



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Thursday, 15 June, 2017

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: Hon. Members! Members who walk in and out, you will make me adjourn this House sine die in 10 minutes. We cannot allow Members not to come to the Assembly yet you want an extension of the Assembly. We will not allow that to happen. Is there a quorum? Order Members, we need now to proceed.

PAPERS

Hon. Leader of Majority (Mr. Elias Otieno): Mr. Speaker may I take this opportunity to welcome Minority Leader back in the House after a long fasting because you can see the way he looks very weak but we are praying for him to regain his strength. From 25th of this month I know you are going to eat like *mchwa*.

I beg to lay the following paper on the table of the Assembly today Thursday 15th June;

Sessional Paper 1 of 2017 of the Non-Motorized Transport. I Beg To Lay It.

Hon. Speaker: Thank you Leader of Majority. Hon. Members, the Chairperson for Labour? The report on Sectoral Committee on Labour and Social Welfare on the retreat held at Sawela lodge, Naivasha from 9th September to 12th September. The Chairperson of Labour?

Hon. Asaha Abdi (Nominated Member): Thank you Mr. Speaker sir I have three papers to lay, I will start with the first one.

Pursuant to Standing Order 180 (6) I beg to lay the following papers on the table of the Assembly today Thursday 15th June 2017;

The Report Of The Sectoral Committee On Labour And Social Welfare On The Retreat Held At Sawela Lodge Naivasha From 9th To 12th November 2016.

The Report Of The Sectoral Committee On Labour And Social Welfare On The Retreat Held At Sawela Lodge Naivasha From 23rd To 26th January 2017.

The Report of the Sectoral Committee on Labour and Social Welfare on Consideration of Nairobi City County Sports Management Bill, 2017.

Thank you.

Hon. Deputy Speaker (Mr. Ken Ngondi): Thank you Hon. Speaker, under order 5, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 15th June 2017 the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the financial statements of the County Government of the Nairobi City County for the financial year ended 30th June 2015.

Hon. Speaker still on order 5 I beg to lay the following papers, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 15th June 2017 the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the financial operations of the Nairobi City County Assembly for the period 1st July 2014 to 30th June 2015.

Hon. Speaker still on order 5 I beg to lay the following papers, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Thursday 15th June 2017 the report of select committee on Public Accounts on the consideration of the report of Auditor General on the Service Board Car Loan Scheme fund for the year ended 30th June 2016.

Finally, Hon. Speaker allow me to lay the following papers, pursuant to Standing Order 180 (6). I beg to lay the following paper on the table of the Assembly today Thursday 15th June 2017 the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the Service Board Mortgage Scheme fund for the year ended 30th June 2015, thank you.

NOTICES OF MOTIONS

Hon. Speaker: Thank you Hon. Deputy Speaker and Chairperson for the Liaison Committee

Hon. Ken Ngondi: Thank you Hon. Speaker, I wish to give a notice of Motion, that this Assembly adopts the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the Service Board Mortgage Scheme fund for the year ended 30th June 2015 laid on the table of the Assembly today Thursday 15th June 2017, thank you.

On the same order, I wish to give notice of Motion that this Assembly adopts the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the Service Board Car Loan Scheme Fund for the year ended 30th June 2016 laid on the table of the Assembly today Thursday 15th June 2017, thank you.

On the same order, I wish to give notice of Motion that this Assembly adopts the report of Select Committee on Public Accounts on the consideration of the report of Auditor General on the financial operations of the Nairobi City County Assembly for the period 1st July 2014 to 30th June 2015 laid on the table of the Assembly today Thursday 15th June 2017, thank you.

STATEMENTS

Hon. Speaker: What is it Hon. Alex?

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Mr. Speaker under order 7 I have a statement. I thought that you could give the MP nominee chance to...

Hon. Speaker: Order Hon. Chairperson of Water...

Hon. Alex Ouda: Mr. Speaker, response to a statement requested by Hon. Shadrack Juma, MCA from the Chairperson of Sectoral Committee on Water and Sanitation. Mr. Speaker the report was discussed with the member and the member is very much satisfied with the report. He can testify.

Hon. Speaker: Is Hon. Juma in?

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Mr. Speaker I am satisfied, thank you.

Hon. Speaker: Thank you very much Hon. Shadrack.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangarwa): Mr. Speaker this particular question was asked from the floor of this House and it is for the benefit of members and all of us cannot ask the same question. Is it in order for members to go and agree outside there? Some of us have similar problems, even if it was Baba Dogo it also affects people across this County. It could only be fair that this particular issue be dealt in this House so that we can interrogate on the same. We have got interest in this particular question.

Hon. Speaker: Hon. Members what transpired is when the member asked this question on behalf of the people of Baba Dogo. He went with the Committee charged with his question and he was satisfied that whatever he asked on the floor of the Assembly had met his requirement on behalf of the people of Baba Dogo.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, thank you. The same Committee came to my Ward almost a year ago when we were doing a project of water. Since then, I said I was not satisfied with what happened in my Ward. Up to date, the same problem is there. I think as Mr. Nyangwara was saying, it was very important for us to interrogate this Chairman and so the so called nominee for MP. Whether he is leaving this House, he is leaving us in a precarious situation in terms of Wards because so far there is a problem of water in Nairobi. And this Chairman sits with the MD and the entire technical team of Nairobi Water but there are no results seen in Nairobi. The Chairman should tell us beyond Baba Dogo being satisfied, we never know--- Maybe the honorable Member for Baba Dogo was told to say he is satisfied because we were waiting for ten minutes for him to say he is satisfied. So, for some of us, we are not satisfied with the Chairman or the Water Committee. So, the Chairman must come clear---

Hon. Speaker: Order Hon. Member, I think I have heard you. My ruling is that Baba Dogo residents represented by Juma are satisfied with the question. Can we proceed? I would advise the Members to bring in the statements so that the Chairman can go through and he can answer you in a week's time. Can we proceed?

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, I have got a response to Hon. George Ochola's statement.

On Thursday, 16th March, 2017, Hon. George Ochola, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson Transport, Roads & Public Works Committee for a Statement regarding the use of County vehicles in political campaigns by unauthorized persons in Hospital Hill Ward. According to the Member---

(Point of Order by Hon. Imwatok)

Hon. Speaker: I can't hear you because you are not in the system.

Hon. Kennedy Oduru: But Hon. Speaker, you did not grant him an opportunity.

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

Hon. Peter Imwatok: Point of Order Mr. Speaker. As the Chairman gives an answer to this House, we want him to speak English.

Hon. Speaker: Order Hon. Imwatok! He is speaking English. Order! Go ahead Hon. Chairman. You are speaking the Queen's language because I can hear you.

Hon. Kennedy Oduru: Yes, exactly. Thank you Hon. Speaker for protecting me. So, according to the Member, on 12.3.2017, Mr. Geoffrey Okuti Otieno, a staff of the County Executive who is also an aspirant in Hospital Hill Ward used motor Vehicle registration No. 47CG330A for campaign purposes in Hospital Hill Ward and this is in contravention of Article 75(1) of the Constitution states that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids compromising any public or official interest in favour of a personal interest.

The Member further asked the Chairperson to inquire into and report on;-

- i. Confirm the use of County vehicle registration No. 47CG330A for campaign purposes by a County Executive staff who is also an aspirant in Hospital Hill Ward on 12.3.2017 and who authorized its use; and
- ii. What measures has the County Executive put in place to ensure that public resources are not misused.

Hon. speaker sir, the wrote a letter to the Chief Officer for Transport, Roads and Public Works and copied to the Executive Committee Member for Transport, Roads and Public Works on 10th May 2017 and the contents of the request were outlined.

Further, the acting Chief Officer for Transport delivered a written response to the Committee on 11th May 2017 siting that the vehicle in question does not belong to Roads, Transport and Public Works sector but to the environment, energy, water and sanitation sector and that the transport sector has directed the statement request to environment, water and sanitation sector. The environment sector forwarded a response vide letter REF: CO (EE&W) 1/33/207 dated 17th May 2017. In this regard, I wish to report to the Assembly that:

- i. Confirm the use of County vehicle registration No. 47CG330A for campaign purposes by a County Executive staff who is also an aspirant in Hospital Hill Ward on 12.3.2017 and who authorized its use;

The response is that the Kosovo Village residents' fraternity had arranged a clean-up of the area on 12th March 2017. This was the second clean-up in the year. The involvement of the vehicle mentioned above was for purposes of ferrying away the collected waste.

- ii. Hon. Speaker, the second question was; what measures has the County Executive put in place to ensure that public resources are not misused.
For the environment sector to release any of its resources in such activities, the following is observed;

- a) A request for support and collaboration between residents and the department must be made verbally or in writing.
- b) The department must consider the request and determine its level of involvement and support depending on the resources available and other planned waste collection activities.
- c) Reports on progress of all such activities must be made to the office of the director of environment and solid waste management.
- d) Availing of trucks for the clean-up exercises would be done in strict reference to vehicle allocation schedules.

Hon. Speaker sir, I beg to table this response.

Hon. Speaker: Hon. Ochola.

Hon. Member for Hospital Hill Ward (Mr. George Ochola): Thank you Mr. Speaker sir. Mr. Speaker, I am a sad Kenyan. I have to register my displeasure with the Committee for bringing the same response they brought the other time which I did decline. And again, if they confirm that it has failed but may not be convinced when my conscious is very clear on what took place.

Mr. Speaker, I have never gone mad. I have been having a very sound mind and when I talk about something, I know what I talk about. I might say that they have been defeated so that we put it aside but not to be convinced. Look at the response. They are saying that the Kosovo people can do a verbal or a written. Mr. Speaker, anytime the garbage is being collected, the calls always come from me to Mr. Wandera who is the in-charge at the Sub-County of Mathare. Anytime they are coming, they always call me. On this day, it was only two days when they had collected the garbage/waste.

Mr. Speaker, they always take 2 weeks for the tractor to come. How did it come after 2 days? To collect what? It is not clear. Something is wrong somewhere. I think I went to school. I know what I ask, I know what I want. But to be a fool, I can't take that. So, we would rather say that the investigation has failed to ascertain the reality but not to convince me on what I can't understand. I can buy that. Thank you.

Hon. Speaker: Hon. Oduru, I concur with the Hon. Member who represents the Hospital Hill Ward, and he must have noticed the movement of his opponent. So, Hon. Oduru, as the Chairman, on Wednesday 2.30 p.m. can you please bring a proper report on what was so special to do cleaning up for two days in the absence of the Hon. Member representing Hospital Hill?

Hon. Kennedy Oduru: Thank you Hon. Speaker sir. We will do it, but in fact it is a little bit challenging because this does not involve our direct department. This question, as it appears, it would have been forwarded or handled by environment, water and sanitation sector.

Hon. Speaker: Order Hon. Oduru! Can we have the report on Wednesday 2.30PM? If we don't have the report, I will make a ruling on that. Next order please.

**The Nairobi City County Sports Management Bill, 2017 (Assembly Bill no. 9 of 2017)
Second Reading**

Hon. Speaker: It is the resumption of the Nairobi City County Sports Management Bill, 2017, Assembly no. 9 of 2017. It is the resumption of debate interrupted on Wednesday 14th June 2017 at 2.30 p.m.

Hon. Member for Dandora 1 Ward (Mr. Peter Wanyoike): Thank you Mr. Speaker. I request that the Nairobi City County Sports Management Bill 2017 be read a second time. Mr. Speaker, the Sports Act 2013 provides for the establishment of the sports institution, facilities, administration and management of sports in the County and for the connected purposes.

It is in this spirit that the Committee administered this proposed legislation with intensely aid in promoting and providing Sports Management Bill 2017 in Nairobi County. Hon. Speaker, as such the Committee fully supports the Bill since it seeks to address these issues. However, the Bill requires fine-tuning through the proposed amendments so that it can serve the intended purposes.

In summary, the Bill addresses the following:

- i) The principle objective and purpose of this Act is to establish an efficient structure for the management of sport by promoting co-operation amongst agencies which play a role in sport and enhancing their capacities to maintain the provision of essential services during the period of sport.
- ii) The Bill requires the preparation and implementation of sports planned in accordance with the requirements of this Act.
- iii) The Bill vests authority in persons and agencies to act during the time of sport in accordance with the sport plan approved under this Act and to acquire the observant and the implementation of directive taken by the persons authorized under this Act.

The Bill otherwise enhance the capacity of the County government, relevant agencies and the community to effectively manage the sports.

Hon. Speaker I beg to move and call upon Hon. Rosemary to second the Motion.

Hon. Rosemary Wairimu: Thank you Mr. Speaker. I second the Motion.

Hon. Speaker: Hon. Member I did not hear you because you are not on your card. Can you move to Hon. Kimondo's place so that we be able to hear you?

Hon. Rosemary Wairimu: Thank you Mr. Speaker sir. I second the Bill.

Hon. Speaker: Hon. Members the Nairobi City County Sports Managements Bill 2017, Assembly Bill No. 9 of 2017 be read a second time.

Hon. Samuel Nyang'wara: Mr. Speaker I am on a Point of Order, I want to bring to your attention that we have a stranger in this House. Mr. Speaker you are aware that for one to be a Member of this County Assembly, he is supposed to be a voter in Nairobi. Hon. Manoah is not a voter; it would only be fair that you know who is supposed to be a member. It is in the Constitution that for one to be a Member of the County Assembly, he must be a voter in Nairobi, Mr. Speaker. But this particular Member has changed his status as we are speaking right now and he is comfortably seated with us here, Mr. Speaker.

(Laughter)

Hon. Deputy Speaker: Mr. Speaker I think Hon. Nyang'wara is misleading the House, if in any case Hon. Speaker, Hon. Nyang'wara is running as an independent candidate which actually does not feature anywhere in our standing orders. So if there is a stranger in this Assembly, then we start with Hon. Nyang'wara. Thank you, Mr. Speaker.

Hon. Speaker: Order Hon. Nyang'wara! Don't open that Pandora box! Hon. Manoah is rightfully in the Assembly of Nairobi County Assembly and as Hon. Deputy Speaker has said, it is true in the Standing Orders we do not have independent members.

(Loud consultations)

Hon. Speaker: Order Hon. Members! Next order please.

(Loud consultations)

Hon. Speaker: Order! It has not been brought to my attention about independent members or whatever, Order No.11 please. Hon. Members, the open debate for the Nairobi City County Sports Management Bill. Sorry Hon. Members, we are still on the Nairobi City County Sports Management Bill.

Hon. Deputy Speaker: Thank you Hon. Speaker. Hon. Speaker on Order No. 8, the Nairobi City County Sports Management Bill 2017, Assembly Bill No. 9 of 2017, my request Hon. Speaker given that this is a resumption of debate which was actively debated yesterday. And for that reason Hon. Speaker I would kindly request your intervention through the Assembly that you call the mover to reply on the same because almost every Member got an opportunity to contribute on this Motion. Thank you.

Hon. Speaker: I thank you Hon. Deputy Speaker; I now call upon the mover to reply.

Hon. Peter Wanyoike: Thank you Mr. Speaker and thank you Members for your support for this Bill. This Bill will bring change to Nairobi so that we can have structures and funds to manage sports. Thank you, Mr. Speaker.

(Question proposed)

(Question put and agreed to)

The Nairobi City County Sports Management Bill 2017, Assembly Bill No. 9 Of 2017; A Bill For An Act Of The County Assembly Of Nairobi City To Provide For The Management, Promotion And Regulation Of Sports In Nairobi City County And For Connected Purposes.

Second Reading

MOTION

INVESTIGATION INTO THE INVASION OF THE COUNTY ASSEMBLY PRECINCTS ON 7TH APRIL 2017

Hon. Speaker: Leader of Majority, okay Hon. Andrew Mbao?

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbao): Hon. Speaker I beg to move the following Motion, that this Assembly adopts the report of the Select Committee on Powers and Privileges on the investigation to invasion of the County Assembly precincts on 7th April 2017 laid on the table of the Assembly today. Mr. Speaker, this is a very sensitive issue and the Committee has drawn the attention of the Inspector General and the DPP and it touches on the welfare of the security and the rights of the Members. So I need to give the Members the chronology of these events and so I beg for your patience and your attention please.

Hon. Speaker the Committee of Powers and Privilege undertook this inquiry rising from the efforts by the County Assembly to secure its premises separately distinct from the County Executive premises within City Hall buildings, Section 136 of the County Government Act 2012, provides that the first sitting of the County Assembly after the first election under the New Constitution, shall take place at time, place and date determined by the Independent Election and Boundaries Commission (IEBC) which shall not be later than 14 days after the results of the election have been gazetted.

Pursuant to the foregoing, the Chairperson of IEBC via gazette Notice 3159 dated 13th March 2013, gazetted City Hall Council Chambers as the seat of the County Assembly. Consequently, in the furtherance of the foregoing, the Speaker of the County Assembly through Gazette Notice No.6614 of 11th September 2015 gazetted the precincts of the County Assembly to include the whole of the North Wing of City Hall from the basement to the 5th Floor which exercise was undertaken cognizant of Section 12 of the County Government Act 2012. Agreement through consensus was therefore reached through engagements between the County Assembly and the County Executive whose culmination was the meeting held on 14th October 2015 during which key timelines for vacating premises gazetted for the Assembly were agreed.

The Assembly had expected complete withdrawal from its precincts at the agreed date. Instead, the County Executive proceeded to petition the High Court in HC application No. 575 of 2016 seeking orders to quash the County Assembly Gazette Notice demarcating the same premises of the Assembly. Amongst other orders, on 18th November 2016, the matter is now pending before the court. The presiding

Judge having disallowed the application made by the County Executive to access the 4th Floor of the precincts which in essence allowed the status quo to remain until a final determination of the Substantive Motion is made expected to be delivered on 14th June 2017; that was yesterday.

However, under the circumstances on 7th April 2017 at 7.00 a.m. while the matter was still in court, officers from the County Executive led by a Mr. Caleb Otieno, a Mr. Albert Koech, a Ms. Eva Warioko and a Mr. Bernard Oliang'a under the instruction of the Chief Officer of the County Assembly Security compliant and Disaster Management department Mr. Francis Munyambu commandeered a contingent of County Askaris and Firemen armed with graders, cutters and other assorted heavy metallic equipment invaded the precincts of the Assembly on the fourth floor of the Northern Wing of City Hall Building lobbing teargas canisters at the Members and staff at the County Assembly present at the material time of invasion going on with their businesses and trying to access the said floor.

The group began confrontations with the Serjeant-At-Arms deployed at the entrance to the fourth floor, during which the officers of the County Assembly were assaulted and molested, and the matter reported to the police. With their heavy machinery, the iron barricade to the fourth floor was brought down and the steel door broken, effectively gaining entry and control of the said floor.

The City Inspectorate team had crude weapons whose violent use during the invasion inflicted bodily harm on the County Assembly Members and Staff. The situation became overwhelming and the Assembly staff withdrew. The group gained full control of the said floor and erected a barrier to block entry to the fourth floor from the County Assembly side.

At the same time, the Hon. Alvin Palapala and the Hon. Peter Isuha while proceeding to the County Assembly were accosted by County *Askaris*. The Hon. Peter Isuha, MCA, went to see Deputy Director of Inspectorate Mr. Caleb Otieno, and reported the matter. He identified the Askari who assaulted him and reported to Mr. Korir in the same department who promised to investigate and take action on the said *Askari*. Additionally, the Hon. Isuha recorded a statement at the K.I.C.C Police Station, OB Reference number 18/07/04/2017. Equally, the Serjeant-At-Arms too recorded a statement at the Kenya Central Police station under OB Number 88/07/04/017.

It is important to note that after the forceful invasion and occupation of gazetted Assembly precincts, the County Executive once again proceeded to Court purporting to seek orders to be allowed access to the said fourth floor, while being in material possession after the violent break in, and while the matter subsisted before a different judge pending judgment. The Court took notice of the absurdity of the new application and accordingly disallowed it.

The Select Committee on Powers and Privileges pursuant to Section 15 of the County Assemblies Powers and Privileges Act, 2017, seized itself of the matter and sought to establish the following, namely –

1. Assault of Members of County Assembly;
2. Assault of Members of Staff; and

3. Invasion of Assembly Precincts and refusal to withdraw.

The Committee's threefold objective as above was to establish whether various breaches of Assembly privileges occurred contrary to the provisions of the County Assemblies Powers and Privileges Act, 2017. The Committee heard from the Members who suffered assaults and reviewed their police Statements, as well as the Statements of the Sergeants-At-Arms. The Committee also resolved to summon persons accused of having participated directly or indirectly in the events that occasioned this inquiry, including officers from the County Executive and the County Government Workers Union. These persons were either present during the invasion of Assembly precincts or who those present claimed to have been acting on their behalf during the invasion and subsequent assaults.

On behalf of the Committee, and pursuant to Section 18 of the County Assembly Powers and Privileges Act, 2017, the Clerk, under the direction of the Speaker, wrote and issued Summonses for the following to appear before the Select Committee on Powers and Privileges on Monday 29th May, 2017 at 11.00am at Charter Hall, City Hall Buildings, to answer for the violent invasion of Assembly precincts and assault of Members and staff contrary to clear provisions of the County Assemblies Powers and Privileges Act, 2017, namely –

1. Mr. Francis Munyambu
2. Mr. Albert Koech
3. Mr. Caleb Otieno
4. Ms. Eva Wairuko
5. Mr. Benson Oliang'a
6. Mr. S.G. Mwangi
7. Mr. Isaac Nyoike

They however, did not appear to answer to summons.

The Committee had invited the Inspector General of Police and Director of Public Prosecutions for a Committee meeting who did not come for the meetings but promised to investigate and report to the Committee on the matter.

In light of the Committee's observations and findings, the Committee recommends that the Assembly resolves as follows;

1. The following persons be prosecuted for entering or attempting to enter the precincts of the County Assembly, and failing or refusing to withdraw from the precincts when ordered to do so in contravention of sections 5 and 35 of the County Assemblies Powers and Privileges Act, 2017 ("the Act"), namely –

- i. Mr. Francis Munyambu
 - ii. Mr. Albert Koech
 - iii. Mr. Caleb Otieno
 - iv. Ms. Eva Wairuko
 - v. Mr. Benson Oliang'a
 - vi. Mr. S.G. Mwangi
 - vii. Mr. Isaac Nyoike

2. The following persons be prosecuted for assaulting, molesting, using abusive language against Members of County Assembly while proceeding to, being within, or leaving the precincts of the County Assembly contrary to Section 26(1) (a) of the Act, namely –
 - i. Mr. Francis Munyambu
 - ii. Mr. Albert Koech
 - iii. Mr. Caleb Otieno
 - iv. Ms. Eva Wairuko
 - v. Mr. Benson Oliang'a
 - vi. Mr. S.G. Mwangi
 - vii. Mr. Isaac Nyoike

3. The following persons be prosecuted for assaulting, threatening, abusing of officers of the County Assembly, the Sergeants-At-Arms, while executing their duty of protecting the precincts of the County Assembly contrary to Section 26(1)(b) and (e) of the Act, namely -
 - i. Mr. Francis Munyambu
 - ii. Mr. Albert Koech
 - iii. Mr. Caleb Otieno
 - iv. Ms. Eva Wairuko
 - v. Mr. Benson Oliang'a
 - vi. Mr. S.G. Mwangi
 - vii. Mr. Isaac Nyoike

4. That the following persons be prosecuted for failure to honour the Committee's summonses to appear before it without giving lawful excuse for their non-attendance of the committee's meeting on 29th May, 2017 contrary to Section 27(1)(a)(i) of the Act, namely -
 - i. Mr. Francis Munyambu
 - ii. Mr. Albert Koech
 - iii. Mr. Caleb Otieno
 - iv. Ms. Eva Wairuko
 - v. Mr. Benson Oliang'a
 - vi. Mr. Isaac Nyoike

5. All the persons in current occupation of the County Assembly precincts on the date of this report do vacate from the said precincts and the DPP do take immediate action against them for contravening Sections 5 and 31 of the Act.

6. The County Public Service Board do undertake disciplinary action against the following persons for commission of the offenses of entering or attempting to enter the precincts of the County Assembly, and failing or refusing to withdraw from the precincts when ordered to do so in contravention of sections 5 and 35 of the Act; assaulting, threatening, abusing of officers of the County Assembly, the Sergeants-At-Arms, while executing their duty of protecting the precincts of the County Assembly contrary to Section 26(1)(b) and (e) of the Act; assaulting, molesting, using abusive language against Members of County Assembly while proceeding to, being within, or leaving the precincts of the County Assembly contrary to Section 26(1) (a), namely –
 - i. Mr. Francis Munyambu
 - ii. Mr. Albert Koech
 - iii. Mr. Caleb Otieno
 - iv. Ms. Eva Wairuko
 - v. Mr. Benson Oliang'a
 - vi. Mr. S.G. Mwangi
 - vii. Mr. Isaac Nyoike

I call upon the Minority Leader to second the Motion.

Hon. Minority Leader (Mr. Abdi Hassan): Thank you, Mr. Speaker. I second the report.

(Question proposed)

Hon. Speaker: I call the mover to reply.

Hon. Andrew Mbau: Mr. Speaker, this being a House of rules and procedures, we are in 4th and 5th floor legally and no one can remove us from there. I thank members for supporting this Motion and for acknowledging the two Members whose rights were abused and also the staff. Thank you.

(Question put and agreed to)

REPORT ON WATER SUMMIT HELD IN BUDAPEST, HUNGARY

Hon. Alex Ouda: Thank you, Mr. Speaker sir. I beg to move the following Motion: THAT, this Assembly adopts the report of the Sectoral Committee on Water and Sanitation on Water Summit held in Budapest, Hungary from 28th to 30th November, 2016, laid on the table of the Assembly on Wednesday, 7th June, 2017.

Mr. Speaker, allow me to read the recommendations of the Committee;

- a. There is need for the National Government to secure sufficient financing in order to increase water supply and sanitation services within the County and the entire Country at large. The President's launch of industrialization strategy on 4th February, 2017 was a positive gesture that saw signed agreement of Kshs.18.74 billion not only aimed at returning the Peugeot assembly in Kenya in June, 2017, but also boost in the construction of Ruiru II Dam that is projected to increase water distribution in Nairobi and its neighboring counties.
- b. The Nairobi City County Government should occasionally develop regulations that compel the water service provider, for instance, Nairobi City Water and Sewerage Company to provide quality water and sanitation services to the residents of Nairobi.
- c. The draft Nairobi City County Water and Sanitation policy, 2016 should be expeditiously concluded to ensure the very regulatory frameworks that make the water commodity easily assessable to the users.
- d. More and viable collaborative strategies need to be explored to tackle incessant water scarcity within the City.
- e. The Nairobi City County Government should advocate for realization of sustainable cities whose population is also fully sensitized on the importance of saving water- the scarce commodity.
- f. There is need to separate politics from practical concerns on water in order to create an enabling environment that ensures the City County moves fast to achieve an integrated approach by coming up with practical measures geared towards realization of water sustainability.
- g. Political goodwill remains important ingredient that accelerates trans-boundary water cooperation arrangements. As such, this goodwill needs to be fostered for the common good of civilians as it ensures equitable sharing of water resources devoid of perennial conflicts.
- h. It is evident that many institutions of water have been in existence and this has resulted into duplication of roles, an issue that should be looked into and dealt with through new legislative frameworks/regulations.

- i. Scaling up partnerships between public and private sectors should be encouraged by the City County Government to establish water business that could better enhance provision of water and related services to the residents.
- j. The County Government should always align/harmonize its integrated development plans to the sustainable development goal on water and sanitation services, among other SDGs. In other words, water needs to be viewed as integral component of socio-economic prosperity of any given nation.
- k. There is need for both the National and the County Governments to enhance and integrate water resources management that is key mechanization to addressing water challenges.

The aim is to realize economic and social development with minimal negatives. Mr. Speaker sir, the water supply 2016 was aimed at giving momentum to the implementation of sustainable development goal i.e. SDG 6, that relates to water and sanitation services. The summit underscored the fact that water connects both at National and regional levels and is therefore a paradigm shift that is critical to building more resilient water cities. Of equal importance was the emphasis that indeed water should always remain to be a source of peace and sustainability, a connecting and unifying factor and not a source of conflict. Mr. Speaker, it is on record that the Committee has done a lot of recommendations as far as water is concerned. The Committee has visited various countries namely Rwanda, Sweden, Botswana and Germany and has come up with recommendations that if adopted then Nairobi could be saved from scarcity of water. With that, I call upon Hon. Hashim Kamau to second the motion Mr. Speaker.

Hon. Minority Chief Whip: I second

Hon. Speaker: Very well Hon. Members.

(Question proposed)

Hon. Deputy Speaker: Thank you Hon. Speaker. On Motion 10, I think all members are privy to the report on the Sectoral Committee on Water and Sanitation submitted as laid out by the Hon. Chairman. I think it is only right that if any member has any issue to pick on with the report, they should do before adoption but if that is not so then I kindly ask you to call the mover to reply. Thank you.

Hon. Speaker: Thank you very much Hon. Deputy Speaker. Hon. Members, I now call upon the mover of the Motion to reply. Order Hon. Members!

Hon. Alex Ouda: Thank you Mr. Speaker. I thank Members for supporting the Motion. It is true that political goodwill will remain a key ingredient and should be fostered for the common good of civilians as it guarantees equitable sharing of water resources devoid of perennial conflicts. The many recommendations in the report will only remain relevant when they are fully implemented. Thank you and I thank all the Members.

Hon. Speaker: Hon. Members, I now put the question

(Question put and agreed to)

PROCEDURAL MOTION

Hon. Speaker: Hon. Leader of Majority.

Hon. Leader of Majority: Thank you Mr. Speaker. Since this man was defeated in California, he has become a good man. Procedural Motion: that pursuant to the provisions of Standing Order number 25(4), this Assembly resolves to alter its calendar and extend its regular sitting for the last part of the fifth session from 15th June 2017 to 29th June 2017. Mr. Speaker, the reason for extending the life of this Parliament is because we have pending businesses and also Members came back from the nominations, you included, with pockets too dry. So it is prudent that they take time and get allowances. I now call upon the leader of Minority to second the Motion.

Hon. Leader of Minority: Thank you Mr. Speaker sir. I do second the Motion. I want to add a rider on it that the reason for extension of the House is to let us finish the pending matters in the Assembly. We have many Bills which are in second and third reading and if we do not dispense off with them then the Bill will lapse and the next Parliament will start afresh. I don't want to say anything bad about the Majority Leader because I am fasting. He should be very grateful for this month. Thank you.

(Question proposed)

Hon. Deputy Speaker: Thank you Hon. Speaker. I rise in support of the Motion of the extension of the House calendar. I do have some reservations. We have been here for four and a half years and it will be honorable for us to exit the House with dignity and not in disarray. It will be good for the Honorable Members to give Nairobi's (INAUDIBLE). The Majority Leader has become a personal assistant. Mr. Speaker, we are expecting a new Assembly, God willing if we have successful elections in August and it will be good for us to leave here in order so that as pioneers of the first Assembly of Nairobi County set the bar where they can start from. This extension will enable the House dispense off all the pending and important Bills which have got timelines. Otherwise, I support.

Hon. Speaker: Thank you Hon. Deputy Speaker. Sergent-At-Arms, kindly confirm who is playing music in the background. I already have the name of the Member with me.

(Laughter)

Hon. Speaker: Order Members!

Hon. Hashim Kamau: Thank you Mr. Speaker. I stand to support the Motion. I am being informed that the question you asked regarding the phone that was ringing belongs to the Majority Leader.

(Laughter)

Hon. Speaker: I will throw you out.

Hon. Hashim Kamau: Thank you Mr. Speaker. I am in support of the Motion

Hon. Speaker: Order Hon. Hashim. Can you substantiate or go out!

Hon. Hashim Kamau: I thought it was his phone.

Hon. Speaker: Order Hon. Chief Whip Minority! Can you withdraw and apologize to the Assembly?

Hon. Hashim Kamau: I thought it was his phone ringing.

Hon. Speaker: Order!

Hon. Hashim Kamau: I withdraw.

Hon. Speaker: And apologize.

Hon. Hashim Kamau: I apologize to my good friend.

Hon. Speaker: Sit down. Hon. Clarence Kipkemboi.

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Thank you Mr. Speaker. Reading the mood of the House, kindly put the question.

(Loud consultations)

Hon. Speaker: Order Hon. Members! Kipkemboi please.

Hon. Clarence Munga: Thank you. I was saying that by reading the mood of the House, we are all in agreement with the Motion. Give me time Members. I am the one on the floor.

Hon. Speaker: I call the mover of the Motion to reply.

Hon. Leader of Majority: Thank you Mr. Speaker. I thank all Members for supporting his Motion. Put his into consideration that we are extending for two weeks up to the 29th. Mr. Deputy Speaker, I know that Hon. Imwatok is going to take on your position in the near future so do not worry. Mr. Speaker, in the event that we don't finish the businesses that we have from today till the 29th, I will come back to extend until we finish. Thank you

(Loud consultations)

Hon. Speaker: Order Hon. Members!

(Question put and agreed to)

ADJOURNMENT

Thank you very much Hon. Members. Do have a good afternoon. The House is adjourned until Tuesday next week at 2:30 p.m. I thank you.

(The House rose at 4:18 p.m.)