



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – First Session

Tuesday 14th November, 2017

The House met at 2:30 p.m.

[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]

PRAYERS

STATEMENTS

Hon. Speaker: Hon. Mwaura?

Hon. Chege Mwaura: Thank you Madam Speaker. I rise to request a statement: That pursuant to Standing Order no. 45 (2) (c) I wish to request for a statement from the Chairperson of the Sectoral committee on Planning and Housing, regarding the stationing and management of floodlights across the city and particularly a 30 meter high floodlight located at fig tree stage along Murang'a Road, Ngara Ward.

Hon. Speaker, Kenya Power recently disconnected the floodlight for nonpayment of electricity bills occasioning security concerns and given the critical need for night lighting in the busy area. It is understood that the County currently has an arrangement with outdoor advertising companies regarding the stationing of the billboards mounted on floodlights.

Madam Speaker, in the statement, the Chairperson should inquire into and report on;

1. Can the Assembly be properly briefed on this arrangement between outdoor advertising companies and the County government on the responsibility of electricity for billboards mounted on floodlights? For example in my area, Ngara.
2. What is the legal basis of the said arrangement if any? And is there a memorandum of understanding? When was it signed and when did it come into force?

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3. What remedies are available under the arrangement if any for a party bridging and causing unnecessary distress and inconvenience to the public?
4. Audit of all the other arrangements between outdoor advertisers and the County government to establish whether the public benefit and value for money in such an arrangement. I thank you.

Hon. Speaker: Chairman, Planning? A member of the Committee?

Hon. Wilfred Odalo: Madam Speaker, we require two weeks.

Hon. Speaker: Okay. Hon. Mwaura? Hon. Daniel Muturi?

Hon. Daniel Muturi: Hon. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the deplorable state of some key County roads especially Marikiti Lane in the CBD.

Hon. Speaker, users of the famous Marikiti Market are increasingly finding it difficult to undertake business in the market given the deplorable state of the lane being a main road that serves the market. The situation is especially worse during the rainy season when the road becomes completely impassable to both human and motorized traffic resulting in huge losses to traders and wasted man-hours.

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

1. List all gazetted County roads and status of repair or disrepair
2. Measures taken by the County Executive if any to repair all County roads currently in deplorable state
3. When does the County Executive plan to fix key County trunk roads such as those in the market and estates?
4. Plans, if any, to institute remedial measures to make Marikiti Lane motorable to alleviate the suffering of traders and pedestrian users accessing the market.

Thank you.

Hon. Speaker: Chairman, Transport?

Hon. Mark Ndung'u: Ok, Madam Speaker, I request the Member to give me two weeks to come with a comprehensive report. Thank you.

Hon. Speaker: Ok Chairman. Are you ok Member? And I hope the two weeks is not a song because I have realized everyone just says two weeks, you have to also look at the gravity of the matter and be honest. Two weeks Chairman. Hon. Waithera;

Hon. Esther Waithera: Pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the collection of solid waste by the Nairobi City County Government tracks in Nairobi South B Ward.

Hon. Speaker, garbage collection has been a challenge to the residence of Nairobi South B Ward since August 2017. The County Government garbage collection tracks have not been collecting solid waste from the Ward, forcing a personal intervention as the Ward Representative to involve private garbage tracks collectors which has in the long run been financially straining.

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

1. Why the County Government has not been collecting solid waste from the Ward since August; and,
2. Measures taken by the County Executive to ensure that solid waste is collected consistently in South B Ward and other parts of the County.

Hon. Speaker: Chair Environment?

Hon. Member: Thank you Madam Speaker; because of the grave problems that garbage companies are facing I wish, and I am not saying two weeks I am requesting for one week, to give a comprehensive report. Thank you.

Hon. Speaker: Thank you Chair. Waithera, are you ok?

Hon. Esther Waithera: Yeah.

Hon. Speaker: Hon. Anthony Gathumbi, I know you have a response to a statement that was requested by Hon... Anthony Chairperson, You have the response? Chairperson of Culture? Proceed Chairman.

Hon. Member: On Tuesday 31st October 2017, Hon. Anthony Gathumbi MCA rose on the floor of the Assembly pursuant to Standing Order 45 (2) (C), and requested the Chairperson of the Culture and Community Services Committee for a statement regarding the mushrooming of pubs and bars along residential area and institutions of learning contrary to the Nairobi City County Alcoholic Drink Control Act 2014, for instance in Buruburu. In the statement the Member sought to know the following;

1. Who authorized the many pubs and bars in residential areas and near schools contrary to the law;
2. What measures have been put in place to ensure such transgressions do not occur in future;
3. When will action be taken against bars and pub owners contravening clear provisions of the law and officers of the County who authorize such illegality;
4. Plans by the County Executive to arrest the situation.

Madam Speaker, the acting County Secretary responded on the above issue on 7th November 2017. The Committee held a meeting on 9th November 2017, and Hon. Anthony Gathumbi was invited pursuant to Standing Order 45 (2) (a). Madam Speaker, the Member was satisfied with the response provided by the acting County secretary, however, it was observed that question number three on actions to

be taken against the bars and owners contravening clear provisions of the law and officers of the County who authorized such illegalities. The Committee resolved to invite the Liquor Licensing Board members to attend a meeting of the Committee to be held on 28th November 2017, to clarify and respond to the pending questions. I beg to lay this response. Thank you.

Hon. Speaker: Thank you Chair, Gathumbi?

Hon. Anthony Gathumbi: Thank you Hon. Speaker, I just want to agree with the Chairman of Culture and Community Services that they invited me and I agreed partially to the responses except number three, where it was crucial that the Act, on the menace that's in the area of Buruburu. So I'll wait until they invite the Board then may be they will come back and respond to the action that they've taken, but I want to say thank you very much to them and they did a good job. Thank you.

Hon. Speaker: Thank you Kimemia, next order?

MOTION

ADJOURNMENT FOR FURTHER RECESS

Hon. Speaker: Majority Whip?

Hon. Chege Mwaura: Thank you Madam Speaker, I rise on Motion number one of today, requesting to alter the calendar of the Assembly that, pursuant to the provisions of the Standing Order 29 (4), this Assembly resolves to alter its Calendar for the First Session of the County Assembly, 2017 as adopted on 4th of October 2017, by proceeding for a further recess from Tuesday 14th of November 2017, and resuming its regular sittings on Tuesday 28th of November 2017, and that, at the appointed time today the Assembly adjourns until the specified date.

Hon. Speaker: Yes you are supposed move.

Hon. Chege Mwaura: It has been a while Madam Speaker, I wish to urge the House that owing to the fact that this House primarily executes its business by coming to the Chamber and looking into serious Motions, serious statements and request for Bills. As we are now, we have not been able to gather as much business as possible owing to the fact that the Executive on the other hand is in the process of setting up its structures. Just last Friday, is when the team of the County Executive Committee Members were sworn in, and in the next couple of weeks they will be doing orientation and understanding their rules.

It's also imperative for us to understand that the County does not have a substantive County Secretary whose name was tabled in the Assembly last week and it's important for us to be able to vet and that report be tabled, so that the engines of the Government starts rotating. It's also important for us to understand and I am aware that most Members are new, that the Chief Officers who acts as the Principal Secretaries in the National Government are the AIE holders and these are the bulky of the departmental work, which this Assembly gets its request for statements in a more comprehensive manner because if we were to nail somebody to action, we would be starting from the CEC, to the Chief Officer to the Director

downwards.

As we speak the Executive has not given us that team of Chief Officers, and so you can realize that having started the Chamber properly at 2:30pm, thirty minutes after we do not have Business. It's important that we find some semblance of a way of working, so that now the media doesn't think that we come here to do very quick things and get out. We want to be here and conduct Business, but a lot of the business that comes to this House, is generated from the Executive, and as such there are time lines. We had time lines for the CEC's, they are here, we'll have timelines again to vet that every Committee will have a chance to vet the CEO's once the list is put, and we hope by end of this month the list should be up and running, so that before we go for the long recess, we'll have done the issue of vetting the CEO's.

It's also important for Members as representatives to understand that those specific issues that affect your Ward, roads, health etc., you need somebody who will not pass the back anywhere, and that's why we need to give this team of CEO'S to come and CEC's to come so that once we start moving and actions starts taking place we'll have some places to go to in the Executive, doors to knock and find people on the other end who'll be answerable. It's also important that this House also needs to break the ice. I am informed that KICOSCA games are coming up next week, I know a lot of our Members have been involved in various sporting activities, we need to put a very strong contingent team going to Machakos.

Hon. Chege Mwaura: It is important that we create time for them to be able to practice, understand each other and create a rhythm. Next week when they will be in Machakos, they should do justice to the County of Nairobi so that we start collecting our trophies.

Madam Speaker, there are some committees that have not been able to go for induction. I would urge Members of this House to consider this Motion so that the Executive may put their House in order and the Committees to finish induction. By the time we come back from recess in two weeks, the Committees will start their meetings. It is important for Members to know that Committees are not going for recess but they will continue, so your allowances are intact.

Madam Speaker, as I invite my seconder, it is important that we find a rhythm between the Executive and the Assembly so that we start moving----

Hon. Speaker: Hon. Member, you are on a Point of Order?

Hon. Member: The Hon. Member is talking about the Committees but the last time the House went for recess, Madam Speaker, you said the Committees' list should be brought back to the Committee on Selection so that it should be done properly. So I don't know what Committees he is talking about?

Hon. Speaker: That is out of Order. Can he first finish moving this Motion before we discuss on any Point of Order?

Hon. Chege Mwaura: Thank you, Madam Speaker for the protection. I am fully aware of that issue. We need to give time to Committee on Selection to reconstitute the Committees so that we table them.

I finish by saying that the pace we are moving is two or three steps ahead of the Executive. Since where we get our answers from, I would request that we slow a bit so that we help them capture the speed we are moving.

I wish to call upon Hon. Obuya to come and second. Thank you.

Hon. Kennedy Obuya: Thank you, Madam Speaker and the able Hon. Chege Mwaura. In respect to his request, I don't have a choice. As a noble and Hon. Member of this great City, I second it. I would also want to request the Majority Whip that these excuses must end. We need service delivery and this House must move. With a lot of respect, I urge you to end this stalemate. I humbly second this Motion, thank you.

(Question proposed)

Hon. Speaker: Hon. Mberia.

Hon. David Mberia: Thank you, Madam Speaker. I am concerned whether in the next 14 days the engine of this Government will be on and ready to go. The next 14 days, do we expect the appointment of the Chief Officers, vetting, approval by this House and finally swearing in? Also, we are supposed to have directors in this County. 14 days are not enough to ensure this Government is up and running.

Finally, in the last County Assembly, we passed hundreds of Motions and Bills. I want to ask the Majority Whip to ensure we have the list of Motions and Bills that we passed in the last House so that we should not duplicate. Thank you.

Hon. Speaker: Thank you. Hon. Millicent.

Hon. Millicent Mugadi: Thank you, Madam Speaker. As my colleague has said, I rise to support this Motion because we cannot move without the necessary departments working and the new CECs understanding what their role is. Nairobi is so big, they need time to catch up. We should sit down and decide what we need to do as Assembly. What if the Executive does not want to move the way we expect of them? By the time the Executive is catching up, we are here to guide them and show them how to move Nairobi forward. I support, thank you.

Hon. Speaker: Hon. Maurice.

Hon. Maurice Gari: Thank you, Madam Speaker. I rise to support the Motion. I support the Motion because the Whip came to lobby since he knew I was not going to support the Motion. In the previous Assembly there was monkey business going on. If some Members wanted to go somewhere, they brought Adjournment Motions so that they can travel but I hope it will not be repeated in this House. This is a House of rules and procedures, if some leaders are not around, we can proceed as Members. As you are aware we are going for Kenya Inter-County Sports and Cultural Association (KICOSCA), I know Members want to practice. Games bring people together, we are going to meet with people from different countries and share ideas. When we come back, we will be fresh.

Madam Speaker, I hope when we come back from the recess, we will have Speaker's *Kamukunji*. That should be the norm when we come back from the recess so that we can highlight our issues. Some issues cannot be highlighted on media. Here we have Hansard and the media. Madam Speaker, I urge you to call Speaker's *Kamukunji* before we resume to the House. If there is any issue between Jubilee party and National Super Alliance (NASA), we solve it. I wish to support, thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Maurice. Hon. Waithera Chege. Then, switch off your microphone. Hon. Peter.

Hon. Peter Kimuhu: Thank you very much, Madam Speaker. I wish to support the Motion. Standing here as the Chairman of Committee on Delegated Legislation, it is necessary to report that my Committee has not gone for retreat. When all the Bills come to this House, they are subjected to the Committee on Delegated Legislation. We have Bills from the Executive and private member's Bills that can originate from Members here. When that happens at this point and time before my Committee has gone for retreat, it will complicate the scenario because we might not be able to execute our mandate properly.

As the able Whip has said, it is necessary that we give this Assembly some time so that we have everything locked up in place, both from the Assembly and the Executive. That is the only way we can harmonize our events to be able to move smoothly without any hiccups. In the first Assembly when we came in 2013, we were faced similar scenario and we went for recess for similar reasons. So, I would really like to support that Motion so that we have all the Committees going for retreat and the minute we have the start off, we will not be having any problem.

Finally, Madam Speaker, one of my members in the Committee, Hon. Gari, has clearly stated that we are desired to have a *Kamukunji* with you. It is nothing out of the ordinary. We are your children, so it is necessary that I also add my voice in that respect. It has been a tradition and we did that in the previous Assembly. Thank you.

(Applause)

Hon. Speaker: Hon. Abraham.

Hon. Abraham Njihia: I stand to support the Motion and also concur with my colleagues that since we were sworn in, we have not met for a *Kamukunji*. I think it is a high time that we plan so that we can deliberate our issues there. Thank you.

Hon. Speaker: Hon. Cecilia.

Hon. Cecilia Ayot: Thank you, Madam Speaker. I am always humbled to be a Member of Nairobi City County Assembly where the Speaker is a woman. That always gives me pleasure and satisfaction.


I rise to support the Motion, but also take serious note on the concerns that have been raised by the Members. I would want to get a confirmation that during the recess, the leadership of the House will seriously reconsider the issue of putting the House in complete order in terms of allocating Committees. It is important that when we come back, we would have gone for committee induction. If there are still Members that are supposed to be moved from one Committee to another, then that would have not met the purpose as it is supposed to be.

As we speak, Madam Speaker, we still have Members who are in one Committee and others who are in more than four Committees. It is my request that during this period, this matter is put in to rest. Thank you.

Hon. Speaker: Thank you. Hon. Kiriba Kariuki.

Hon. James Kariuki: Thank you, Madam Speaker. I rise to support this Motion. However, my personal reason is because there is a lot of information we need to gather from these Members to contribute to Assembly business. Most of the information in these Committees we are getting is half-baked.

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For effective participation we need total information to save this County from things that have made it heavily indebted. I rise to support, thank you.

Hon. Speaker: Thank you deputy leader. Hon. Rose Adhiambo

Hon. Rose Ogonda: Thank you madam Speaker, as I stand here I support the Motion but I have some issues to put on. We are going to recess but we have a lot to do. Now we have the CECs, and we are waiting for the Chief Officers to be brought in the Assembly.

Madam Speaker while coming back on 28th we are going for a long recess and after long recess in January the needy children are going back to school. I am still talking about the bursary because at this juncture we will be going on a long recess without knowing whether our children are going to get bursary; and after coming back each of us will have nothing in our pockets.

Madam Speaker we need the County to go on quickly because we have a lot to do. We don't want to come in January and start crying. For me there is a lot to be done in Kware Ward. It is swampy today. Since the rains started I have been told the tractor is not there. I know the Minister of Transport is there but if the committee hasn't gone for induction they cannot know their mandate.

Secondly I welcome each and every Member to KICOSA/CASCA as the Nairobi coordinator in charge of sports. But what I am urging each and every discipline must love the game he or she is entitled to play because I will be embarrassed coming back without a trophy. Have that in your mind. Because while we are going there, we know they will watch Nairobi football because they know we are the champions, they also know Nairobi netball are the champions, also tug of war. I am challenging the tug of war team especially the Members because I have not seen them go for training. Only the football, volleyball and netball have gone for practices. But for tug of war none, maybe they will change from today. We are travelling on 19th, and tug of war, keep it in mind because we need to win the trophy.


Lastly I support my colleagues because without *Kamkunji* we can't continue in a good way. We are begging that when we come back, let us sit down and iron our issues. We can't say here some of the things because the press may report the same but even the women who are nominated they need to have a car. Right now we are going for a long recess, we don't know when other things will be done so let me keep quiet about it but when we are back I beg through the leadership of a woman just have wisdom and sit down with us. Thank you.

Hon. Speaker: Thank you Hon. Rose, Hon. Joseph Ouma?

Hon. Peter Imwatok: Madam Speaker allow me to apologize first for using the card for *Mheshimiwa* Ndonje because unfortunately during the last sitting I carried my card mistakenly in my pocket and I forgot to wear that beautiful suit today.

Madam Speaker I want to concur and support this Motion fully though I am late to come and second it on behalf of the leadership of the Assembly.

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Aware that Nairobi is the biggest Assembly in this country after the National Assembly and we have the pride of this country, on most occasion from the last Assembly that we had, but during times like this I also beg to talk as the big boss, as the chair of CASCA. Nairobi has been known to be a place where all cups come as my sister Rose has said. And it is not only by players to do so; we carry along all Assembly Members plus the staff to support the cause of the Nairobi County Assembly and Nairobi County Executive.

Madam Speaker allow me to rally a call towards agenda that has been placed on the issue of the Speaker's *kamkunji*. This is very pertinent. I think from there we can shape our way forward as a House and I believe it can be possible for this *kamkunji* to be there, and I speak for the entire leaders who are unfortunately out of the country for the next four days. I beg to ask Madam Speaker in case you declare a *kamkunji* it needs to be there when all our leaders are present, I beg to support, thank you.

Hon. Speaker: Thank Minority Whip, Mheshimiwa Ayoï?

Hon. David Ayoï: Thank you Madam Speaker, thank you very much for the opportunity to speak to this Hon. House. Mine actually is to support the Motion bearing in mind that we have many events that are supposed to take place. We have the sport which to me is one among the noble things Members should interact and bring the pride of winning and also bearing in mind that we have the County Secretaries who are supposed to go around, countercheck so that they are aware what they are supposed to be doing.

Despite the fact that we are going for recess, I remember us Members, I must say that it is hard for us to walk around our Wards. Looking at my place in Gatina, it is actually embarrassing, my people are being carried swept by floods. I think I need to buy some few *mkokotenis* to ensure that work is being carried out properly and it is a shame to this County Government.

Probably the CECs who are supposed to carry out the mandate will be able to check into that or else for us Members we have an obligation or role to play. So to support the Motion I urge the people concerned to take this matter seriously. For those few remarks I beg to support.

Hon. Speaker: Thank you. Mheshimiwa Osman?

Hon. Osman Ibrahim: Thank you Madam Speaker, I would like to invoke Standing Order 100 because we are just repeating ourselves, so that the mover can reply, thank you.

Hon. Speaker: Well since we don't have any other person I will call the mover to reply, not because of *Mheshimiwa* Osman is invoking Standing Order 100 but because there is no any other Member.

Hon. Chege Mwaura: I thank you Madam Speaker and I rise to reply and also want to thank my colleagues for their fruitful deliberations on this issue and with your guidance we would also want to mention them by names starting from Members who seconded me Hon. Lubuiya and I want to concur with you that a few things need to be done and this issue will of course rest with head of Executive so that he knows the concerns of the house.

Hon. Mberia also raised the issue of Bills and Motions of last House, I heard him but I think that would be in the purview of the committees that we currently have to revive what was pending and I think the secretariat who happens to be Clerks have what was happening last time and they should be able to give to various committees to jump start what was pending last time. My friend Hon. Maurice Gari mentioned that I went to lobby him; the Hon. Member should I understand I am a Whip and my work is to smell a dissent or rebellion a mile from here and find a way of mitigating it and I thank him for understanding and hearing me and crossing over to support the Bill. However the issue of *kamkunji* which has been raised by Hon. Member, I think it is in the purview of the Speaker and I don't think it needs the recess for it to be called.

On issue of trips I don't bury my head in the sand, but I want to tell Members that once in a while Members are going to be out, maybe it is the leadership, maybe next time an ordinary Member. We are not going to recess because others are on trips. Next time it will be a bunch of 7 moving out so I think when we get there it will open up and I can bet that this time we shall have as much fairness as possible different from last time.

Hon. Wahinya my friend thank you for the support; I concur with you on issue of *kamkunji*, same as father Abraham behind there; I hear you. Hon. Ayot on the issue of committees I totally understand because it doesn't interest me that one Member suffers as others benefit. I think we will find a way to sort out this committees issue once and for all same as for Hon. Deputy Majority.

Madam Ruth who was left I really concur with her on issue of sports and am very passionate; I find her very committed to the issue of sports and am so delighted to see her leading that issue. My counterpart Minority Whip, thank you for adding your voice same as Hon. Ayo. I want to rest the case by thanking you for having given us...I did not hear any dissent on the issue, however I wish to say we shall try as much as possible to sort out those issues maybe through the *kamkunji* or maybe through various leadership positions to ensure that by the time we come back a bit of some semblance or quietness should have been achieved in addressing the issues raised. With that I hope we shall support, thank you Madam Speaker.

Hon. Speaker: Thank you Whip, before I stand to put the question, one I want to wish you all the best in your sports in Machakos. I believe we have those Members who have dedicated themselves to be going for practice. I also want to agree that yes when we will be back we shall indeed look for a day and have the *kamkunji*. I hope as we come back we shall have sorted out a few of the issues Members have raised and that goes both to the Majority and Minority Whips. I also want to ask the Clerks to ensure the reports of your inductions will be part of the business and other reports that are there should be tabled because we shall be coming back for a very short session then we go for a very long recess. So I am hoping the staff will also understand they have a duty to ensure this House runs and it has business.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members we adjourn and this House resumes on Tuesday November 28th 2017 at 2.30 p.m.

(House rose at 3.43 p.m.)