



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Tuesday 7<sup>th</sup> March, 2017

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)*

#### PRAYERS

**Hon. Deputy Speaker:** Hon. Members we have a quorum in the House and we may proceed.  
Order Hon. Members!

#### COMMUNICATION FROM THE CHAIR

Hon. Members, we may proceed as we wait for the communication from the Chair.

#### PAPERS

**Hon. Member for Dandora 1 Ward (Mr. Peter Wanyoike):** Thank you Mr. Speaker. Pursuant to Standing Order no. 202 (2), I beg to lay the following paper on the Table of the Assembly, today, Tuesday 7<sup>th</sup> March 2017; The report of the sectoral committee on Labor and social welfare on the petition of Baba Dogo slum residents on delay by the Nairobi City County Government to provide free healthcare to orphans and vulnerable children, severely disabled persons and elderly persons from the slum. I beg to lay.

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Thank you Mr. Speaker. Pursuant to Standing Order 202 (2), I beg to lay the following paper on the Table of the Assembly, today, Tuesday 7<sup>th</sup> March 2017; The report of the sectoral committee on Planning and Housing on the petition of the Uthiru Road residents association seeking to stop the ongoing development on land L/R no. 330/232. Thank you.

Mr. Speaker, Pursuant to Standing Order no. 202 (2), I beg to lay the following paper on the Table of the Assembly, today, Tuesday 7<sup>th</sup> March 2017; The report of the sectoral committee on Planning and Housing on the petition of residents of the areas generally known as Moi Otiende and Ngei phase-1 regarding grabbing of public land in the said areas. Thank you.

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

## STATEMENTS

**Hon. Deputy Speaker:** Hon. Shadrack Juma? Hon. Jackson Kiama?

### STATEMENT REGARDING THE STATUS OF KAYOLE 2 MARKET

**Hon. Member for Kayole Central Ward** (Mr. Jackson Kiama): Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding the status of Kayole 2 market.

Hon. Speaker, there is an outcry from traders of Kayole 2 market that the management of everyday collection is currently being handled by some private persons on behalf of the County Executive and the market is very dirty and in dire need of clean up.

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

- 1) The identity of the person collecting the revenue on behalf of the Executive and reasons for acting on behalf of the county officials.
- 2) Measures being taken by the County Executive to ensure that Kayole 2 market is properly managed.

Thank you.

**Hon. Deputy Speaker:** The Chairperson for Trade Committee? Hon. Odalo? The Vice Chair? Jacqueline Nyagala?

**Hon. Jacqueline Nyagala** (Nominated Member): Thank you Mr. Speaker. I actually didn't hear what the Hon. Member was saying. But let's say two weeks. We will report in two weeks.

**Hon. Deputy Speaker:** We are running out of time Hon. Member. I will give you up to Wednesday next week. Is that okay?

**Hon. Jacqueline Nyagala:** Yes. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Kiama, proceed. You have another request.

**STATEMENT REGARDING THE IMPLEMENTATION OF WATER TANKS PROJECTS IN KAYOLE CENTRAL WARD**

**Hon. Jackson Kiama:** Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the implementation of water tanks projects in Kayole Central Ward. Hon. Speaker, Article 43 (1) of the Constitution guarantees every individual the right to clean and safe water in adequate quantities which is important to the realization of the right of life.

Hon. Speaker, it is distressing to report that the residents of Kayole Central Ward are yet to see delivery of the said tanks to date leading to suffering among the residents to access this valuable products bearing in mind the numerous complaints made by the city residents regarding water shortages in the county.

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

1. Confirm implementation status of the said project in Kayole Central
2. What is the delay in the realization of the project in the said ward?
3. Measures put in place by the County Executive to ensure there is adequate supply to Nairobi City Residents.

Thank you.

**Hon. Deputy Speaker:** The Chair for water.

**Hon. Alex Otieno** (Chair, Water and Sanitation Committee): Thank you Hon. Speaker. Thursday next week.

**Hon. Deputy Speaker:** That is in order. We have Hon. Shadrack.

**STATEMENT REGARDING CONSTRUCTION OF A ROAD IN KAYOLE CENTRAL**

**Hon. Jackson Kiama:** Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the construction of a road in Kayole Central.

Hon. Speaker, a contractor was awarded the tender to construct a road in Kayole Central but unfortunately, to date, nothing has been done on the road.

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

1. The cause of delay in commencing the road works and

2. Measure taken by the county executive to ensure that contractors begin working on projects that they have been awarded without delay.

Thank you.

**Hon. Deputy Speaker:** Thank you. The Chairperson for Transport Committee, Kennedy Oduru.

**Hon. Kennedy Oduru** (Chair, Transport Committee): Thank you Hon. Speaker sir. He will get a very nice response in a fortnight's time.

**Hon. Deputy Speaker:** No, that is a bit far.

**Hon. Kennedy Oduru:** Alright Mr. Speaker sir. Then in 10 days from now.

**Hon. Deputy Speaker:** That will be next week on Thursday.

**Hon. Kennedy Oduru:** Yes.

**Hon. Deputy Speaker:** Thank you. Order Members! Hon. Shadrack?

#### STATEMENT REGARDING STALLED PROJECT ON STREET LIGHTING IN BABA DOGO WARD

**Hon. Member for Baba Dogo Ward** (Mr. Shadarck Juma): Thank you Mr. Speaker. Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding stalled projects on street lighting in Baba Dogo Ward. Hon. Speaker, the County Government launched lighting projects for both streetlights and public lights in Baba Dogo Ward but unfortunately the projects have stalled after 95 percent of the work was done, allegedly because of nonpayment to the contractor.

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

1. Whether the county Executive is aware of the existence of the said street lighting project and what caused delay in the implementation. And
2. Measures being taken by the County Executive to ensure the contractors finish the work awarded to them within the stipulated timeline.

Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Do we have Hon. Oduru, Chair for Transport and Public works committee?

**Hon. Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Thank you Mr. Speaker. His statement does not lie under our department and I think it should be subjected to Finance [committee].

**Hon. Deputy Speaker:** Hon. Shadrack can you react on that?

**Hon. Shadrack Juma:** Mr. Speaker, that project was under Transport and Public Works [Committee]. I believe that him as the Chairperson should inquire and report back to me on why the project has not been finished

**Hon. Deputy Speaker:** Is the project ongoing?

**Hon. Shadrack Juma:** It was started and done to almost 95%

**Hon. Deputy Speaker:** So it stalled?

**Hon. Shadrack Juma:** Yes Mr. Speaker

**Hon. Deputy Speaker:** That lies within your docket Mr. Speaker

**Hon. Kennedy Oduru:** Hon. Speaker sir. His statement touches on non-payment and we are not concerned with that. This is the reason as to why I am requesting that he raises it with the Budget committee so that we can know what exactly went wrong with the payment. In our own capacity we did advertising and everything was in order

**Hon. Deputy Speaker:** Not procedural. Hon. Shadrack you may consider taking the advice from Hon. Oduru

**Hon. Shadrack Juma:** Mr. Speaker I do not understand how I will ask the Budget committee and yet the said question was addressed to the Transport and Public works committee. Kindly give directions on this

**Hon. Deputy Speaker:** Hon. Shadrack you are contradicting yourself. Order Hon. Member. Kindly sit. You have confirmed to the House that the project is 95% complete and yet you are not asking why the project has stalled. Yet on the other hand you are asking why the contractor has not been paid and so I think that you should direct your question to the Budget Committee. Order Hon. Members! Imwatok Order! Chairman, you are misleading this House. Hon. Shadrack is forthright in his request as follows;

1. Whether the County Executive is aware of the existence of the said street light project?
2. What caused delays in the implementation?
3. Measures being taken by the County Executive to ensure the contractors finish the work awarded to them within the stipulated timeline?

This is within your docket

**Hon. Kennedy Oduru:** Thank you. If that is the case then he will get a response next week on Thursday

**Hon. Deputy Speaker:** Thank you

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Point of order

**Hon. Deputy Speaker:** Point of order on what? We are on request for statements. Declined! Let us move to 'e'. Hon. Karen

**Hon. Nominated Member** (Ms. Karen Wanjiku): Hon. Speaker

**Hon. Deputy Speaker:** Hon. Imwatok, can you sit down

**STATEMENT FROM THE CHAIRPERSON OF THE SECTORAL COMMITTEE ON BUDGET AND APPROPRIATIONS REGARDING THE UNIFIED TAXATION OF SINGLE PERMIT, FIRE EXTINGUISHERS AND BILLBOARD FEES FOR TRADERS IN THE COUNTY**

**Hon. Karen Wanjiku:** Pursuant to Standing Order number 41 (2) c, I wish to request for a statement from the Chairperson of the sectoral committee on Budget and appropriations regarding the unified taxation of single permit, fire extinguishers and billboard fees of traders in the County. Hon. Speaker, the traders operating business in the County are concerned about the action taken by the county executive to unify taxation of single permit, fire extinguishers and billboard fees as opposed to previous years where only the single permit fees was charged. The small scale traders have complained that the fees charged is extraordinary for them and have resulted to closing down business

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

1. Reasons as to why the County Executive has unified the single permit, fire extinguishers and billboard fees? Whether the Nairobi City County revenue act allows for consolidation of independent and stand-alone levies and confirm if the County Assembly has approved the charges?
2. Why the small scale traders are being charged for Ksh. 4500 for fire extinguishers and Ksh. 5000 on billboards even when there no billboards erected to advertise the business
3. Measures that the County Executive is taking to ensure that illegal taxes are not imposed on residents

**Hon. Deputy Speaker:** Thank you. Chairperson for Budget and Appropriations committee? Vice Chair? Able member Hon. Herman Azangu

**Hon. Member for Land Mawe Ward** (Mr. Herman Azangu): I think I did not understand---

**Hon. Deputy Speaker:** Hon. Member you are not supposed to think. Kindly give us a clear position of the Budget committee

**Hon. Herman Azangu:** Next week on Thursday

**Hon. Deputy Speaker:** That is in order. Can we proceed? We are still under issue 7

**Hon. Karen Wanjiku:** Hon. Speaker, the issue on the single permit is pertinent and I do not think that we can wait up to Thursday

**Hon. Deputy Speaker:** Order Hon. Karen. You will have to bear with the members of the Budget and Appropriations Committee. The Chairman and his vice are not in the House. Order Hon. Kambi! Hon. Karen, a member has taken an undertaking on behalf of the committee. We do not have the Chairman to give us a clear timeline and so I ask that you bear with the committee as said.

Hon. Members, under order number seven, we expect responses on the following; request made by Hon. Chege to the Water and Sanitation Committee on the alleged illegal charges by the Water and Sewerage company. Is Hon. Chege around? Hon. Chairperson?

**Hon. Member for Mugumoini Ward (Mr. Alex Ouda):** Thank you Mr. Speaker. This is a response to a statement requested by Hon. Ngaruiya Chege MCA from the Chairperson of the Sectoral committee on Water and Sanitation.

**Hon. Deputy Speaker:** Is Hon. Ngaruiya in possession of the report?

**Hon. Patrick Ngaruiya:** Yes Mr. Speaker

**Hon. Alex Ouda:** Mr. Speaker---

**Hon. Deputy Speaker:** Hon. Ngaruiya are you in agreement with the report? Hon. Alex, kindly take your seat

**Hon. Member for Kahawa West ward (Mr. Patrick Ngaruiya):** I have read the statement as is to be read by the Chairperson. I want to inform this House that I requested for the statement on behalf of the Nairobiian's. The chairman and his team went ahead to gather information on this, they did not come up with what is required. They only engaged the Chief Officer of this county and yet the issue does not touch on him. The issue is with the Nairobi Water and Sewerage Company. When Hon. Members request for statements, it does not mean that they do not respect the mandate of the particular committees but so as to get answers that we can be in a position to give to our people.

**Hon. Deputy Speaker:** Hon. Ngaruiya, you are in disagreement with the report?

**Hon. Patrick Ngaruiya:** Absolutely Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Chairperson for Water and Sanitation. Is there much more you can do other than what you have given us as relevant.

**Hon. Alex Ouda:** Mr. Speaker, this report has been discussed with the Hon. Member and as you are all aware, Nairobi City Water & Sewerage Co is autonomous company and they are regulated. Mr. Speaker, any fees they charge is regulated by WASNEB and the fee that the Hon. Member is asking about

was gazetted on 2<sup>nd</sup> October, 2015 and we gave him a copy of the gazette. Whatever the Company charges has to be approved by WASNEB and in this case, this particular fee was approved by WASNEB and he has a copy and they are still with me. So, Mr. Speaker, I do not know why he is still saying that this was never discussed with the Company. Mr. Speaker, it is very clear and self-explanatory and we discussed and we agreed. There is a copy of gazette, Mr. Speaker.

**Hon. Patrick Ngaruiya:** Mr. Speaker, what I am saying is this, that whatever document was presented in that statement it does not talk about the illegal charges that have been directed on Nairobian. Mr. Speaker, I was not talking about reconnection---

**Hon. Deputy Speaker:** Thank you. On roman 'b', the question was raised by Hon. Elkana Mauti. Is the Hon. Member in the House? Yes, and the question was directed to Children, Early Childhood Education and Vocational Training committee. Hon. Elkana, do you have the report with you?

**Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti):** I have the report.

**Hon. Deputy Speaker:** I have been informed that the Chairperson is not in the House.

**Hon. Elkana Mauti:** The other Members are there and we discussed it.

**Hon. Deputy Speaker:** Hon. Elkana, are you in agreement with the report?

**Hon. Elkana Mauti:** Mr. Speaker, I am not in agreement with him because it is totally irrelevant. I am here for the people of Kwa Reuben and it is not satisfactory because, one, this project was meant for the people in the slum area. According to the report that was supplied to every Member, there were 85 ECD centers which were being proposed and Kwa Reuben was given 2 ECD centers. Mr. Speaker, right now they have nullified most of the slum centers and container classrooms which were meant to specifically uplift education in the slum areas.

They changed the system and told us that they wanted to build permanent classroom structures yet in the slums areas we have spaces where the ECD centers can be constructed using containers as they are moveable. In the report they supplied to us it was indicated that this idea was copied from South Africa where members of the education department had even given us photos and drawings of how the ECD centers will be looking. Mr. Speaker, I am worried about where the tender came from and also they are telling us untruths that the contract was being nullified. I do not know whether the Commissioners for ECD are connected to the Executive there about the deteriorating education in our areas.

Mr. Speaker, according to the report that they have given, I am worried when they say this contract was nullified. Are there no documents? I know one time I said that it was delivered by the CC members where we don't have the report, we do not have the community feedback to show us what happened. I am

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worried whether these are the kind of committees we have and there is collaboration, they are collaborating for enhancing corruption. Mr. Speaker, according to the PFM Act or the Procurement Act there is no direct tendering which was done and if we want the House to be satisfied we need to be supplied the advertisement which was made for tendering of the project.

**Hon. Deputy Speaker:** Thank you Hon. Mauti. Chairpersons of Education please?

**Hon. Member for Laini Saba ward** (Mr. David Kitavi): Thank you, Mr. Speaker. Indeed Hon. Mauti has a point and as members of the Education Committee, we did not only stand up against things that were done irregularly even though they are preparing to do the city center with containers; as a Committee we heard that the process was killed, the workmanship was very poor and we are subjecting our children to a lot of danger. Therefore, the Committee together with the Executive resolved to terminate the contract.

However, having said that, Mr. Elkana Mauti was in a meeting that we attended with the Executive and whether he is raising new concerns about this statement, I think it would be in order if Hon. Mauti would request for another statement with the new issues that he is introducing now. Mr. Speaker, what I have here is a response of what he asked and if you will allow me, Mr. Speaker, I will read this statement....

**Hon. Deputy Speaker:** Hon. Mauti, at least you have been supplied with advice from the Chairperson of the Education Committee.

**Hon. Elkana Mauti:** Mr. Speaker, I am worried that the Chairperson and I differed even at the other meeting. I told him, it is wrong to nullify... (*Loud consultation*)

**Hon. Deputy Speaker:** Order, Hon. Members, we are in Assembly. Continue, Hon. Mauti.

**Hon. Elkana Mauti:** I am saying that we also differed even in the Committee meeting. I told them let us meet in the arena, or in the Assembly because they were lying to me. How could they tell us that they nullified contract without documents. Mr. Speaker, we do not believe in word of mouth, we believe in documentation and they came to the House with no documentation on how the tender was being nullified.

**Hon. Deputy Speaker:** Thank you very much, Hon. Mauti. I direct that the issue be taken up with the Liaison Committee and they give you a reply in due course which will probably be next week. Thank you, Hon. Mauti. Can we continue? The Labour Committee we have the Chairperson Hon. Ocholla. There was a request which was raised by Hon. Herman Azangu regarding the payment of youth who worked for the City County under Decentralization Department for a months in various wards. Hon. Azangu, are you in the possession of the report? You have it?

**Hon. Member for Land Mawe Ward** (Mr. Herman Azangu): Am in the position yes!

**Hon. Deputy Speaker:** Are you in agreement with the report?

**Hon. Herman Azangu:** Yes.

**Hon. Deputy Speaker:** So we proceed?

**Hon. Herman Azangu:** Yes.

**Hon. Deputy Speaker:** Thank you for saving us time. We are in roman "d" and on the Select Committee on Health Hon. Manoah are you in the House. There is a request from Shadrack Juma and are you in the position of the report? Do you have it?

**Hon. Shadrack Juma:** Yes.

**Hon. Deputy Speaker:** Are you in agreement with the report?

**Hon. Shadrack Juma:** Yes.

**Hon. Deputy Speaker:** Thank you. Hon. Members we may proceed.

*(Loud Consultation)*

**Hon. Deputy Speaker:** Let the Clerk read out then you may raise your point of order.

## PROCEDURAL MOTION

*(Loud Consultation)*

**Hon. Deputy Speaker:** Which one, I don't have it hear *(Loud Consultation)* Order! Hon. Akuku! Permission granted.

**Hon. Member for Nyayo Highrise Ward** (Mr. Maurice Akuk): Hon. Speaker!

*(Loud Consultation)*

**Hon. Deputy Speaker:** Order! Order Hon. Members.

**Hon. Maurice Akuk:** Hon. Speaker I stand on Standing Order 28 (1) which gives me an opportunity as a Member to be able to raise this at any time during the plenary, a motion of adjournment. As you are aware that there is a Governors' Conference going on in Naivasha and it is very sad Mr. Speaker sir, that the City in the sun County number 047 is not going to be represented because of a few people within this County Assembly thinking that they cannot add this particular motion in the Order paper.

Mr. Speaker sir, I request you to grant as an opportunity to discuss this motion of adjournment under Standing Order 28 so that a decision is made for us to go and attend the Devolution Conference in Naivasha. Thank you.

**Hon. Deputy Speaker:** Hon. Members, Order Hon. Imwatok please! Hon. Members I think and let me juggle your mind a bit on Standing Order No. 28. (1) A Member may at any time, for reasons stated, seek leave to move "That, this County Assembly do now adjourn." (2) If the Speaker is of the opinion that such Motion for adjournment of the County Assembly is frivolous, vexatious, or an abuse of the proceedings of the County Assembly, the Speaker may forthwith put the question thereon or decline to propose it.(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion. And in this case the matter of the motion is on Devolution conference.

Hon. Members, by leave of my Chair I grant the House an opportunity to debate this issue for 10 means.

*(Loud Consultation)*

*(Applause)*

**Hon. Deputy Speaker:** Hon. Members, I can see Hon. Maxwell Ochur, you have not pressed your button.

**Hon. Maxwell Ochur:** Mr. Speaker, I am also of the same opinion, and I second the motion because I have that thing in my mind and I would request the Speaker to adjourn the House for 10 minutes so that we can sit at lounge.

**Hon. Deputy Speaker:** Hon. Maxwell the house is already adjourned.

**Hon. Maxwell Ochur:** At the lounge, Mr. Speaker!

*(Loud Consultation)*

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, thank you.

**Hon. Deputy Speaker:** Order Members!

**Hon. Peter Imwatok:** May be is just first of all to appreciate the Speaker.

**Hon. Deputy Speaker:** Give the Hon. Member an opportunity to contribute!

**Hon. Peter Imwatok:** Mheshimiwa Nancy, Manoah allow me to speak.

**Hon. Deputy Speaker:** Order Hon. Imwatok, engage the Chair please. Hon. Manoah please we are in the Assembly.

**Hon. Peter Imwatok:** Mr. Speaker, thank you for your wisdom, I was really waiting for you to exercise independence of the seat and I am proud of you, that this afternoon you have made a decision based on the really parliament practice of the Common Wealth and as far this Assembly is concern.

Mr. Speaker, as my learned friend Hon. Akuku has spoken, this is the last the Devolution Conference in the fifth year after the election which was held on 4<sup>th</sup> of March [2013], it is the last Conference to be held in this Country under the first leadership under devolution.

Therefore, Mr. Speaker it is so uncalled for the County Assembly which is the large second Assembly of the Republic of Kenya –the Nairobi City County Assembly to be not represented on the progress report of the devolution Mr. Speaker

Kindly, what we are hearing in corridors about the decision made by the leadership of this Assembly, is uncalled for, I think Mr. Speaker and the Hon. Members for the last for years we have been stooges to four men and one woman - the County Assembly Service Board. I believe if this House as to gain its rightful share of the House proceedings we must go to this devolution conference even if it means for ourselves or we pay for ourselves; we are ready to pay. This is because the County Assembly Service Board seems they are not prepared to take a 127 Members of the County Assembly to Naivasha however when it comes to pass motion that are good for the County Assembly Service Board they are so quick.

On the same, it is an observation I have made in this House that whenever any issue attaching on the welfare of the Members is laid, both the leadership of the House is always never there. This raises a question Mr. Speaker, who is our leader? And who are our leaders? Where are they leading us to and are we on the right path? Are we moving forward or backward Mr. Speaker? Therefore as I support this I ask the entire Members of this County Assembly to stand firm and decide we are adjourn this Assembly and proceed to Naivasha to attend the Devolution Conference. Thank you, Mr. Speaker.

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

**Hon. Member for Dandora II Ward** (Mr. Stephen Kambi): Thank you Mr. Speaker sir, I don't want to repeat what has already been said but I think our past is catching up with us. The mistakes that we have done in the last four years are hurting us now. We have a leadership that is not concerned with the welfare of the Members and welfare of the Nairobi County Assembly. Mr. Speaker, we have a Clerk who is illegal in the office.....

**Hon. Deputy Speaker:** Order Hon. Member we are on notice on adjournment because of Devolution Conference. Order Hon. Kambi!

*(Loud Laughter)*

*(Loud Consultation)*

**Hon. Stephen Kambi:** Thank you, Mr. Speaker sir.

**Hon. Deputy Speaker:** Order Hon. Kambi you have been over ridden by the Speaker. Hon. Gari on the floor!

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Thank you, Mr. Speaker.

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(Loud Consultation)

**Hon. Deputy Speaker:** Order, Hon. Member!

**Hon. Maurice Gari:** Thank you Mr. Speaker, it is so absurd and it does not make any sense in the face of Nairobi County Assembly and the entire County. I saw today our Governor on Citizen television addressing the media and he was all alone without his Members and yet it has been a precedent that whenever we have a Governors' Conference he should be accompanied by the Members of County Assembly Mr. Speaker.

I don't know why this Assembly wants to start toward at the end of the Assembly. We have been brothers and sisters here, we will work in good relationship, so I support this adjournment, and we do it quickly and even if the department of finance shall be making the imprests so that we head to Naivasha to show solidarity with our Governor and show Nairobi county that we are together. It seems as if there is division between the executive and legislator Mr. Speaker. It does not show any sense. So am urging your wisdom that we break, then we discuss this thing and we proceed to Naivasha, thank you.

**Hon. Deputy Speaker:** Hon. Zulfa, your mic is on

**Hon. Zulfa Mohammed** (Nominated Member): Thank you Mr. Speaker, I want to appreciate the house for discussing this very important issue. However I want to raise a concern that as we can all see we had a calendar to pass and am meant to understand that we are supposed to pass the calendar before any expenditure of the house. Kindly advise on the same because we need to get the priorities straight.

**Hon. Nancy Luchiri** (Nominated Member): Thank you Mr. Speaker for giving me this opportunity. I was trying to reason out myself; am wondering whether Nairobi County is still a county or that issue that was being passed that Nairobi County be a city not a county. I am still asking myself whether already we have been left out, [if] we are not a county anymore. Nevertheless I congratulate you for adjourning the house and am in agreement with all members that we adjourn and go to Naivasha, thank you.

**Hon. Member for Woodley ward** (Mr. David Kairu): Thank you very much Mr. Speaker sir, I stand to support the adjournment and the reason is, it is totally very bad that the biggest county, Nairobi, that receives a lot of money than other counties is not represented in Naivasha and for that reason we are saying we have to travel to Naivasha today and be with our brothers tomorrow in that conference, thank you.

**Hon. Stephen Kambi:** Thank you Mr. Speaker sir, I want to support the adjournment motion and it is for obvious reasons but Mr. Speaker with amendments. We know that the devolution conference started today and even if Nairobi City County was to join the rest of our Hon. Members countrywide in Naivasha for the devolution conference, it will only mean that we will be there for only three days which will be unfair. I was of the proposal that, you know it is good that we have recap sessions concerning the devolution conference. We attend the three days and then next week we organize a workshop for three days in Naivasha, starting Friday, Saturday and Sunday so that at least we can be able to recap on the very

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important issues that were articulated in the devolution conference while we were absent. It is only fair that the imprest be prepared today, we attend for the three days, next week we attend three days so that at least we can be able to do some recap and understand the depth of the matter and we can be able to gauge devolution in our county; has it been realistic or not. So Mr. Speaker sir, kindly I ask Hon. Members to support the adjournment motion that it be extended to next week so that at least we can be able to weigh the devolution impact in our county. Thank you.

**Hon. Tabitha Ndigirigi** (Nominated Member): *Bwana Spika asante sana, niko hapa kwa kuunga hoja hii mkono ya kuelekea Naivasha, kwa sababu ya kuwa mimi mwenyewe niliona aibu katika masishi ya Gavana Gachagua Nyeri jana ya kuwa hii kaunti assembly ya Nairobi was not represented katika devolution. Bwana Spika ile kitu nataka kukuambia wakati nilikuwa Nyeri niliweza kukutana na magavana 47 of all the counties na MCA walikuwa Nyeri, na wakati niliwaambia kwamba Nairobi County will not be represented walituambia tuiharishe hii assembly tuelekee Naivasha so that we proceed.*

**Hon. Deputy Speaker:** I am giving only two members an opportunity. Hon. Alexina

**Hon. Alexina Mudi** (Nominated Member): Thank you Mr. Speaker sir for giving me your eye; it is quite unfortunate that what we are discussing today is something that could have actually rolled out last week or so however we are here today and I believe with Hon. Members seated in the house we reach to a health consensus and conclusion so that all the members should leave this place satisfied.

*(Point of order)*

**Hon. Member for Sarangombe ward** (Mr. Pius Otieno): Mr. Speaker you have heard Hon. Ndigirigi refer to one of the staffers as *huyo mama*. This house does not have *huyo mama*. She should withdraw unconditionally and apologize to the staff. That should be the tradition of the house.

**Hon. Deputy Speaker:** Thank you, Hon. Ndigirigi, you used unparliamentary language by referring to a Hon. Member *huyo mama*, kindly can you withdraw.

**Hon. Tabitha Ndigirigi:** *Bwana Spika nimesha ondo hii maneno yenye nimesema ili nimhakikishie ya kwamba naunga jukumu hii; lazima watu waelekee Naivasha kwa sababu niliona aibu katika Nyeri kwa masishi ya Gavana Gachagua ya kuwa Nairobi haijakuwa represented.*

*(Loud consultations)*

**Hon. Deputy Speaker:** Order members! Order members

**Hon. Alexina Mudi:** Thank you Mr. Speaker sir I had not actually completed. It is quite unfortunate that all of us being Hon. Members of this house sometimes we miss a point and I think maybe it is because of what is in the corridors of a poor leadership; I don't understand but it is not late. If we are here to agree then we have to agree on what is going to roll out in favour of the Hon. Members, in favour of the house leadership, in favour of the healthy county of Nairobi. When I was in Naivasha with the House Business

[committee] [which] I happen to be a member and I was made to understand why we have delayed to go to Naivasha and if I can collectively remember what was said while we were at the sitting, it was said, and to be corrected and for members to consider it and see what can come out of it, that we are going to lose the days to Naivasha and for that matter when house is going to recess all the days lost can be compensated, they can be given to go for a week, get what they missed in Naivasha. It is unfortunate that even if we said we go today, according to the Principal Clerk of this assembly, it was made very clear that the amount that was supposedly to cater for Naivasha, that money went to salaries and therefore they have to reorganize and see what they can do for the people.

So it is up for the Hon. Members to come up after digesting that one to come up and see actually what can come out of it. If we can reach a consensus of should we go for two days, Clerk will now come up to organize what could have remained. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you Hon. Member. We have actually accumulated 12 minutes instead of 10 minutes and we are very much in agreement that the members who have got an opportunity to talk on behalf of other members. Actually Hon. Members the Adjournment Motion to discuss a matter of indefinite for the County is in order. But as much as we may register our displeasure and what we want to be done, we are already overtaken by events. One Hon. Members, we did not request the Assembly to adjourn in good time that should have come last week. Two Hon. Members, we do not have a calendar we are operating on. Three Hon. Members, the County Assembly of Nairobi has run out of resources--- (*laughter*) and in all these circumstances Hon. Members, I am totally in agreement with the request made by the Hon. Stephen Kambi and Hon. Alexina Mudi and the same has already been discussed by the leadership of this Assembly---

Order Hon. Members! As much as we may want to go for the Devolution Conference, the reality is, it is not possible as at now. So what I am communicating to the Hon. House as a way of request is that; the Nairobi City County Assembly is going to organize an exercise to interrogate and to ventilate on the Devolution Conference which is ongoing, early and soon as possible when the funds are available. Order Hon. Gari please!

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Mr. Speaker we should not lie to each other here. If the County---

**Hon. Deputy Speaker:** Order Hon. Gari please! You cannot use unparliamentary language here and expect to be given an opportunity to proceed. Thank you. Hon. Stephen Kambi.

**Hon. Member for Dandora II Ward** (Mr. Stephen Kambi): Mr. Speaker sir, I believe it is in order as much as members are frustrated. First things first, we need to pass the calendar; we cannot be operating on a vacuum. We need to as the calendar we can't operate, that is the naked truth. I am an honourable member of this House. All the decisions that are being made affect me positively or negatively. But I am much sober enough, I know that most of you are in disagreement with this order but it is the truth.

*(Loud consultations)*

**Hon. Deputy Speaker:** The Member is on a Point of order Hon. Imwatok.

**Hon. Stephen Kambi:** We pass the calendar that is move number one. The second move is to ensure that we have a special conference so that we can be able to recap on matters that were discussed during the Devolution Conference. It is impossible we time barred. Thank you that is naked truth we have to take it. Mr. Speaker sir, we need to pass the calendar.

**Hon. Deputy Speaker:** Thank you. Hon. K'Otieno as the last one.

**Hon. Pius K'Otieno:** Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Order Hon. Member! Please Hon. Imwatok the member is on the floor please. I will give you an opportunity to talk.

**Hon. Pius K'Otieno:** Thank you Mr. Speaker. Allow me also to ventilate on this issue. One, I want to record that I am a member of House Business Committee and I am not afraid neither am I ashamed to share with you some of the deliberations and what actually transpired from the meeting that we had in Naivasha. I know we have got a number of members here but they will not be in a position to say what I want to say because sometimes it is dangerous to be right when the majority are wrong. When we were in Naivasha, we raised also raised the same issues. But I want to say that the reason as to why sometimes we don't sometimes get our things right, is because we don't follow these procedures. We only follow them when we want those procedures to suit us. But when they go contrary, we also don't follow them. The reason as to why members didn't go to Naivasha is basically last week when this Motion was supposed to have been tabled, there was no quorum. Everybody normally rises up in this Assembly and says that this is a House of rules and procedures. One of the procedures that we were supposed to have fulfilled come that day was to actually pass an Adjournment Motion.

This Adjournment Motion that also gives the account of the people who make decisions over monetary issues gives them a latitude to write a Motion and do everything that pertains to our imprests. If that was not done, it becomes a challenge. So when we were in Naivasha, we said clearly it is not possible to go during this period and we know that come 6<sup>th</sup> of April, this Assembly shall be going for an adjournment and we said in our own wisdom probably it may not be our own wisdom, may be someone will say it is not wisdom but in my own opinion, I say it is wisdom. In that period of recess, this money that has only been used to pay our salaries because the Executive was taking long to pay members salaries and that is part of welfare where we are saying that our welfare is not catered for. We say from 6<sup>th</sup> of that Thursday, when we shall be going for the recess, it is four days plus that transport, we go and converge in Naivasha so that, that money that could have been used in this Devolution Conference we will also recoup it in that conference that we have made as a House.

But it also important for us not to forget it is not also possible for us to move this House without this calendar. People report issues of Nairobi County, assume that somebody goes to that court and reports that

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these people have operating without a calendar, they are sitting illegally yet they are still earning their packs and salaries. Who want that money to be surcharged? I am only asking you Hon. Members let us deal with this Procedural Motion of passing this calendar, then these secondary issues we will also deal with them once we close the bridge. Nothing is lost Hon. Members. Let us dispense off the calendar Mr. Speaker then come back to these other issues.

**Hon. Deputy Speaker:** Thank you Hon. Member. Let me give Hon. Imwatok the last opportunity to speak.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Mr. Speaker, thank you Hon. K'Otieno MCA for Sarango'mbe my best friend. I remember Mr. Speaker it is about a month ago, we were all in Naivasha. I don't understand why the leadership of this Assembly is scared of facing the reality and I want to state here categorically no one whatsoever fears to pass the calendar. I remember when we were all in Naivasha, we asked very pertinent questions in regards to the welfare of the members of this House, and one of the questions which has never been addressed up to date is the issue of the gratuity. I believe there is no member who is afraid of passing the timetable. But only on condition that the leadership of the entire Assembly sits down with the members to explain to them what is their part upon indefinite adjournment of the Assembly from the 9<sup>th</sup> of May Mr. Speaker. Therefore the flimsy excuse that this County Assembly could not go to the Devolution Conference because the calendar was not approved is not holding any water Mr. Speaker.

*(Applause)*

Mr. Speaker I don't believe the House Business Committee functions is to decide which conference the County Assembly is to attend and which one not to attend. The functions of the HBC is to plan the calendar of the Assembly and more so Mr. Speaker is not for the HBC to tell the Executive arm of the government they have money or not. Mr. Speaker I believe the Devolution Conference is always on the calendar of all the 47 counties. It cannot be exceptional for Nairobi from the 47 counties which does not understand that from the 6<sup>th</sup> of March that the Devolution Conference was there, Mr. Speaker. Therefore, this game plan that the County Assembly of Nairobi must first be tied on their neck to approve the calendar before all our issues are addressed, it is not holding water at all. Therefore Mr. Speaker, on the issue of the calendar kindly I wish the leadership across the political divide could be here. We have asked this question one and several times again and I am happy the defacto, a manufactured Chief Whip from the Majority side is around.

How I wish this entire Assembly could make a decision we go for *Kamukunji* before we pass this calendar so that we understand beyond 9<sup>th</sup> of May, what is there for us. The County Assembly Service Board Members are very comfortable---

**Hon. Deputy Speaker:** Order, Hon. Imwatok! You are now becoming too personal and you are misleading the House. You are evading the issue of adjournment of this Assembly; there is no way the Assembly can proceed for Devolution Conference without Adjournment. Hon. Imwatok, you must be in

agreement that the first business of every session of the Assembly business must be to pass the House calendar. So, please, don't settle scores with the calendar issue. It is a requirement in law and has got nothing to do with gratuity. Hon. Akuk.

**Hon. Peter Imwatok:** Mr. Speaker sir, let me clarify myself---

**Hon. Deputy Speaker:** Order, Hon. Member!

**Hon. Maurice Akuk:** Thank you, Mr. Speaker for giving me another opportunity to try and deliberate on the issue you are talking about. Indeed, there is some confusion within the Assembly today. There was a Motion that you allowed us to debate and it has not seen the full length of the circle. The full length circle of a Motion requires you to put a question, Mr. Speaker. You allowed Standing Order No. 28 to be debated, we finished debating and you gave you gave us your opinion, which is illegal. You are not supposed to talk when a Motion is being debated. It is completely illegal for you to advise us in the middle of a Motion. If we are actually for rules and procedures in this House and we have to follow it as Members of this House, it is required of us that on the first day of the new session of the Assembly, the calendar ought to have been passed. Are you insinuating, Mr. Speaker, that over this period since we came back, what we have been doing in this House is illegal? *(Applause)*

Many have talked about the reason why we cannot adjourn and go to Naivasha because of the calendar, but I want to put this question to them, why were we in Naivasha last week without a calendar? Why were these Committees travelling without a calendar? Why do we have our Members in Panama without a calendar? Mr. Speaker, with all due respect, telling us there is no money is not enough. We know as Members of this County Assembly that we have some monies in consolidated fund. If you ask me where our consolidated fund is, I will tell you, Mr. Speaker, because you are aware that most of us here are getting zero salaries, I included. You can't tell me I will miss Devolution Conference for you to try to compensate me illegally during my recess *(Applause)*

Mr. Speaker sir, the issue that most of our Members are not talking about, if you are not aware because you are the Chairman today, is the issue dealing with gratuity. We were informed in Naivasha that at the end of our four year service, we are taking home only Kshs. 900,000. I want Members to agree with me and probably help me unbundle what has been perplexing me for quite some time, if at all these monies for gratuity were taken to LapFund, they obviously would have borne some interest. These monies that were taken to the LapFund were not put under any Member's name; another illegality perpetuated by our leaders.

**Hon. Deputy Speaker:** Hon. Akuk, we are not able to verify what you are saying, so, it is irrelevant--- You must support what you are saying by facts. You are out of Order. You can only support that by tabling documents.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Imwatok! Please, you are not going to direct me on what to do because the same Standing Order allows me to decline putting the question, of which I am not going to do. Hon. Akuk, you are a Member of Speaker's Panel and you understand the role of the Speaker which is to moderate debate in the House. So, you can't tell me I was interjecting. Clerk, can we proceed.

*(Loud consultations)*

**Hon. Deputy Speaker:** I have told you the Standing Order allows me to decline to put the question or to propose.

## PROCEDURAL MOTION

### APPROVAL OF THE ASSEMBLY CALENDAR

**Hon. Deputy Speaker:** Resumption of debate interrupted on Wednesday, 1<sup>st</sup> March 2017 at 2:30 p.m. The role of the Speaker now is to put the question.

*(Question put and agreed to)*

## MOTION

### ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INVESTIGATION OF THE COUNTY HEALTH WORKERS ISSUES, INTERDICTION OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT

**Hon. Deputy Speaker:** The Chairperson, Sectoral Committee on Labour and Social Welfare. Do we have the Chair in the House? Okay, Peter Wanyoike.

**Hon. Peter Wanyoike:** Mr. Speaker sir, I beg to move the following Motion THAT this Assembly adopts the report of the Sectoral Committee on Labour and Social Welfare on the investigation of the County Health Workers issues, interdiction of six officers from Inspectorate Department---

**Hon. Deputy Speaker:** Order, Hon. Wanyoike! I expect you to move the Motion. Do you have the Order Paper?

**Hon. Peter Wanyoike:** Sorry, Mr. Speaker. I wish to move the following Motion THAT this Assembly adopts the report of the Sectoral Committee---

**Hon. Petronilla Achieng** (Nominated Member): Point of Order, Mr. Speaker.

**Hon. Deputy Speaker:** Order granted.

**Hon. Petronilla Achieng:** Thank you, Mr. Speaker. According to Standing Order No. 32, there is no quorum.

**Hon. Deputy Speaker:** You suspect there is no quorum or you know?

**Hon. Petronilla Achieng:** I have already counted.

**Hon. Deputy Speaker:** That is not your responsibility, Hon. Member. Clerk, can you confirm.

Hon. Members, under Standing Order No. 32, there is lack of quorum in the House, I direct the Serjeant-at-Arms to ring the bell for ten minutes, the door to remain open. Hon. Nancy Luchiri, you can't get out when the bell is rung.

*(Quorum bell rung for ten minutes)*

### **ADJOURNMENT**

Hon. Members, after the bell has been rung for ten minutes, there is still lack of quorum in the House. The House stands adjourned to 2:30 p.m. tomorrow, thank you.

**The House rose at 4:05 p.m.**