. This House has remained toothless for the rest of its lifetime and that is why we have been taken for granted such that things are happening and we cannot be in position to prevent. Nairobians will judge as harshly as first County Assembly never to have gone a step to protect what is theirs. Nairobi County property are being auctioned every day to the highest bidders. This clamping issue is not the first one. There was the issue of Jamb Pay where the County government admitted it could not collect parking fees yet it hired the services of a private entity.

Mr. Speaker, we need to forward and reconcile ourselves, why are our buildings being auctioned like one estate in Maliakani was auctioned without the approval of this House. Land is being auctioned every day and am very sure even jobs are being auctioned to the highest bidder.

So Mr. Speaker, if this House will fail in its mandate like right now they have signed the contract that means, that this particular House has no relevance and it is not up to its task. Yesterday I listened to the Governor and he said this is a thankless Job in KTN, he also said he is a very visionary leader on a mission but I believe he was using three words mercenaries, missionaries and visionaries. It is indeed if he is a visionary he could not be using mercenaries to run this County, this is because it is like the Nairobians have no power of what it is theirs.

I think it is the high time if this House agreed with me we would have taken Kidero and his Administration home long time ago, but now these things are happening and we are just here making noise and I believe if we are going to protect then it means we protect where we can. If we cannot then we should wait even ourselves especially our seats are going to be auctioned. I can count on several occasions so thank you Mr. Speaker and I hope this time round we are not only going to make noise but something is going to happen thank you.

Hon. Speaker: The last one Hon. Mbatia Chairman of PAC.

Hon. Member for Embakasi West Ward (Mr. Robert Mbatia): Thank you Mr. Speaker, yesterday a Member rose here on the same and said that we need to convince each other, but I am lost in this issue when we outsource a service, I want to understand when we outsource we believe the wisdom is that we are going to get something better and some value addition in it.

In this issue when we outsource clamping and towing are we going to get extra value for our money or are we losing. Usually we clamp and tow when people default in paying the parking, let us be told whether this whole project went procedurally and we don't have a problem with that, and also we be told the wisdom that led to that thought that we outsourced for these services, taking into consideration that we are not short of members of staff. In this probably I heard someone say that they are corrupt and we will lose money Mr. Speaker but I was thinking since I am a layman in this and am also lost.

When we outsource where, are the cheques and how many vehicles are we going to know they have been clamped? So those are the hard questions that we should be asking, let the Executive not hide themselves and come up. I would request that this issue should be suspended and if it is something that will add value and boost our revenue then we should go for it, but for now this looks like fraud Mr. Speaker as I rest my case. Thank you.

Hon. Speaker: Hon. Members, I want to first of all thank all the Hon. Members but only to inform Hon. Ngaruiya that we have not been toothless. When we are seated here all of us and speaking in one voice but when we move out of that door, we speak in parables. I have told you severally here that we speak this in my tribe and my clan.

If we only move in one direction I the Speaker of this Assembly is 100% with you, indeed we gave directions yesterday in regard to this issue where we had to suspend business of the Assembly and I want to thank the Deputy Speaker who came with this idea of suspending the Assembly yesterday where we adjourned to discuss matters of importance to this County.

That means the Assembly which had said yes to the adjournment, had the workers of this County at heart, know a challenge from Hon. Ngaruiya is on you and all of us as Members including I the Speaker. A challenge from Hon. Mauti that the Speaker and the Deputy Speaker says let there be no mistake on the part of the Speaker.

Know I want to issue the following directions and this is on behalf of the County Assembly of Nairobi and I want to send a message to the Executive, that the Assembly of Nairobi are not lame ducks, they are representatives of the people of Nairobi and that is why we are sitting up to now and not with our families and also not in our business and we are here sitting because of them.

Hon. Members, I have heard you and I can see it through your face that you are bitter and I am saying this to our Clerk, that I want some letters to be written to summon the Executive Committee Member of Finance, Roads and the Legal Department to come to my office on Monday at 10.00 am and I want them in the presence of the Chairman of Budget, Deputy Speaker, the two Whips, the two Deputies, the Chairmen of PAC and Roads should be with me in the office to witness.

I want to promise the County Assembly that if they will not appear to be summoned and also I said County Secretary if they will not appear on Monday, that is why I did not say tomorrow because I know most Members and Chairmen are travelling. So on Monday we will be all here so, if they will not appear to be summoned at 10.00 am I will call a special sitting of the Assembly to discuss this matter.

I take the challenge of Hon. Ngaruiya that we will take the bull by its horn and also I want to thank the Chairman of Transport because he has brought us a preliminary report and Members are happy with that since you have made a movement. I was expecting you to tell the Assembly that somebody called Violet she is no longer working and she is on the street.

The other person who signed those documents should also be in the street because they want to put the workers of the County Government in the streets. As we say in my Community do not hit anybody before you talk to him/her. So let them come on Monday and we talk and they must come with all the documentation that has been signed. I thank you and it is so directed.

(Applause)

Hon. Deputy Speaker: Hon. Speaker, I had requested for the deferment of Order number seven, kindly consider and let adjourn this Assembly to next month on 6th June, 2016. Thank you.

Hon. Speaker: Hon. Members, I want to thank you for the wonderful afternoon and as you go on recess I want to inform you as the Speaker of this House that I wish you well and I want the Committees when they come back after the recess, there will be no excuses that you have not done your businesses.

I also want to challenge the Committee on Liaison that the task that this Assembly has given you in regard to Houses falling, I hope that when we come back you will give us proper information in regard to our land in riparian and what you want us to do, so as to demolish.

Therefore, under Standing Order number one, this Assembly is adjourned until 7th June 2016 at 2.30 p.m. and God bless you. I am sorry Hon. Members; I had forgotten one item on issue of Transport and Works Committee, because of the involvement of finances I appoint also the Committee on Budget to

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sit together with the Committee because there are aspects of finances. I am so sorry, I wanted to say these earlier and I beg your pardon. God bless you all again.

(House rose at 4.25 p.m.)