



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 15th March, 2018

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS

Hon. Speaker: Hon. Members I have the following communication to make. Today in our sitting this afternoon we are graced by a delegation from Vihiga County Assembly, a delegation consisting of the Vihiga County Assembly women caucus as well as the Speaker of the Vihiga County Assembly and the secretariat.

(Applause)

It is my hope that the delegation has had meaningful engagement during this visit and will equally continue to meaningfully interact and engage with us and other stakeholders in the itinerary.

Hon. Members may I now recognize the delegation and the delegation consist of:

1. The Hon. Hasnah Mudeizi, The Hon. Speaker, Vihiga County Assembly
2. The Hon. Violet Agada, Chairperson of the Caucus
3. The Hon. Naomi Mandela, the Vice Chairperson of the Caucus
4. The Hon. Jacqueline Okalo, the Secretary of the Caucus
5. The Hon. Sally Inonda, the Treasurer of the Caucus

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6. The Hon. Elizabeth Muhonja, the Organizing Secretary
7. The Hon. Gladys Analo, Member
8. The Hon. Bena Kaisha, Member
9. The Hon. Joyce mayudi, Member
10. The Hon. Maureen Amunga, Member
11. The Hon. Alice Ahuga, Member
12. The Hon. Clementine Musoda, Member
13. The Hon. Rebecca Ochili, Member
14. Mrs. Joan Njai, Public Relations Officer
15. Mrs. Salma Ochieng, aide to the Speaker
16. Mrs., Emily Kimaiyo, Commissioner
17. Mrs. Mary Oleve, Hansard

Hon. Members I take this opportunity to welcome you all as a delegation and as Nairobi and on behalf of Nairobi County Assembly family I wish to give you a warm welcome to the Hon. Speaker and Members of the Vihiga County Assembly, the Women Caucus with us this afternoon. Once again feel welcome and enjoy your stay in Nairobi County.

(Applause)

Hon. Members I also have another delegation from Boston, Massachusetts. They are in the gallery. They are:

1. Mr. Edward Simon, the CEO of Boston Global led institutions. He represents the Mayor, Marty Walsh of Boston, Massachusetts, USA.
2. Annabel Musindi.

We want to welcome you to the Assembly of Nairobi and it is my hope that you gain as much as you would wish and I know we shall have, at one point, a relationship with the state of Boston [Massachusetts]. Thank you much.

Hon. Peter Wanyoike, you want to say something? Ok, Clerk?


PAPERS

Hon. Speaker: Chairperson, Select Committee on Public Accounts?

Hon. Wilfred Odalo: Thank you Madam Speaker, pursuant to Standing Order 191 (6) I beg to lay the following papers on the table of the Assembly today Thursday 15th March 2018, the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on financial statement of Nairobi City County Assembly for the year ended 30th June 2016, thank you.

NOTICES OF MOTIONS

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ADOPTION OF REPORT ON FINANCIAL STATEMENT OF NAIROBI CITY COUNTY ASSEMBLY FOR
YEAR ENDED 30TH JUNE 2016

Hon. Wilfred Odalo: Thank you Madam Speaker I beg to give notice of 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 financial statement of Nairobi City County Assembly for the year ended 30th June 2016 laid on the table of the Assembly today Thursday 15th March 2018. Thank you.

Madam Speaker before I resume my seat you will recall that on 13th February 2018 you directed that my committee tables its report on the consideration of two reports of the Auditor General before the committee by 23rd March 2018.

As you can see we have managed to table our reports on consideration of the report of the Auditor General on the financial statement of Nairobi City County Assembly for the year ended 30th June 2016. However, Madam Speaker, the task of considering the report of the Auditor General on the financial statement of Nairobi City County Executive for the year ended 30th June has not been easy given the many audit queries raised therein.

In addition, Madam Speaker, some witnesses have been dodging the Committee although I can confidently report that we have been able to fully apply the Standing Order and the law to compel their attendance. As such, the Committee is now in the process of finalizing the meeting of all the witnesses. The last meeting with the witnesses is scheduled on 22nd, Thursday March, 2018 and we intend to conduct such visits to some of the areas that have been mentioned in the report and thereafter embark on report writing. In this regard, Madam Speaker, the Committee wishes to once again seek your indulgence and grant us one more month for us to finish our work and table the Committee report on the said Auditor General Report on 26th April, 2018. I thank you, Madam Speaker.

Hon. Speaker: Thank you, Chair. I was a bit worried that you were anticipating debate on your Notice of Motion but now I have understood you. As I grant you, Chair, I hope you are bringing us a report that people will remember in this House because you remember I am now granting you for the second time so I am not hoping to see a report that says, 'it was well, it was well' and why we are giving you time is because things are tough so we want to see a report that will be remembered in this House. So, I grant you one month, Chair. We shall now finalize so after that don't come back for more time.

STATEMENTS

Hon. Speaker: Hon. Moses, you have something? Is it a statement?

Hon. Moses Ogeto: Madam Speaker, on statements I was requesting my statement from the Chairperson on Labour and you had directed that he could be in a position to express the same statement before me but Madam Speaker, I have not seen it, with your indulgence maybe.

Hon. Speaker: Okay, before I come to responses, is the Chair, Labour in the House? Okay, Chair, it is okay. Let me see whether we have other statements. Do you have the response for *Mweshimiwa* and can you put on your mic.

Hon. Peter Wanyoike: No, Madam Speaker. We do not have the statement but it is because we had a lot. As you know we had a very busy week and also the County Public Service Board right now the event is ongoing, so I will table the report next week on Tuesday, Madam Speaker. However, in that regard there are some issues we looked at and collected with the Board like the venue. We changed the venue from Dagoretti to Kasarani and I have just come from Kasarani and the recruitment is peaceful and transparent so I will report on Tuesday next week if you allow, Madam Speaker.

Hon. Speaker: Chair, you realize that was a statement that needed to have ended today because the event is happening but let me hear from the *Mweshimiwa* who requested...*Mweshimiwa* what is your...

Hon. Moses Ogeto: Madam Speaker, I want to once more partly accept the radical changes. Madam Speaker, you know when he is talking he should be tabling something before this Assembly because we work on evidence. Madam Speaker, I have seen there was the change of venue and I can see the Chairperson instructed the same and we had seen it in the local dailies. However, Madam Speaker, it should be in writing, you see just word of mouth in this Assembly cannot be taken seriously.

Madam Speaker, I have seen on the website the shortlisting which I was concerned about, the papers of the Public County Service Board. So, Madam Speaker, the way you had ordered and I have seen that at least some things are moving I also humbly request him to do the same before this House on Tuesday and I will be welcoming the response. Madam Speaker, thank you,

Hon. Speaker: Thank you, Hon. Ogeto. Chair, I am hoping on Tuesday you are bringing a thorough report through that statement that elaborates everything plus what you have done which we also want to thank you that young people did not go to Dagoretti to find themselves fighting but at least we have used Kasarani. Nicholas Okumu, you have a statement?

Hon. Nicholas Ouma: Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the dumping of soil and garbage along Ngong River. Hon. Speaker, unscrupulous land cartels are dumping soil and solid waste along Ngong River with the aim of reclaiming riparian river where they erect illegal structures to rent out to unsuspecting residents hence exposing them to myriads of risks. Hon. Speaker, the illegal reclamation further hinders the natural flow of water down the

river during the rainy season thus destroying the properties along the way as it flows. Hon. Speaker, in the statement the Chairperson should inquire into and report on:

1. Whether the person involved in the dumping of soil and garbage have any authorization to do so from the County Executive;
2. Measures put in place to stop the illegal dumping;
3. Measures put in place by the County Executive to protect unsuspecting residents from being duped into renting structures erected along the river and buying the reclaimed land along the riparian river.

Thank you, Madam Speaker. Before I sit, Madam Speaker, as we speak already we have a disaster in Lower savannah. The Ngong River has already burst its banks and we have been forced to move the families living along the river so I would urge the Chairperson and the County Government to move with speed and help the families living along the Ngong River in Lower Savannah. We also appeal for any help from the County government to be able to assist with either with food or any materials like blankets and beds because we are having problems. I urge the County government to move with speed, thank you Madam Speaker.

Hon. Speaker: Nicholas you know I allowed you that but you know a statement is a statement. I only allowed you because I know there is a disaster. So next time when you finish with your statement, you finish.

Hon. Nichola Ouma: I appreciate Madam Speaker but this is serious and I have received a call right now while in this House. I can even share the evidence of the pictures because at the moment my team is working on the ground to help these people. So I am urging the County government to assist. Thank you.

Hon. Speaker: Chair Environment. I can see all the members are not around, any member of Environment Committee? Hon. Ngengi, do you want to say something? Are you a member of that Committee?

Hon. Daniel Muturi: Madam Speaker I am not a member but on behalf of the Majority Leader who is in Mombasa, I wish to request for two weeks to give a reply to the Hon. Member.

Hon. Speaker: Ngengi, I am not allowing you two weeks on disaster of rain, since you have decided to take the responsibility.

Hon. Daniel Muturi: Madam Speaker on the rain we are aware of the chaos since we are suffering from the same in our Wards---

(Point of Information)

Hon. Speaker: Okay Ogeto what is the Point of Information?

Hon. Moses Ogeto: Madam Speaker my colleague cannot take a statement for a Sectoral Committee which he is not even a member. I want to inform my colleague that he cannot take the responsibility of a committee which he is not a member. Madam Speaker, that is why I want to be very brief

on this like, 228 (2) on budget. Madam Speaker we accept that the Budget and Appropriation Committee should go and do the formulation of the budget but there is no way you will be allowing all members in this House to go for a budget process in Mombasa until we don't have any member of the Environment Committee in this House.

Madam Speaker I wish you could take the responsibility since you are the one who allowed the members to travel to Mombasa.

(Laughter)

Hon. Speaker: Well done Hon. Minority Deputy Whip. I take the responsibility and I want to say that this is the last; no meeting will be held on Thursday which will be outside Nairobi. That is the last.

(Applause)

Members, and I hope the Clerks are hearing this, you can only travel after Thursday sitting in the evening. So all meetings should be on Friday if need be. But I have stopped it because I have realized we are joking with Kenyans here and we are responsible.

So Ngengi, were you given a letter by the Majority Leader to stand in? Because I can see you are seated with a senior member who is the Chair of Water and Sanitation, can he take the responsibility of that, *Mheshimiwa Kados?*

Hon. Paul Kados: Madam Speaker, on behalf of the Committee of Environment I would like to apologize and I will take that responsibility. I will inform the Chairman, you will get an answer in two weeks' time.

Hon. Speaker: I wish we could get the answer for the whole of Nairobi and I know *Mheshimiwa Rose* also had an issue in her Ward. So on behalf of all Nairobians and where we know the river banks have busted and the areas are flooded. I wonder how the children are coming out of school, I would wish if possible Chairman, you talk to the Executive today and see whether they can assist you with a few things like blankets for those whose houses have been swept away.

Hon. Paul Kados: Obligated Madam Speaker.

Hon. Speaker: Yes, *Mheshimiwa David Mbithi*.

Hon. Nicholas Ouma: Madam Speaker, my colleague the Deputy Whip---

Hon. Speaker: *Mheshimiwa Nicholas*, I thought I had finished with your issue. Can one of you sit down? So Hon. Okumu first sit, your colleague is on the floor and is with the mike.

Hon. David Okello: Thank you Madam Speaker for protecting me. Madam Speaker my colleague the Deputy Minority Whip wants to accuse you that you left all the members of the Committee of Environment

to go to Mombasa. I have just realized that I am a member of the Environment Committee and I am still here I have not gone to Mombasa.

Hon. Speaker: You did not stand.

Hon. David Okello: And in case of any question on Environment, I am here and will attend to them. Thank you Madam Speaker.

(Laughter)

Hon. Speaker: Hon. David, I wish you stood before I gave that responsibility to a Samaritan who has volunteered to do the job. But it is okay, we agree you are there, so you will join hands with the Chairman Kados and go to the Governor to plead and I know the Governor is ready to assist. It is only that people have not gone to tell him about the situation. It is important to go and see him.

Deputy Whip, you still have an issue?

Hon. Moses Ogeto: I am on a Point of Order 228 (2) Madam Speaker, it says;” *The Supplementary Budget shall include statements showing how additional expenditure leads to fiscal responsibility, principles and financial objectives*”. Madam Speaker it has been explained very well in paragraph 2 (3) of the same.

Madam Speaker there was a budget estimates which was tabled before this House and it is good that you gave the Budget Committee to go to Mombasa to conduct a very good business of CIDP. I am foreseeing a quagmire in law where the PFM Act will be violated by the Executive and they will say it is the Assembly which is delaying the Supplementary Budget not to be passed in this Assembly.

Madam Speaker the PMFM Act is very clear that any estimates which have been spent within three months in office should be tabled before the Assembly. I am requesting you to guide this House how a CIDP is important than a Supplementary Budget where the Executive is continuously spending money without the approval of the Assembly.

So Madam Speaker, I need your guidance so that next time when you are giving these Members retreats to Mombasa the priorities of this House should be considered.

There is no way Madam Speaker somebody will be going for a CIDP project which the estimates will come on 30th June, 2018 and then the Executive had tabled a Supplementary Budget then you consider the one which came earlier and the one which came late you leave it and do the first one.

On that I wish in your leadership and wisdom to tell us when this Supplementary Budget is going to be tabled before this House since it has been committed to the relevant Committee which is Budget and Appropriation Madam Speaker. Thank you.

Hon. Speaker: Thank you. When we resume next week we shall table everything because it is also in my mind. So I know it is wrong and by law it is not just that the Executive will blame the Assembly for not passing their Supplementary Budget which they forwarded to us in time. So as you see our Standing Orders

are very clear and I believe I will join the team in Mombasa to ensure that we finalize the Supplementary Budget and the rules and regulations for the Disaster Fund.

So that these disasters that we are experiencing in our Wards are dealt with speedily. I am taking that responsibility to ensure we do that. Thank you for also reminding the House and the Executive who will understand that. *Mheshimiwa* Osman!

WATER SHORTAGES EXPERIENCED IN VARIOUS PARTS OF THE CITY

Hon. Osman Abdi: Thank you Madam Speaker, Hon. Speaker Pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson for the Sectorial Committee on Water and Sanitation regarding the biting water shortages experience by various parts of the City.

Hon. Speaker Water and Sanitation Sector receive an annual Location for instance Ksh. 346 Million in financial years 2015/2016 and in addition the sector receives revenue emanating from the bills collected by the Nairobi Water and Sewerage Company purposely to ensure the efficient water provision to the residents.

However, this has often not been the case, for instance in South C especially in Mbugani estate five star Phase 1 and 2, Green Estate, Ruby and Joleyn and its environs where the residents have been left at the mercy of water vendors/bowers and boreholes owners who retail water expensively.

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

1. Measures the Nairobi Water Company plan reliable water supply to the said estate and the reasons to the said supply;
2. Procedure for the licensing Private water vendors/bowers and whether the said vendors have approvals from the County to distribute the water in the said estate; and
3. Thorough investigation on whether the persistence lack of water in the greater South C is an act of sabotage to provide a ready market for the water vendors and if not, reasons why no measures have not been put in place by the Executive to restore reliable water supply once and for all.

Hon. Paul Kados: I think Madam Speaker; if he can allow us I will give the response in two weeks.

Hon. Speaker: Is that okay *Mheshimiwa* Osman!

Hon. Osman Abdi: Most obliged Madam Speaker.

Hon. Speaker: Thank you. Is *Mheshimiwa* David Mbithi in the House?

Hon. David Mbithi: Hon. Speaker pursuant to Standing Order 45 (2) (c) I wish to request for Statement from Chairperson of Sectoral Committee on Transport and Public Work regarding to the poor drainage system in parts of the County and specifically in Viwandani area.

Hon. Speaker, the ongoing rainfall in the Country has exposed poor drainage along Lunga Lunga road and other feeder roads on lower sides of Industrial Area. This has greatly affected the adjacent Viwandani informal settlements as the storm water finds its way into Ngong River.

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

1. What resources are available to the County Government that can help in quick response to the problems of roads getting over flooded;
2. Whether the County Government can share their available resources with locals through youth groups so that the most vulnerable communities have capacity to meet the challenges of over flooding. Thank you Madam Speaker.

Hon. Speaker: Chair. Any member? Mary, are you a member?

Hon. Mary Njambi: Thank you, Madam Speaker, I am being disrupted here by some people. Give us two weeks, I will be able to communicate with the Chairperson and we will answer you. I think this is a problem that is facing every Ward, not just Viwandani. We will address the problem. Thank you.

Hon. Speaker: Thank you, Mary. I believe she has given you a good answer.

Hon. David Mbithi: I think it should be one week. The rains are still on and it should be urgent so that we can save those families who are vulnerable.

Hon. Mary Njambi: Hon. David, you realize that the Chairperson is not in and also the issue of budget making is ongoing at this time. I gave it two weeks so that we can give comprehensive explanation on the measures that have been taken. As I have indicated, this problem is everywhere in the City. We wanted two weeks so that we can bring in something that is comprehensive and at the same time durable, not just a response for the sake of it. Thank you.

Hon. Speaker: I agree with Mary. The Chair is not there, she is taking responsibility which is not hers. She will have to go and tell the Chair. David, I humbly request that you accept the two weeks but I will ensure---

I want to add that this two weeks issue is becoming common and it is something I am not going to agree. We have many issues that are all over within the County. I will call for a *Kamukunji* of all the Members and the CECs so that we can agree.

(Applause)

On the issue of flooding and roads, I plead with you that as much as I have sent the Chair of Water to go and see how to assist on what is happening now. We can agree next week to call them so as to tell us what short and long term measures they have so that we solve these problems. I am also insisting on Chairs, we have to stop these jokes. When you are a Chair, you take your responsibility to ensure answers have

come. If the CEC is not answering, then it means you are not taking responsibility. You don't have to tell us that the CEC did not provide answers. You are the Chair of that committee and you stand in for the CEC. If the CEC has not understood, the Chair is the one who stands in for him to answer the questions. It is high time we held serious induction for them to understand the responsibility of a Chair, the Deputy and them working together

(Applause)

Hon. Mbithi, I think I have closed with that.

Hon. David Mbithi: Most obliged.

MOTION

Hon. Speaker: Hon. Naftaly Mathenge.

Hon. Naftaly Mathenge: Thank you, Madam Speaker, on behalf of Pius Mbono who is not in the House, I request this Motion to be deferred to Tuesday.

Hon. Speaker: Why did you accept? Hon. Members, I want us to read----

Hon. Naftaly Mathenge: Can I proceed then?

Hon. Speaker: No, it is okay. You have already said you have deferred and it has been captured in the *Hansard*. I want you to read the Standing Orders. When someone gives you responsibility, you read. Every article has something to guide you. This will help us and we will be good debaters the moment we know our Standing Orders. That is why my Deputy Whip can be able to hit on me properly and I have to accept.

(Motion deferred)

ADJOURNMENT

Hon. Speaker: Hon. Members, since there is no other business, the House stands adjourned to Tuesday, 20th March, 2018.

(The House rose at 4:00 p.m.)