



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 17th April 2018

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Mr. Kennedy Obuya) in the Chair)

PRAYER

Hon. Temporary Deputy Speaker: Hon. Member, I direct the Serjeant-at-Arm to ring the bell for 10 minutes.

(Quorum bell rung)

STATEMENTS

PERSONAL STATEMENT

Hon. Temporary Deputy Speaker: Hon. Patrick Karani!

Hon. Patrick Karani: Hon. Speaker pursuant to Standing Order 89, I wish to make the following Personal Statement. Hon. Speaker during the Select Committee on County Finance Budget and Appropriation held last week on Friday at Flamingo Hotel in Mombasa, I rose to make some presentation on revenue and expenditure.

The Presentation mainly focused on the cost of revenue collection efficiency and effectiveness of our current revenue collection system. After the presentation, the Chairman of the Committee brought to the attention of the Memberships that the Director of Jambo pay by name Mr. Muchemi had written to one of the Members a threatening SMS.

Hon. Speaker, after consultation with the Members it was resolved that we adjourn the sitting and report the matter to the nearest police station. Members have since recorded a statement at Bamburi Police Station in Mombasa.

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Hon. Speaker, on Monday at around 3.15 p.m. yesterday, I received another SMS threatening and daring me of dire consequence if I continue with what I was doing. I duly reported the Matter to the Serjeant-at-Arm, who later advised me to record a statement with the Director of Criminal Investigations Which I did under OB No.19/16/04/18.

Hon. Speaker, the Security of Member is not something we can joke around with given incidences in the past when some of these threats have materialized. I, therefore make this Personal Statement on fear for my life. If something is not done about this routine intimidation and harassment of Members while executing their mandate. We risk losing the purpose for which we are seated here, today it is me who knows what they might do tomorrow.

Hon. Speaker, the Assembly must stamp its authority against those who think they can use their connections to threaten and harass Members while going about the execution of mandate whether in Committee or in Plenary. Thank you, Mr. Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Members, Hon. Patrick Karani has given a Personal Statement on threats on his personal life, therefore give this opportunity to Hon. Members to debate. Hon. Members, the floor is yours. Hon. Mbatia

Hon. Robert Mbatia: Thank you, Hon. Speaker, I want to rise on the same Standing Order 39 and also raise my concern as the Chair of Finance Budget and Appropriation Committee. That is true what my Vice Chair has raised that there were threats and actually we adjourned our sitting and this was during a very important session. We were compiling the County Fiscal Strategy Paper 2018/19. This set the direction of the financial principles that we want to move along with during the financial year.

Hon. Speaker and when they were brought forth, Members decided that they could not proceed with the same. So, we are stuck and in a crisis at this point. Let me report this to the Assembly that we have not dealt with that program that is very important to the Assembly. Such that by 30th of this month, we should have dealt with the CFSP anticipating that the County Executive will bring the budget estimates, without which we are in limbo.

So, I would like to request the able Chair that you give directions on the security of Members because I don't think my Members are ready to deal with such matters. We shall always be dealing with sensitive matters that are of grave concern and importance to Nairobi County. We would like an assurance, Mr. Speaker, that Members are secure, not only here in the Assembly but even their families at home.

Hon. Karani received an SMS. Some of my Members have met people on the streets and have been threatened. I want also to raise a concern with the Members of the Fourth Estate, there are matters that they rush reporting but I have not seen any of this. When you touch on Jambo Pay, you will never see anything in the newspapers. Members of the Fourth Estate should tell us why they never report anything that this Assembly has been dealing with. Even the First Assembly, at no point, did they ever report about the ill's Jambo Pay have been doing with the revenue of this County.

I rest my case at this point but I want to get an assurance that the Assembly will have security. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Okumu.

Hon. Peter Imwatok: Mr. Speaker, first of all, congratulations. I am using the card of Minority Leader. As you are aware, when he is not in, I assume the power.

Mr. Speaker, at times, this House is taking some issues so lightly. I remember about three months ago when the Majority Leader and I were called before the Speaker, people threatened us and our families, now it is reappearing again through Hon. Karani. It doesn't matter which division you are in this Assembly, what matters is that you are a Member of Nairobi City County Assembly. As my Chair puts it, it is very dangerous especially for members of Budget and Appropriations Committee. This is a Committee that deals with about Ksh.34 billion. I assume we are now gagged as a Committee. When there is anything contrary to the desires of the corruption cartels in this County, you don't need to speak. It is not about giving directives, Mr. Speaker, but be firm on those directives. Failure to act on such issues can make this s Assembly suspend all its proceedings until security agents of the County and the National Government assure this House that we are secure and safe under parliamentary practices that govern County Assemblies.

Mr. Speaker, I saw Hon. Karani when I arrived in Mombasa and how terrified he was. Bearing in mind he is a first time MCA. Some of us like Kados, the Chair of Budget and others are used to these shenanigans in this County. But seeing a very smart young man like Karani being threatened, we cannot sit down and keep quiet. I wish you could direct the entire County security apparatus to appear before a relevant committee of this House. That Ad hoc Committee should be very serious so that we sort the issues of threats to Members.

I remember I was called by a guy asking me whether I love my children and if I love them, I should stop talking in the Assembly. I told him I died a long time ago and waiting for burial rites, so you don't have to threaten me with death. Even if it forces us to suspend the proceedings of the Assembly for the security of the Members, so be it. Thank you so much.

Hon. Temporary Deputy Speaker: Hon. Juliet Ndegwa.

Hon. Juliet Ndegwa: Thank you, Mr. Speaker. I think the matter that is before this Assembly today is a very grave matter; it is a matter of national importance. I have heard it today but it is something, Hon. Members have been complaining about for some time. I believe Jambo Pay or these people who are threatening Hon. Karani have something to hide. I want to remind Hon. Members that it is our main duty to do oversight. So, if there is a problem, can they present it in a proper way. This is a House of rules and regulations. We cannot take it for granted. I plead that if any Hon. Member has been threatened and especially Hon. Karani, can we give him extra security, thank you.

Hon. Maurice Gari: Thank you, Mr. Speaker, I want to emphasize on what my colleagues have said. We have powers within our Constitution and in this House. If it is a matter of threats it should not take us even 30 minutes to do away with this Jamb Pay.

(Applause)

It cannot take us 30 minutes! I brought a Motion a way back but I was also told *enda polepole*. It is a matter that if you touch this one you are told this one. It cannot take the whole House 30 minutes to say we don't want to have any business with Jambo Pay and it goes to the record and it will be done that way.

Mr. Speaker, we should not be crybabies here. We should state something and stick to it. If it is not threatening Jambo Pay let us do away with them because we have all the powers within our hands and we have the knowledge, we have gone to school and we know what to do. We should not come here today to discuss Jambo Pay, tomorrow the same. Tomorrow it will be you, Mr. Speaker, people will be claiming about you. If it is you and we say we don't want you in that Chair then we do the necessary.

If it is Jamb Pay we do the necessary. We adjourn then come back and table the Motion of Jambo Pay and do away with it once and for all. Why should they keep on threatening Members? What do they have? What business does the Executive have with them that we don't know? We knew them last time and they were that way. If they have grown horns we have powers and we should invoke those powers. We have the Powers and Privileges Committee which can summon them. We can also bring a Motion here and do away with them. Thank you.

Hon. Leah Supuko: Thank you Mr. Speaker sir. I think the matter on the floor is a weighty one and...

Hon. Temporary Deputy Speaker: Hold on Hon. Leah. Sergeant-at-Arms this is a weighty matter. I direct that no Member should leave. Proceed, Hon. Leah.

Hon. Leah Supuko: Mr. Speaker I repeat to say that the matter at hand is very weighty and the securities of our Members come first. I feel that we should protect every Member in this House. For an organization which is doing business with Nairobi County, I don't see how they can go out and threaten a Member who is over sighting them the extent that I saw one of the texts that Hon. Karani showed me a few hours ago. Even using words like dog, *umbwa* – he was called dog! *Umbwa* in Kiswahili. This is a very serious issue which should be taken seriously. Thank you.

Hon. Herman Azangu: Thank you, Mr. Speaker, I also have a concern. I am one of the Committee Member of Budget where we have a shortage of revenue collection. As we were in Mombasa we heard from Chief Officer of the department telling us about collections for this year. They said the collection was about 35% of the year. We requested to know what is happening in revenue collection. I think the Members including the Deputy Chair Hon. Karani was highlighting where we think there were loopholes. He was within his mandate which is to oversight the Executive. The Jambo Pay belongs to Executive and I think the Member was in order. As a Member of this Committee and County Assembly, I condemn the corruption that is going on in revenue collection. Nairobians are waiting for us to give them service...

Hon. Temporary Deputy Speaker: Hon. Azangu I would advise that you stop preemption and direct your debate to the said matter, the threats to Hon. Patrick Karani.

Hon. Herman Azangu: Thank you, Speaker, I rest my case.

(Laughter)

Hon. Temporary Deputy Speaker: Hon. Jeremiah Karani

Hon. Jeremiah Themndu: Thank you, Mr. Speaker, for giving me this opportunity to say something about the matter. The matter is very grave and I think the guys who are collecting money on our behalf in Nairobi County should be told that they cannot cow us to abandon our cause. We shall not be intimidated not only by them but by anybody in this County to abandon what we are doing for the people of Nairobi.

For now, I propose that we bring a Bill in this House and tell them we are bigger than them because we are representing all Nairobians in this Chamber and I think nobody is here by chance. Without contradiction or being apologetic we are telling them that we are going to deal with them and oversight anything. If they are collecting money and spending them whenever they want and are corrupt we are not going to be cowed. Let them do whatever they want to do but not when we are in this Chamber.

Mr. Speaker let us come and teach them a lesson which shall be a warning to others behaving like them. I think that matter is very weighty because it touches on the life of one of us. Let us not joke about that matter. I rest my case.

(Applause)

Hon. Michael Ogada: Thanks a lot, Mr. Speaker. I want to add my voice on the same matter because we are in that Committee, and Budget Committee looks at many things. When you are in a Committee and you start to operate in fear definitely it indicates that you are not going to give a proper output. It is, therefore, my request Mr. Speaker that this Assembly needs to take a very serious action in order to give the freedom to the Members of this House to work or to act without fear or intimidation.

Mr. Speaker, this thing goes beyond the Budget Committee, because it is not only the Budget Committee that is really being threatened. Several other Members have always been threatened, either by the goons on the streets as a result of what they were speaking within the precincts of the Assembly. I think that is something that we need to condemn and there is also another thing that personally I have felt is not in order, you find like when you are talking in the Assembly, somebody somewhere is busy recording you so that he forwards to some strange funny parties.

We are not children. We don't represent your children here; we represent the people who elected us. We are not here to be intimidated. So even if you say that I was saying so, so what? *Atanipeleka wapi?* What will he do? Those are nonsense. Let us try to make sure that we work within the---

Hon. Temporary Deputy Speaker: Hon. Ogada, you withdraw.

Hon. Michael Ogada: I withdraw nonsense. *(Laughs)* So what I am saying Hon. Speaker, let us realize that we represent the people of Nairobi, we need to work as a family, we need to work as representatives of the people, what all of us want to see is development on the ground. If it will take Hon. Karani to show us the way, so be it! But we should not work as a result of fear, that if I say this, this person will do this. Hon. Speaker, I think it is becoming out of order that a Member of this Assembly can be recorded. You see I really don't understand why people---- I just don't understand.

So you record what happens because and take it somewhere so that they can be killed or why do you want to record them? It makes no sense because it will not really serve much. So please we need to protect Members of this House and allow them to have the freedom to look at the documents, it has reached a level that you are not even allowed to look at a document and critic it, you are being called and asked why did you say this in that document? If you don't want to critic it then why did you bring it in the first place? Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members allow me to give only two more Members to deliberate on the same Personal Statement. Hon. Paul Kados.

Hon. Paul Kados: Thank you, Mr. Speaker. First I want to sympathize with Hon. Karani. I was with him that day, I don't know these people that you are calling *Ejjiipay* I don't know... they have very many names, *Webtribe*, *Jambopay* and it is one organization. I think it is a high time that this House becomes one and let Members behave like Members because that day it was very bad for us and whatever happened was regrettable.

Mr. Speaker when we are concluding, we must have protection whenever you are raising an issue because today what Karani was raising is a concern of every Kenyan and every Nairobiian because what we got was that our revenue has gone down to around 35%. We were looking for ways on how we can enhance the collection of revenue. So, Hon. Karani was just showing us why we are losing the revenue. Mr. Speaker I would request you to come up and ask this House let us form an Ad hoc Committee which can look into this matters and look for the way forward about that *Jambopay*. Thank you.

Hon. Temporary Deputy Speaker: Lastly Hon. Members, Hon. Emily.

Hon. Emily Oduor: Thank You, Mr. Speaker. First, I think we are two Emilys, so it is important to say Emily Oduor or Emily Waitthaka. I am a member of this Committee, a very important Committee and it was very embarrassing, very unfortunate for something like this to happen. I would say we were very far away from home and with that threat, we were not sure whether we would get to the airport. I think this is a second incident being reported. The first one was in the parking lot. We talked about it here and it was swept under the carpet. No action was taken, and that is why this happened again because it is just like we are barking here, no action is taken and tomorrow we are going to get another threat. So, unless it is taken, we will just be making noise here and the threats will continue.

Secondly, we need to show that we are very powerful. The budget is coming. And if we refuse to pass this budget, this County will come to a standstill. So, somebody like Jambo Pay or whoever they are need to realize that is an important body i.e. both the Budget Committee and the Assembly. We even have a right to say that their contract can be canceled.

Lastly, when this thing happened, we were in a committee and I believe that it is a Member of that Committee who passed that information to these people. If it is one of us, it is going to reach a point that we will not be discussing issues openly, especially if their issues that we know are touching people who are outside. So, I would urge Members of different committees that they look upon among themselves and check whether they have spies. First of all, we must deal with the spies inside here before we deal with the people outside there. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, this is a weighty matter and as an Assembly, we cannot agree from the wisdom of the Chair to let Members be distracted from the business of the day. I, therefore, refer this matter to the Committee of Powers and Privileges to deliberate, analyze and report back to the House within 7 days. I also direct the Chief Serjeant-at-Arm to contact the authorities and those who are in-charge of security to offer Hon. Patrick Karani 24 hour's security until this matter is resolved. Thank you, Hon. Members.

MOTION

Hon. Silas Matara: Thank you, Hon. Speaker. Just before I get to move my Motion, I would like to give an insight on the security issue of Hon. Karani. What I would like to say is that we have heard this issue before and what I would say is that everyone is aware of the issue that was in the National Assembly when some criminal elements were sending the MPs pornographic materials and nude photos and also obtaining cash from the MPs and the matter was ---

Hon. Temporary Deputy Speaker: Hon. Matara, allow me to guide you. That matter is already put to rest. Kindly proceed with your Motion.

Hon. Silas Matara: I stand guided, Hon. Speaker. Hon. Speaker, I beg to move the Motion that, aware that the County government is increasingly investing heavily in infrastructural and other major developments, including in its projected development blueprint as detailed in the County Integrated Development Plan; noting that part of the main focus of these major development projects is the creation of employment opportunities for the youth enabling them to earn a living; deeply concerned however that most youths from the localities where these major projects are carried out do not often benefit from the opportunities available with such developments; recognizing that cash-for-work activities and the promotion of youth friendly and income generating micro-projects within such development initiatives carries great potential for alleviating youth unemployment in the City; observing that such major County projects similarly carry the potential of building the capacity of local youths and youth associations to ensure sustainable management of the youth as a resource; further observing that by such engagement, the local youths are encouraged to continue with maintenance of the community assets beyond the project period; this Assembly urges the County Executive to put in place measures to ensure local youths within the County's major project areas such as infrastructural developments are prioritized for employment in such projects.

Hon. Speaker, I speak for many of us when I lament the lack of sufficient opportunities for our young people. I am aware that indeed efforts at various levels have been made to deal with youth unemployment and engagement. Mr. Speaker sir, it is said that charity begins at home and I want Nairobi County to lead by example by---

Hon. Temporary Speaker: Order Hon. Matara! Sergent-at-Arms, this culture must end. Let Members sit. This is a serious House of Business which has rules and procedures. Members this culture must stop. Proceed Hon. Matara

Hon. Silas Matara: Thank you Hon. Speaker. However Hon. Speaker, it is said that charity begins at home and I want Nairobi County to lead by example in contributing to efforts to build capacities for our young people across all localities in the City. Hon. Speaker, the County has invested and continues to invest in major projects whose benefits will live with us for a longtime. My main motivation for moving this Motion is that most of the youths from localities where the County has invested in major projects do not often benefit from the opportunities available with such developments.

Hon. Speaker, I say this because this Motion finds us at a critical moment not just in the County but the Country as a whole. Youth unemployment and the lack of opportunities carries a huge risk not only to the County but the republic if not addressed through concrete measures. Hon. Speaker, our programme and policy planners need to better understand the role and impact of youth in the community development process. Engagement of youths through projects and other programs is vital to the long-term success of development efforts. Through such projects we can give the youth's opportunities to become long term contributors to local development efforts.

Mr. Speaker sir, that is why this Motion is urging the County Government to take deliberate steps to provide youth with opportunities to contribute. Let us consider new ways to consider the youths and allow them to offer input during decision making, problem solving and action taking initiatives. We all know that active collaboration with youth will engage them in ways that will open doors for them to contribute and help them develop the capacity to serve in organization's and become community leaders. Mr. Speaker sir,

deliberations targeting local youths for employment in major projects within their vicinity, the County will allow youths to establish vested interests in long term participation and contribution to their community.

Hon. Speaker, I have a personal experience where there was this contractor who was building a road in my Ward. There was conflict between him and the youth in my area because the contractor had come with his labor force such that even the manual jobs that could be offered by the youths in my Ward he came with his own labor force. This also happens in other areas. When the contractors don't engage the youths then it brings conflict and at the end of the day projects get to delay and programmes of the County gets delayed. On August 8th we got elected by the youths we are trying to fight for. It is therefore better for the County to initiate programmes and ensure that projects are undertaken by contractors who also initiate CSR programmes to benefit the same community and whether the County Government can offer the same to encourage the contractors.

Mr. Speaker sir, for example if there is a particular project being undertaken in a particular Ward, we encourage the County Government to ensure that technological transfer to the youth in that area is initiated. Also, if there are any youth groups or companies in the specific Ward who have the capacity to be subcontracted with the same works, the County Government should encourage the contractor to sub contract to the youth companies in that locality. As leaders, it is inherent that we get to incorporate the views of the youths and empower them. It is a big problem when we tell the youths that they are the leaders of tomorrow and that they can make it in life but perennially they don't get to benefit from projects of the County. With that, I move the Motion and ask Hon. Millicent Okatch to second the Motion.

Hon. Millicent Jagero: Thank you Mr. Speaker I wish to second the Motion that the youths of Nairobi have suffered a lot while a few others benefit from County projects. As Nairobi MCA's who were elected by a majority of the youth, I believe that it is only fair that any initiative started by us should be given to the youth. I ask the House to support.

(Question proposed)

Hon. Temporary Deputy Speaker: Thank you, Members. I propose.

(The question is proposed)

Hon. Temporary Deputy Speaker: Hon. Millicent.

Hon. Millicent Jagero: Thank you, Mr. Speaker. I rise to support the Motion and I will refer to some laws that are supportive of this. Section 88 of the County Government Act 2012 gives the people the right to petition the County Government on any matter under the responsibility of the County Government. Section 89 makes it a duty of the County Government authorities, agencies and agents to respond expeditiously to petitions and challenges from citizens. The Urban Areas and Cities Act 2011 also includes provisions that allow for citizen participation.

It is because of this that residents ought to be informed of the decisions of a Board that affects their rights, property and reasonable expectations. You find that during the identification of projects the citizens are usually called together so that they can help in the identification of those projects. However, during

implementation, they are not aware of what is taking place and even during the tendering process the citizens are usually not aware of who or whom will be given that tender. This calls for the residents of that area be employed on the particular projects that are being implemented.

Again, the residents need to demand that the proceedings of a Board, a committee, and its sub-committees be conducted impartially, without prejudice and untainted by personal or self-interest. Most of the time you find that most of the award of tenders are being given to allies of the people that are awarding those tenders, so you find that it is very difficult to employ the people of that particular area who should be able to use and enjoy public facilities and also have access to the services that the City or municipality provides. However, none of the residents enjoy those services or facilities that are being implemented in their particular area.

Therefore, it calls on us the legislators or representatives of those particular areas or Wards to champion the call that any projects being implemented in their areas should ensure that the people of that particular area are awarded those particular jobs, and also that the residents of those areas need to know that they can stop those projects and take them to court if they have not duly followed the procedures that need to be followed. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Lawrence Odhiambo.

Hon. Lawrence Odhiambo: Thank you, Mr. Speaker. I rise to support the Motion. First, as you know, we are here because of our youth and the way you campaigned last time you told them that you are going to give them the opportunities of getting employment. In our Wards we have a lot of projects that are going on and as you know most of the contractors are coming with youths from outside to come and work within our Wards. So, we are urging that the contractors who are getting the jobs in our Wards to support our youth within our Wards. Therefore, Mr. Speaker, I support the Motion. Thank you.

Hon. Temporary Deputy Speaker: Hon. Waithera Chege.

Hon. Waithera Chege: Thank you, Mr. Speaker. Sorry, mine is a Point of Order, I doubt that we have a quorum in the House. Kindly give directions.

Hon. Temporary Deputy Speaker: Searjant-at-Arms, kindly ring the bell for five minutes and make sure that no Member exits.

(Quorum Bell is rung for five minutes)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, according to Standing Order 36(1)(2a) and (2b) we do not have enough quorum as alleged by our Hon. Majority Deputy Whip. We will adjourn the House and the Members of the House Business Committee we have a meeting immediately after this. We adjourn up to tomorrow at 2.30 p.m. Thank you.

(The Assembly adjourned at 3.30p.m.)