



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Tuesday, 20 June, 2017

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Sergeant-at-Arms to ring the bell for five minutes

(Bell ringing)

We now have quorum. We can start the business of the day. Stop ringing the bell

PAPERS

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker. Pursuant to Standing Order number 186, I beg to lay the following paper on the table of the Assembly today Tuesday 20th June 2017. The report of the Sectorial Committee on Planning and Housing on inquiry into the contested ownership of the land LR NO. 27/326 of Kiambu Road, Ridgeways.

(Paper laid)

NOTICES OF MOTION

Hon. Maxwell Ochar: Mr. Speaker, I beg to give notice of the following Motion; that this Assembly adopts the report of the Sectorial Committee on Planning and Housing on inquiry into the contested

ownership of the land LR NO. 27/326 of Kiambu Road, Ridgeways laid on the table of this Assembly today Tuesday 20th June, 2017. Thank you.

MOTION

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Thank you Mr. Speaker sir. I beg to move the following Motion; that this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the Service Board Mortgage Scheme Fund for the year ended 30th June 2015 laid on the table of the Assembly on Thursday 15th June, 2017. Hon. Speaker, members will recall that the Chair on Wednesday 13th June directed that the Chairperson of Liason Committee tables all the pending reports before the Public Accounts Committee. This was after the Committee failed to table the reports as previously directed by the Chair on Tuesday 13th June, 2017. Indeed the Chair Liason Committee pursuant to Standing Order number 192 (3) tabled the four reports on Thursday 15th June 2017. Hon. Speaker, article 229 (8) of the Constitution provides that within three months after receiving the report of the Auditor General, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

Hon. Speaker, the mandate of PAC is to examine the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and as such of accounts laid before the County Assembly as the Committee may think fit. The Committee's main objective therefore is to ensure that Nairobi City County public funds are well utilized and the public realizes value for money in all Government expenditures. Hon. Speaker, the Car Loan Scheme Fund was established pursuant to the Salaries and Remunerations Commission (SRC) circular No. SRC TSWB314 of the 14th February 2014. Section 167 of the Public Finance Management Act 2012, mandates the administrator of public funds with the preparation of annual financial statements---

Hon. Speaker, for proper management of the funds, the Nairobi City County Assembly adopted the Nairobi City County Mortgage scheme Fund regulations of 2014 to guide in the operationalization of the fund as advised by the salaries and remunerations commission (SRC) and as provided under regulation 16 of the said regulations, the County Assembly Service Board appointed a banking institution to manage the fund. Hon. Speaker, members will recall that the County Assembly terminated its engagement with the bank through a resolution adopted by the Assembly effectively transferring the management of the fund to internal management by the Assembly. While considering the report of the Auditor General, the Committee received responses to the queries raised from the Clerk of the County Assembly who is the accounting officer and also the manager of the fund.

Hon. Speaker, the report of the Auditor General did not raise substantive financial weaknesses in the management of the fund. There are no indications that the funds were lost. It however raises concerns over the accounting standards used by the management while accounting for the funds especially the bank reconciliations. This needs to be addressed by the management in order to avoid suspicion that may be raised. The statements of accounts should always reflect the true financial position of the fund and at any given time.

The Committee has recommended as follows;

1. That the Accounting Officer ensures that the managers of the fund adhere to the International Public Sector Accounting Standards (IPSAS), consistent with the public finance management Act 2012. while accounting for the funds, the financial statements of the fund should always reflect the true financial position of the fund at any given time
2. That the accounting officer should ensure strict adherence to the enabling legislations and regulations in order to safeguard public resources invested in the fund.

Hon. Speaker, detailed recommendations of the Committee are found on page 12 of the main Committee report and members are welcomed to look at the report itself. Allow me to thank the entire membership of the Committee for its hard work and commitment which made the taking of evidence and production of this report a success. I urge members to support this report and as I move, I call upon Hon. Ken Oduru Sirkal to second. Thank you Mr. Speaker

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir. I beg to second the Motion.

(Question proposed)

Hon. Speaker: Hon. Members, I call upon the mover of the Motion to reply. What did you say?

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Hon. Speaker I wish to thank the Committee for the good work they have done. I also wish to comment on their observation on number three on things to do with Members having cleared their loans by the time they leave this Assembly. As a person who sits in the Committee of Loans and Mortgages for Members, I wish to say that the Assembly has done a very good job. 99% of the Members have cleared their loans and only a few cases are left which are being sorted out. This is the first thing that we have done as an Assembly. We faced challenges and brought regulations that are going to regularize the loans and mortgages for Members to ensure that the purpose of the loans is met as inquired by the Auditor General.

I am sure that the next Assembly will have a platform with which they can comfortably operate on and make sure that Members are satisfied with the loans issued and deductions until their period ends. If that is followed strictly then all Members will have paid the funds. We have also ensured that the funds are secured and Members can easily access them for car and mortgage purposes. Mr. Speaker, I wish to mention that the Ksh. 3 million given for mortgages might not be favorable in Nairobi because of the rates and I hope that the incoming Government will be able to negotiate to have the amount increased. I support the Motion and thank the Committee. Thank you.

Hon. Hashim Kamau: Thank you Mr. Speaker. I want to congratulate the Loans Committee on what has been said by Hon. Kagiri and the mover of the Motion that the Auditor General did not raise substantive financial weakness in the management of the fund. Amongst the members of that Committee is yours truly Hon. Hashim Kamau. I support. Thank you.

Hon. Maxwell Ochar: Thank you Mr. Speaker once again. I support this report and congratulate the Committee members who have been working 24 hours to ensure that our loan scheme is running smoothly. This needs a working relationship between Members and the Loans Committee. A look at the County office admitted to the audit finding and submission that one as correctly observed by the Auditor, some Members were not likely to complete paying their loans. We need the Accounting Officers to be categorical and give us quarterly reports so that each individual pulls up their socks. This will help us know whether we have loans to pay or have completed the same.

Having said that, I also looked at the recommendation which says that the Accounting Officer must ensure that managers of the funds adhere to the international public sector standard. This is true. If at all the managers can give us reports then each Member will know where they stand. What will happen to the Members who will have not completed their mortgage at the end of term? Will it be deducted from their gratuity? or how it will go. So that we can sit together with each and every Member who might have not finished his loan by the time our term ends. Thank you Mr. Speaker, I support.

Hon. Speaker: Thank you very much Hon. Chair. I think it is important Members should know their position as far as mortgages and car loans are concerned. And as Hon. Kagiri said, it should be known who the 5% are. I will ask the Clerk to do that and inform the Members accordingly, individually, not by letters because we don't want Members to panic. So, we will do it administratively. I thank you. I now call the mover of the Motion to reply.

Hon. Benson Kitavi: Mr. Speaker, I wish to thank the Members for their contribution. I think it is important that we pass this Motion because we have a role to safeguard public resources. Thank you Mr. Speaker.

(Question put and agreed to)

Hon. Benson Kitavi: Point of Order. Thank you Mr. Speaker. I beg for your indulgence. I would like to lay a paper pursuant to Standing Order no. 180 to be tabled in the Assembly today 20th June 2017. This is the report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the consideration of the Nairobi City County Childcare facilities bill 2017.

Hon. Speaker: Please lay it on the Table.

(Hon. Kitavi lays the paper)

MOTION

The report of the auditor general on the Nairobi City County Assembly Service Board car loan scheme fund for the year ended 30th June 2016

Hon. Benson Kitavi: Thank you Mr. Speaker. I beg to move that this Assembly adopts the report of the select Committee on Public Accounts on the consideration of the report of the Auditor General on the Nairobi City County Assembly Service Board car loan scheme fund for the year ended 30th June 2016, laid on the Table of the Assembly on Thursday 15th June 2017.

Hon. Speaker, this is one of the reports that the Speaker directed that the Chairperson Liaison Committee tables after the PAC Committee failed to table. Indeed, the Chair Liaison Committee pursuant to Standing Order 192(3) tabled the four reports on Thursday 15th June, 2017.

Hon. Speaker, the mandate of PAC is *“to examine the accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.”*

Hon. Speaker, the Committee’s main objective therefore is to ensure that Nairobi City County public funds are well utilized and the public realizes value for money in all government expenditure.

Hon. Speaker the Car Loan Scheme Fund was established pursuant to the Salaries and Remuneration Circular No. SRC/TS/WB/3/14 of 14th February 2014. Section 167 of the Public Finance Management Act 2012 mandates the administrator of Public Funds with the preparation of Annual Financial Statements.

Hon. Speaker for proper management of the Fund and as advised by the SRC, the Nairobi City County Assembly adopted Public Finance Management (Nairobi City County Car Loan Scheme Fund) Regulations 2014, to guide in operationalization of the Fund. As advised by the SRC and as provided for under regulation 16 of the said Regulations, the County Assembly Service Board appointed a banking Institution to manage the fund.

Hon. Speaker, members will recall that the County Assembly terminated its engagement with the bank through a resolution adopted by the Assembly effectively transferring the management of the fund to internal management by the Assembly.

Hon. Speaker while considering the report of the Auditor General, the Committee received responses to the queries raised from the Clerk of the County Assembly who is the Accounting Officer and also the manager of the fund.

Hon. Speaker, the report of the Auditor General did not raise substantive financial weaknesses in the management of the fund. There are no indications that funds were lost. It however, raises concerns over the accounting standards used by the management while accounting for the fund especially the bank reconciliations. This needs to be addressed by the management in order to avoid suspicions that may be raised. The statements of accounts should always reflect the true financial position of the fund at any given time.

Hon. Speaker, the Committee has recommended as follows:

1. That the Accounting Officer ensures that the managers of the fund adhere to the International Public Sector Accounting Standards (IPSAS) consistent with the Public Finance Management Act, 2012 when accounting for the fund. The financial statements of the fund should always reflect the true financial position of the fund at any given time; and
2. That the Accounting Officer should ensure strict adherence to the enabling legislations and regulations in order to safeguard public resources invested in the fund.

Hon. Speaker, detailed recommendations of the Committee are found on page 12 of the main Committee report.

Hon. Speaker, allow me Mr. Speaker to thank the entire membership of this Committee for its hard work and commitment which made the taking of evidence and production of this Report a success.

Mr. Speaker sir, I urge Members to support this report and as I move I call upon Hon. K'Otieno, MCA of Sarang'ombe to second.

Hon. Pius Otieno: Thank you Mr. Speaker for this opportunity and ample time to support this Motion as well as pushing for my concern. Mr. Speaker, the House must know that when these goodies were being passed to us, there was no policy frame work that was established by the Salaries and Remuneration Commission (SRC) and probably most of the issues that are being canvassed before this House are issues that could have been dealt with by the SRC.

Secondly, I want to appreciate the efforts that were done by the Committee on Loans, your office and the Clerk of this Assembly. I remember at one point, Members of this House almost fought while we were still at Charter Hall. Everybody was trying to push for his own agenda or for his own version of truth. And the question by then was either the Clerk, Jacob Ngwele or the Speaker, Hon. Magelo must have embezzled this fund. I remember it was very chaotic and it was only Owino K'Otieno by then who spoke in defence of the mentioned persons and everybody. My friend, Ochar can attest to that. But at least I am happy that even while we shall be leaving this place, there will be no person or persons who will either be penalized in courts or leave here without having received these goodies.

However, Mr. Speaker, there is need going by recommendations for us to evaluate or reevaluate this scheme. First of all, my Committee has had an opportunity to go through some of the proposals that were tabled by this House through the Committee of Loans. I don't want to get into the details because I will be preempting on the Motion that will be coming but what must be said is that there is need for us to find a framework of engaging SRC. The dynamics that exist in Nairobi cannot be compared with the dynamics that are existing in Marakwet, Machakos, Kakamega or in Bungoma. There is no House in Nairobi that can be bought at 3 million shillings while the same amount can give you a very nice bungalow in Baringo or Marakwet.

So, SRC is the bonafide Commission with the constitutional authority and mandate to decide and increase our packs. It is unfortunate that in our first legislative conference in Mombasa, the President, Uhuru Kenyatta was among the keynote speakers. In fact, he was the guest of honor at that particular conference. But unfortunately, when this issue was actually tabled before the president, he gave lofty promises that he never followed with the Cabinet Secretary (CS) for Treasury. Most of these people could have taken those loans, loans that the President would have given them an amnesty for but four years down the line, many people are still crying. But I want to say that it is good news for the people living in Nairobi that their monies were not lost, Members bought their cars, others constructed their houses or bought plots and even as we leave this place, we shall be leaving with our heads high and our shoulders high. With those many remarks, I beg to support, Mr. Speaker

Hon. Speaker: Thank you Hon. K'Otieno.

(Question proposed)

Hon. Maxwell Ocahr: Thank you Mr. Speaker. Mr. Speaker, looking at the mood of the House, it looks like everybody is satisfied that car loan was done and everybody repaid the loan successfully. I can say there are some few Members who have not fully paid their car loans for the month of June to December. Mr. Speaker, I guess the few Members know themselves and if they don't, let us follow the procedures for the scheme so that nobody leaves this House with the loan because it is too late for everyone one to be individually informed what he/she owes the County. I still go back to what I said earlier, that each individual be notified in advance on what they borrowed. Thank you.

Hon. Speaker: Thank you Hon. Oscar. I think we will do the housekeeping. As we said earlier, we will notify the Members administratively. Thank you. I now call the mover of the Motion to reply.

Hon. Benson Kitavi: Thank you Mr. Speaker. Indeed I want to thank Members for their contribution. It is a good thing that as we leave or come back to this Assembly when things are in order. Therefore I register my appreciation. Thank you.

(Question put and agreed to)

MOTION

THE CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL OPERATIONS OF THE COUNTY GOVERNMENT OF NAIROBI FOR THE YEAR ENDED 30TH JUNE 2015

Hon. Member for Laini Saba Ward (Mr. David Kitavi): Thank you Mr. Speaker, I beg to move that this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the financial operations of the County government of Nairobi for the year ended 30th June 2015 laid on the table of the Assembly Thursday 15th June 2017. Hon. Speaker this is one of the reports directed that the Chairperson Liaison Committee tables after the PAC Committee failed to table.

Hon. Speaker: Hon. Members Order! This movement of Members out of the Assembly is unacceptable. The other day you saw the papers wrote that the broke Members of the County Assembly of Nairobi extended their time because of funds. Please let us complete business otherwise this will deter us from doing other things. I beg you please; persevere for only an hour and our business will be complete. I thank you.

Hon. David Kitavi: Thank you Hon. Speaker. Hon. Speaker, Article 229 of the Constitution provides that within three months after receiving the report of the Auditor General, Parliament or the County Assembly shall debate and consider the report and take appropriate action. With the foregoing, this report

is long overdue having been tabled on 15th November 2016. Mr. Speaker, the mandate of the PAC is to examine the accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may deem fit.

Hon. Speaker the Committee's main objective therefore is to ensure that the Nairobi City County funds are well utilized and the public realizes value for money in all government expenditure. Hon. Speaker, while considering this report the Committee met the CEC Member Finance and Economic Planning and the Chief Officers. Moreover, written responses were obtained from the said CEC Member and the Chief Officers. It is important to note that the designated Accounting Officer for the County Executive entities during the year under the audit and who doubles as the Acting County Secretary Dr. Robert Ayisi declined to appear before the Committee even after being summoned.

Hon. Speaker, the Committee identified key issues from the report of the Auditor that hampers effective service delivery to the County residents. The issues range from financial management challenges to policy deficiencies, and include:

- i) The procedure for designating of Accounting officers;
- ii) Challenges with revenue collection;
- iii) Operations of Jambopay revenue collection systems;
- iv) Management of County assets;
- v) Budget implementation and financial reporting; and
- vi) Violation of procurement laws and procedures.

Hon. Speaker, the Committee has proposed a raft of recommendations to address the flaws in the aforementioned issues as observed by the Auditor General. Some of the recommendations include:

1. The Clerk of the County Assembly should with the directions of the Speaker proceed and take necessary actions prescribed under Section 34 of the County Assembly Powers and Privileges Act 2017 against Dr. Robert Ayisi and any other person who fails to honour Assembly summons;
2. Immediate designation of Chief Officers as Accounting Officers of various departments they head;
3. Non-renewal of contract between the County government and Jambopay Trust; the provider of Jambopay revenue collection system;
4. Development of internal foolproof automated revenue collection by the Information and Communications & Technology (ICT) department of the County government;
5. Development of a Digital Asset Register for all County assets;

6. Full adoption of the Integrated Financial Managements System (IFMIS); and
7. Sanctioning of various officers for misuse of public funds and incurring irregular expenditure.

Hon. Speaker, detailed recommendations of the Committee are found on page 99 of the main report. Hon. Speaker, therefore allow me to thank the entire membership of that Committee for their hard work and commitment which made the taking of evidence and production of this report a success. Mr. Speaker sir, I urge Members to support this report and as I move, I call upon Hon. Karen Githaiga to second the Motion.

(Question is proposed)

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir. I had to be sure what I am seconding. I want to support this report and one of the recommendations Mr. Speaker as the Chair has said, is making sure that there is no irregular expenditure and we have noted the County has been using money from the source which is illegal. Mr. Speaker, we have noted that the County Executive has been using free maternity money that the National government gives it so that it can take to hospitals like Pumwani Maternity, Mama Lucy, Makadara and the rest. Mr. Speaker sir, that money has been diverted for other uses. Also Mr. Speaker, we have seen in our committees we call the CECs and the Chief Officers and members of the Executive to our committees so that they can answer some of the implementation issues on what to put on budget or whatever we have passed in our laws Mr. Speaker sir. But they have refused to do that many a times; I believe this should end so that the work in Nairobi County can be done swiftly. Thank you, I support.

Hon. Speaker: Thank you Hon. Karen. I now call the Mover of the Motion to reply.

Hon. David Kitavi: Thank you Mr. Speaker. Indeed I sincerely thank members for passing this Motion and therefore I wish to register my appreciation. Thank you.

(Question is put and agreed to)

Hon. Speaker: Next order please.

THE CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL OPERATIONS OF THE COUNTY GOVERNMENT OF NAIROBI FOR THE PERIOD 1ST JULY 2014 TO 30TH JUNE 2015

Hon. David Kitavi: Thank you Mr. Speaker. I beg to move that this Assembly adopts the report of the Select Committee of Public Accounts on the consideration of the report of the 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 on Thursday 15th June 2017. Hon. Speaker, this is one of the reports that the Speaker directed that the Chairperson of the Liaison Committee to table after the PAC Committee failed to table. Indeed the Chair Liaison Committee pursuant to the Standing Order No. 192 (3) tabled the four reports on Thursday 15th June 2017. |

Hon. Speaker, the mandate of PAC is to examine the accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts presented to the County Assembly as the Committee may deem fit. Hon. Speaker the Committee's main objective is to ensure that the Nairobi County public funds are well utilized and the public realizes value for money in all government expenditure. Hon. Speaker, the Constitution provides that within three months after receiving the report of the Auditor General, parliaments or county assemblies shall debate and consider the report and take appropriate action. With the foregoing, this report is long overdue having been tabled on the 15th of November 2017.

Hon. Speaker, while considering this report the Committee met and interrogated the Clerk of the County Assembly who is the Accounting Officer of the assembly. Moreover, written responses were obtained from the Clerk. Hon. Speaker, the report of the Auditor General did not raise substantive financial operational weaknesses by the County Assembly. It is worth noting that a few issues that were identified by the Auditor General such as the accounting standards, recruitment processes, payment of allowances to the Members and staff have since been addressed by the Accounting Officer.

Hon. Speaker, the committee has made the following recommendations to streamline the operations of the Assembly as follows:

1. The County Treasury should ensure timely release of funds to the County Assembly to enable the assembly to fully discharge its mandate;
2. The Accounting Officer should strive to ensure the Assembly fully implements its budget as approved;
3. The Accounting officer puts into place mechanisms consistent with the all enabling legislations and regulations and offer meals to staff and Members only as it may be appropriate
4. Extensive consultations should always be held between the County Assembly and the County Executive with regards to capital projects in order to avoid loss of funds;
5. The County Assembly should always conduct a staff need analysis before proceeding to a recruitment exercise which should also be in compliance with approved plans;
6. The County Executive should at all times obey the Gazette Notice declaring the precincts of the County Assembly and familiarize itself with the provisions of Section 3 of the County Assemblies Powers & Privileges Act of 2017; and
7. The Accounting Officer should strictly adhere to the Salaries and Remuneration Commission (SRC) circular on allowances when paying Members and staff.

Hon. Speaker, detailed recommendations of the Committee are found on page 36 of the main Committee report and I welcome Members to peruse and look at those recommendations. Hon. Speaker, allow me to thank the entire membership of this Committee for its hard work and commitment which made

the taking of evidence and production of this report a success. Mr. Speakers sir, I urge Members to support this report and as I move I call upon Hon. Leader of Minority Hon. Guyo to second the report.

Hon. Leader of the Minority (Mr. Abdi Hassan): Mr. Speaker sir I have not even gone through the report. I don't know how I am going to second the report which I have not gone through. But for the sake of the House let me second the report. Thank you.

(Question is proposed)

Hon. Karen Wanjiku: Mr. Speaker I beg to support the report and it is important as the Committee has recommended for the County Treasury to ensure that they release funds timely because sometimes as a County Assembly we have suffered when we needed funds and the County Executive tells us that the monies have not been remitted by the National government. When we know sometimes they have the money and they use it for other uses. Mr. Speaker sir, it is good and I believed the Hon. Members who will come in the next Assembly, it is good to propose here because now we have experienced these problems that we should have our own account. We should not be begging form the Executive to give us money; we should have our account where we will be at least doing our things swiftly, Mr. Speaker.

Also the Accounting Officer should strive to ensure that the Assembly fully implements its budget as approved. Mr. Speaker as Hon. Members, we take our time and we look at the budget and when we recommend, the things we propose and recommend Mr. Speaker, they should be implemented as we have improved swiftly the working of the County Assembly. There are many recommendations that we had made and I can't sit down without commenting on the recommendation "that the County Treasury should ensure timely release of funds to the County Assembly to enable the Assembly to implement its development projects on time.

Mr. Speaker sir, we passed the Ward Development Fund and it's unfortunate that we are leaving this House without some of this projects being delivered and the People (*Wanainchi*) outside there are very angry with MCA's, not knowing that we have done our work of legislation. We have also done budgeting but the work of implementation is not on our side, so it is very important for that money to be released so that that the project should be implemented. Also as they do the budget the coming one we should put money for civic Education because our Citizens should know the work of the MCA that they elect Mr. Speaker sir.

Our work is only to legislate, oversight and represent and the work for the Executive is to implement and they should also know that the Executive are the ones who have failed the Nairobi County and the MCA's thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Karen and it is indeed.

Hon. Petronilla Achieng: Thank Mr. Speaker sir, I just want to raise some concerns thou I support the report and also I want to ask the Chairperson if maybe through God's will, when we come back to this Assembly, that when we are talking about the implementation of the budget, and having set in the budget Committee, the Assembly budget for every Member of this Assembly and when we are talking about meals,

then how comes you have not talked about the money that is budgeted for foreign trips and yet people never go for those trips? Where does this money go?

We would like you to put measures in place that in the next Assembly that will come, will not belong to a few individuals but it will address all Members as Hon. Members of this House. So, that we don't have a situation where you have to leave this Assembly at the mercy of a few. That is what I wanted to raise.

This is because of one thing when we are talking about the County Executive not remitting the funds. Where they have remitted the funds too and they having not been used correctly? In number ten, where Members of County Assembly should indicate their commitment to be attending committee retreats prior to the booking of hotels.

Most of the time it is the leadership that don't attend those retreats, so let them at least swear that I will lead the people according to the way they would also like to be led. This is because you cannot complain about others, you should specify like when we go to retreats that we are supposed to be there with even the leadership who they don't come.

We may have questions that we would like to ask and they are never asked, but when we miss one retreat that will be the discussion in this Assembly. So let us be serious as Hon. Members as we gave you leadership because it is the Member who elected them so we should be all ready to support this House. I hope it will not happen in the next House. Thank you.

Hon. Speaker: Thank you very much Hon. Petronella and the point is taken.

Hon. Margaret Sewe: Is it my turn Mr. Speaker? Thank you Mr. Speaker, and I wish to support this report on all recommendation which are good, but I like recommendation one on 1 & 2 that says "that the Accounting Officer should strive to ensure that the Assembly fully implements its budgets as approved.


Mr. Speaker, this would help diffusions of funds and projects and of activities because when you clip the wings of the accounting officers, who will implement in their own way they will strive the running of the activities.

On the same point one when we have devolution which of course mean that you have your freedom and independence or running your things without interference from other arms of the Government or the institution in which we are in. So and in my view devolution should mean that the Executive should give a free hand once the Assembly has passed their budget or any other thing else, then the Executive should not stand on their way to be an obstacle. Therefore this would help a lot of flow of work on the Assembly side without a lot of roadblocks from the Executive.

Mr. Speaker sir, the last one is number three, which is saying that any meals that was offered to Members of staff should be included in the budget estimates for the County Assembly and the meals should be given regularly.

Mr. Speaker sir, once the Budget Committee and the Assembly have sat down and they have seen that it is prudent to have meals provided to the staff or Members, we should be above these very small

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



things. If the staff are supposed to get sodas, snacks or tea they should have the tea because where do that tea go.

If you miss tea for one week we know that is a bit of money and the staff should have it. If the Members of the Assembly should have things like soft drinks or anything just provide for it. Let us be people who are civilized and decent enough to know that what belong to people they must be given.

These small things they usually give motivation, strength and energy and we know that. Moving forward I believe this recommendation will help the Assembly to have an orderly way of doing things from the very basic things like sanitation, meals, soft drinks, snacks as long as it is budgeted for and approved. I support Mr. Speaker.

Hon. Speaker: Thank you very much, Hon Margaret Sewe.

Hon. Pius Otieno: Mr. Speaker, Thank you much and once again I want to say that the four years that we have tried this devolution there are things that have worked best and other that have equally been poorly done. Four years could have been for establishing structures and institutions and even letting Members go through vigorous process of being a legislature or a Member of County Assembly.

In terms of infrastructure, we have done so well in Nairobi County and there are number of Counties which do not have or cannot boast of such a nice infrastructure that we are having here. There are also other Counties that could be having these facilities but still they do not meet the standards that we have meet.

Having done so well, on the hardware part of infrastructure, it is incumbent upon the next Assembly, in fact it will be called the Second Assembly of the Nairobi City County. They must actually do all everything possible to see to it that wastages, privileges and probably conspiracy that sometimes we find in these reports are things of the past.

Where we did actually, poorly is on the issue of not following up on the budget that have been either allocated to the Executive or MCA's or whatever cause. I know probably the good citizens in the name of Hon. Members who will be coming here next year, must do me proud as I will not be there. This is because those four years we have set structures and institutions probably the next step is how do we move from institutional building to making those institutions to provide better service to the people of Nairobi. That is the missing link Mr. Speaker.

I would want to see an Assembly that will sit down with the Executive and understand that Governance is about give and take. When we say give and take now the candidate for Governorship position across parties are running with lofty promises. If you see Hon. Kidero on the other side is having his lofty promises and ideas, if you see Hon. Sonko on the other side and if you see Peter Kenneth and other independent candidates are doing the same.

I know most of those things that they are promising could not be visible. What is important for us Mr. Speaker is to ask ourselves what Hon. Kidero promised us during the campaign period is it visible now

that he is in power? Also what Hon. Sonko also promised us during his campaign period is it visible? It is now a reality that most of those things that have been promised by this people may not be delivered and that is the place or juncture where MCA's should come in.

It is better to tell them that we only have like 30 billion shillings and that cannot do all those things that we are talking about. How do we prioritize the needs of the people living in Nairobi? If it is a matter of improving the livelihood or sanitation or Urban renewal within Nairobi County, how do we do it without hurting other people? I am paid because there are areas that monies were located by this Assembly but the same never trickled those areas.

Hon. Speaker: Hon. K'Otieno, are you talking about County Assembly or the County?

Hon. Pius Otieno: I am taking in general.

Hon. Speaker: Then you are out of order

Hon. Pius Otieno: No! sir!

Hon. Speaker: You are out of order Hon Otieno!

Hon. Pius Otieno: I am only giving my side according to Motion number 11.

Hon. Speaker: Stick to this one. The issue of Hon. Kidero, then Hon. Sonko does not arise.

Hon. Pius Otieno: Are you afraid of them. It is a preference. *(Laughing)*

Hon. Speaker: No! No! *(Laughing)*

Hon. Pius Otieno: Okay thank you, what I was saying that in the next Assembly just as you are over sighting the Executive those Members must also over sight themselves. We must have brave men and women in the name of Hon. Members who will interrogate on behalf of the people living in Nairobi.

There are others Mr. Speaker, I know who will require that we amend the County Government Act 2012 and probably this might even affect the entire County Assembly Service Board of 47 Counties. I think it is not very easy for Members of the Assembly to represent over five million people living in Nairobi and in that Committee probably, he will be also be sitting with the Speaker of Nairobi County, Majority Leader of County, Minority Whip and the Clerk.

Probably there is also need for us to amended the County Government Act to increase it to two or three so that when issues of oversight are being spoken or conversed in that Committee there is actually that projection of this entire County. Probably these are some of the things that the next Assembly should sit down with the Senate because some of the things that ailing this County Governments or this Assembly is the big gap between the Assemblies and the Senate.

While the Senate is the protector of the devolution, it is assumed in one way or the other that they are the prefect but they are not. They should be complimenting each other. With those Mr. Speaker I support.

Hon. Maxwell Ochar: Thank you Mr. Speaker once more, I first of all want to thank the County Assembly Service Board because for one you might not done a 100% but to me I will give the Service Board about 85% and I think you are qualified to be in that seat again if God allows us. To me I would have prayed that the Speaker remains in the seat for the second time so that he can know where he made a mistake and where he slipped.

This is because I know there is an area which you have not done well and there are others that you have done very well. I can remember very well when we were taking the car loans, we were supposed to deposit the log books which we did not but you have guided us until we are now ending our term and nobody is having a huge loan and the banks are not harassing us until today.

Also, when we took our mortgages we were supposed to deposit some documents and we did not do that and this is because of the wisdom of the Committee that sits at the head of the Assembly. In as much as we can say that there are some areas he did not do well. For example when it comes to the foreign trips as some of our colleagues have said, yes I agree but I can remember when we were in secondary school, one would be wonderful in physics but at the same time he is doing badly in math's and yet physics is called difficult math's. That is how things are and according to the English language we normally learn by doing things practically.

You are the one in that seat and you know what you did right and where you erred I would however give you 85%. So, I would thank you, the Board and everybody else because all these was and is happening. We are still here and nobody informed you, Mr. Speaker that everybody needed to go on foreign trips. We all knew about this and we kept quiet. The seat that you are sitting on with the authority that you have, I think you thought that you were doing well. It was our mistake that we did not point it out to you that foreign trips were being allocated badly. However, as a whole when we do a comparison on what you have achieved on the Service Board, Mr. Speaker you have done wonderful things. You are not a Speaker with a big mouth and I am saying that you do not talk too much but you do a lot of things. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Manyala.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker. In my opinion I think that this is a very good report. Having been the first County Assembly and the bottlenecks, I think I would rate that it did an exemplary job. However, there are few things that have been quoted here which I have noted. For example, the monies that were lost as a result of *per diems*, that Members who were actually supposed to have gone for Committee meetings outside the Assembly, one, we had a challenge... There is something in sociology which we call role conflict. For example, I would have a role conflict as Hon. Manyala is a mother, sister, wife and a professor so to say. However, what I am trying to say is that when the sectoral Committees were being established we found out that one member was on like 4 Committees and at times when the Liaison would sit to fix the itineraries of Committees going outside the Assembly you find out that it is clashing.

So by the time you notice that clashing, you find that I maybe on the Labour Committee and at the same time I am in the Health Committee and I am in Mombasa yet one part of me is supposed to be in Naivasha. I think that is what brought about this bottleneck whereby now a lot of money was spent because when you are budgeting in advance for conference packages, you will definitely work on it together with the Committee membership and if they are 17 they are 17. So this is where the challenges came in and they only came after a few years, I think in 2016 is when Members found out that you can actually delegate if you are not able to juggle. You can delegate and leave that position to go on your behalf but that came later. That is why I said that no man is an island and that is why I agree with the Philosopher called Heraclitus who said that you can never cross the same river twice so it came to pass and that was actually a challenge.

Coming to the Ward furniture, Mr. Speaker, going by the rules and procedures I think the procurement adhered to it by giving it to the youth. However to some like in my Ward, the youth that supplied my furniture are the same company that supplied furniture in Parklands Ward. So, somehow when evaluation was being done where I found there was a gap which needs to be addressed is that it would be nice that controls are put, I usually call them carrots and sticks. Now, these carrots should be that when they are bringing the items somebody should be there from day one to mark the items and see whether they actually meet the standard which is required. The supplier takes them to the Ward office and then maybe six months along the line after I have used them carelessly when I am swinging or doing something is when officers are being dispersed to go and actually evaluate and check whether the furniture was actually delivered in their respective Ward. By then the youths, whom you know as hustlers and they would be expecting payment because some took long. What I am trying to say is that the youths who supplied my furniture have not been paid up to date and the reason is that the furniture or the items were substandard, the same as what was supplied in Parklands ward.

So, when time comes for us to clear from these Ward offices, the youths are after our necks thinking we have been using their chairs all this time and then you pay for the rent. Why were you using the furniture if they were substandard, these are controls which should have been done early enough so that such a thing does not emerge. I do not know until now about how we are going to resolve the issue because we have actually used their furniture illegally and now that we want to quit and they have not been paid, that was a gap that I saw. I also noted with concern about the loans and I think this was the first time that members accessed this loan facility and I think the good practices which we have noted I think will be replicated when the second lot comes in. However, the bad ones which we saw...my brothers who are fasting, I know that you are fasting but it is not good to make faces that--

(Loud consultations)

Hon. Speaker: Order, Hon. Manyala continue,

Hon. Elizabeth Manyala: Mr. Speaker, he is looking at me with a bad eye like a man of God has towards Satan.

(Laughter)

Hon. Speaker: Continue.

Hon. Elizabeth Manyala: I just want you to cheer up because we are just about to pen off but what I am trying to say is that erroneously when the loans were taken from the bank some of us were not even aware that there were some remnants that were left there until we were taken to CRB that we were not servicing our loans because some of us were not banking with those respective banks, those were gaps. So, I think it would be kind enough that when the next lot come there should be clear instructions on what to do when you are taking a loan, if they want you to deposit with them your log books and securities of such kind it should be communicated earlier that is quite prudent. Last but not least, what I have noted 4 years along the line, the Clerk of the County Assembly has been overwhelmed without having a Deputy. It is to an extent that God forbid, he drops dead we will then be held captive. I don't know whatever is happening because until the other day is when we saw an internal an advertisement for an internal vacancy.

Hon. Speaker: Hon. Member your time is up and the Clerk is not about to die.

Hon. Elizabeth Manyala: No, I am just saying that we are mortal.

(Laughter)

So it would have been nice if his would have been done because the first year of our being in office, we needed to put structures in place so that we learn together and we are able to work together, Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much Hon. Manyala. I will now call the Mover of the Motion to reply.

Hon. Boniface Kitavi: Thank you, Mr. Speaker sir. I am tempted not to make a long contribution especially after the good Professor has unleashed some vocabularies here, stone and carrots and *miasmas*. *(Laughter)*. Therefore, Mr. Speaker sir, I just want to thank all the Members who have supported this Motion. However, Mr. Speaker, we have all heard Hon. Petronilla's lamentations in as far as the inequity of trips that were allocated to Members and we know some Members have travelled more than 10 times while others have only gone once and others have never even travelled yet, there were budgets for all members. If the Hon. Member was here I would have told her that in French they say *se la vie*, that's life and life has to go on.

Mr. Speaker sir, I will not finish without noting the brilliance of Hon. K'Otieno through his contribution and it is my humble plea that through his contribution and suggestions that he has made for the coming Assembly that whoever will be sitting in the County Assembly Service Board will consider utilizing the brain of one Hon. K'Otieno to guide the House since I have noted that he has a wealth of information and therefore if he will be called upon I am sure that he will be able to guide the next coming Assembly in as far as matters of the County Governments are concerned and this devolution. Without much ado, Mr. Speaker sir, I once again register my appreciation to all the members who have contributed for that Motion. Thank you.

(The question is put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, the Assembly is adjourned until tomorrow, Wednesday at 2.30 p.m. and the House Business Committee meets at the rise of the Assembly. I thank you.

(The House adjourned at 4.09 p.m.)