



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday, 1st March 2018

The House met at 2.30 p.m.

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

PRAYERS

PAPERS

Hon. John Nyumu: Thank you, Madam Speaker. Pursuant to Section 123(1) of the Public Finance Management Act 2012, I beg to lay the following Paper on the table of the Assembly today, Thursday 1st March, 2018: The Debt Management Strategy Paper for the Financial Year 2018/2019.

Madam Speaker, pursuant to Section 176(6) of the Public Finance Management Act 2012, I beg to lay the following Paper on the table of the Assembly today, Thursday 1st March, 2018: The County Fiscal for the Financial Year 2018.

COMMUNICATION FROM THE CHAIR

SUBMISSION OF THE COUNTY FISCAL STRATEGY PAPER 2018/2019

Hon. Speaker: Hon. Members, I have a direction to make based on those two documents that have been laid. Hon. Members, as you may be aware, submission of the County Fiscal Strategy Paper 2018/2019 is in line with the provision of Standing Order 221(1) which requires the County Treasury to submit the County Fiscal Strategy Paper approved by the County Executive Committee in accordance with

Section 117 of the Public Finance Management Act 2012 to the County Assembly by the 28th of February of each year.

Hon. Members, the County Fiscal Strategy Paper is the County Strategy document for budget preparation that provides the link between the overall policies as identified in the County Integrated Development Plan, the CIDP, and which includes the financial outlook with respect to County Government revenues, expenditures and borrowing for the coming financial year and for the medium term as indicated in Section 117(4) of the Public Finance Management Act 2012.

Accordingly, Hon. Members, Standing Order 221(3) provides that, and I quote; *'On being laid before the County Assembly, the County Fiscal Strategy Paper shall be deemed to have been committed to each Sectoral Committee and without question put for each committee to deliberate upon according to their restrictive mandates and make recommendations to the Finance Budget and Appropriations Committee.'* Also, Hon. Members, it is also worth reminding you on the provisions of Standing Order 221(7) which provides that the County Assembly shall consider and may adopt the County Fiscal Strategy Paper with or without amendments not later than 14 days after its submissions have been given. It is so directed. Thank you.

STATEMENTS

RECRUITMENT OF THE COUNTY CONSTABLES AND FIREFIGHTERS

Hon. Speaker: Hon. Moses Ogeto, MCA for Kilimani.

Hon. Moses Ogeto: Thank you, Madam Speaker. Pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Labour and Social Welfare regarding the recruitment of the county constables and firefighters by the County Public Service Board.

Hon. Speaker, applicants who have been shortlisted in various positions among the nurses, constables, and firemen/women could not be interviewed despite being shortlisted for the positions. In some instances, some applicants had already been interviewed but the recruitment was hanging in the balance. The County Public Service Board has invited all applicants who have enlisted as county constables to turn up at Dagoretti Center without shortlisting their names.

Hon. Speaker, in a statement the chairperson should report on;

1. Whether Section 68 of the County Government Act of 2012 was adhered to in the process.

Madam Speaker, in the same Article of the County Government Act of 2012, the County Government Act of Section 66 says, *"Subject to the relevant legislation, the County Public Service Board for a specified period, maintain all applicants received in response and should be published."* Madam Speaker, the advertisement which we saw on the dailies requested Nairobianians to go on 15th March, 2018 and I quote, *"Nairobi County Public Service Board wishes to invite all those who applied for the positions for the interviews for constables and county firemen and women"*.

Madam Speaker, in the same dailies, on 6th March 2017, the county constables and firefighters were also invited to go to the same Dagoretti. What are the applicants going to do in Dagoretti given that there is

no applicant shortlisted? Provisions of Section 66 on advertisement of positions have been violated. Violation of such section of Government Act of 2012 should be looked into.

There was an advertisement done on 23rd February, 2018 requesting for chief officers' positions, the advertisement did not specify which positions were needed.

In the response, I am requesting that the County Service Board furnish the members of the public with which positions of Chief Officers were being asked for. We should not be taken for a ride as Nairobians. Before, I preempt, I wish the Chairperson to make it urgent because it is on 15th of this month. Thank you, Madam Speaker.

Hon. Speaker: Thank you. You were just about to start preempting and that is why I was--- but thank you for that. Hon. Wanyoike.

Hon. Peter Wanyoike: Thank you, Madam Speaker. I request to be given one week, that is by next week Wednesday, we will table the response.

Hon. Speaker: Thank you, Chair. I hope you have captured the issue. So, one week is okay with you?

Hon. Peter Wanyoike: As you know this matter is on 15th when the constables and firefighters are invited for recruitment. If I urge the Member to give me two weeks, I think time will overlap. I will put more effort to see that we sit with the Board and come up with comprehensive response.

Hon. Speaker: Thank you, Chair.

Hon. Moses Ogeto: Madam Speaker, I believe there is a motion of adjournment, the one week he is talking about is after 15th March. This is a very serious matter, you cannot invite four million Nairobians to go for an interview in Dagoretti.

Hon. Speaker: Give us a solution, Majority Leader.

Hon. Abdi Hassan: I wish to state as follows; what the County Public Service Board did in the first interview was within their mandate and re-advertising the same was still under their mandate. If you go to County Government Act Section 67, it says that '*No appointment or assignment of a duty in a county public service shall be valid unless it is evidenced in writing.*' As we speak, no one has been given a letter of employment from County Public Service Board. I don't see any reason why we should ask such questions to the Board because it is as white has snow.

Madam Speaker, on this upcoming recruitment, it is in the public interest to ask all eligible youth who want to be recruited as fire fighters and marshals to come out in large numbers and the best candidates be picked as practiced in the forces.

Hon. Moses Ogeto: Point of order.

Hon. Speaker: What is the point of order?

Hon. Moses Ogeto: Madam Speaker---

Hon. Speaker: I don't want us to pre-empt. You know it was a statement---

Hon. Moses Ogeto: Madam Speaker, point of information. What is practiced in the military is not what is being done here. The positions were advertised on Monday 6th on the newspapers. What I am urging the Board is that whoever applies, the name should be published so that there will be no confusion.

That is what I am requesting. In Section 58 of the County Public Service Board, the function of the Board is to shortlist and publish the names of individuals who have applied.

Hon. Speaker: Hon. Ogeto, it was a statement and I want the Majority Leader to take it over. It is a matter of ensuring it is published in the papers so that the youth will know who is supposed to be in Dagoretti. Yes, Majority Leader.

Hon. Abdi Hassan: That route should not be applied as the Board has requested all eligible youth in Nairobi to go to Dagoretti so as to be tested physically.

Hon. Speaker: Hon. Maurice, Order! It is just a statement. I was trying to make the Chair to be able to manage---

Hon. Abdi Hassan: Madam Speaker, we want to give all Nairobi youth equal opportunity, we don't want to leave some who have not applied. We will provide the statement in one week as the Chair has stated, thank you.

Hon. Speaker: Hon. Maurice Gari, what is it?

Hon. Maurice Gari: Madam Speaker, it is not in order for the Majority Leader to mislead this Hon. House. We are learned fellows, you cannot do recruitment that way, this is not military application---

Hon. Speaker: Order!

Hon. Maurice Gari: This is a County Government thing which was advertised. We want shortlisted people there.

Hon. Speaker: Hon. Maurice Gari, I think we normally do adverts all over. Anyone who applied has a reference. You arrive there with a reference, I believe so. I want to order the Chair to ensure---

Hon. Peter Imwatok: Point of order.

Hon. Speaker: I am now finalizing that mater. It was a statement being requested, in fact I was good to allow debate a bit because of the interest.

Hon. Peter Imwatok: It was institutional memory.

Hon. Speaker: What is institutional memory, Minority Whip?

Hon. Peter Imwatok: Madam Speaker, for the purpose of institutional memory, it is very important to understand, as much my able Chair is bringing this statement to the House, that we tried the same in the previous regime. Honestly, we don't want a situation in futility that we just go to Dagoretti for PR purposes because the number of people who applied for this job where almost 1 million. Assume Dagoretti Corner ground is about a square km, will it accommodate the number? The security of these people there is our concern. Every Tom, Dick and Harry will be there and we don't know who is bona fide applicant for this job, that is why the Hon. Member is very keen it is for the Service Board, not the County Government.

In the first advertisement, it was very clear who was supposed to apply. Therefore, I see absurdity when you say that all Nairobi youth is legible for interview; that is out of context legally.

Hon. Speaker: Chair, pick that statement and manage it according to what is right for Nairobians.

Hon. Peter Wanyoike: Thank you, Madam Speaker.

Hon. Speaker: Hon. Ogeto, what do you want to say?

Hon. Moses Ogeto: Madam Speaker, thank you again for giving me chance. I would like to remind the Leader of Majority that, I don't know if he is in that board, he is the Leader of Majority of the Executive and not Leader of Majority of an independent institution, which is the County Public Service Board.

Hon. Speaker: Order, Hon. Ogeto! The Leader of Majority is the Leader of this House; not the Executive.

Hon. Abdi Hassan: County Public Service Board cannot come and answer questions on the floor of the House, that is the reason why we are here. I was speaking on behalf of the County Public Service Board. Thank you, Madam Speaker.

Hon. Speaker: I think we are done, Chair, manage it. Let us not come back here and find that people fought at Dagoretti Corner. Now we are doing it as a debate but it is a very critical issue and has to be managed in a very proper manner.

Hon. Benson Mwangi.

Hon. Benson Macharia: Thank you, Madam Speaker. I beg not to proceed with my statement because the City engineer in charge of public lighting went to my Ward yesterday to repair the lights. Thank you.

Hon. Speaker: So it is okay?

Hon. Benson Macharia: Yes.

Hon. Speaker: Hon. Jayendra---

(Hon. Imwatok spoke of the record)

Hon. Speaker: It is for the entire Assembly. It was not a response but a statement he was bringing to the House and now he feels he does not need to request that statement because the issue has been solved. If it was a response, I would have gone a different way.

Next Order. Hon. Jayendra, are you in the House? You are waiting for a response.

STREET LIGHTING IN PARKLANDS/HIGHRIDGE WARD

Hon. Jayendra Malde: Madam Speaker, which response? I am not aware.

(Laughter)

Hon. Speaker: Chair Transport. Vice Chair? Who has Jayendra's response? Hon. Jayendra had requested a statement regarding street lighting in Parklands/Highridge Ward.

Hon. Jayendra Malde: I am still waiting for it.

Hon. Speaker: I will give you a different direction to do. You will ask Hon. Benson how he was able to ensure his lights are on and you will get better answers. I believe you can do, he is your neighbour there. You can see those engineers and request them to go there. Are you okay!

Hon. Jayendra Malde: Thank you, Madam Speaker, God bless you.

MOTION

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ADJOURNMENT OF ASSEMBLY

Hon. Abdi Hassan: Thank you Madam Speaker. THAT, pursuant to the provisions of Standing Order 28(2), this Assembly resolves to alter the County Assembly Calendar and adjourn until Tuesday, 13th March, 2018.

Madam Speaker, Members are aware that County Integrated Development Plan 2018/2022 and the County Annual Development Plan for the Financial Year 2018/2019 were laid on the table of the Assembly on Tuesday, 20th February, 2018. The documents were subsequently committed to the Sectoral Committees for consideration and report to the Select Committee on County Finance Budget and Appropriation within 21 days.

Madam Speaker, the provision of Article 35 and Article 201 of the Constitution and Section 131 of the Public Finance Act 2012 read together with the Nairobi City County Public participation Act 2015 requires that the County Assembly seeks public views during the consideration of budget.

Madam Speaker, to finalize the process of the consideration of the plan, the County Assembly has organized for the Sectoral Committees to seek public views at the sub-county level between Monday 5th and Thursday 8th March, 2018. The purpose of public participation by the County Assembly is to confirm whether the County Executive undertook public participation in various areas in the first instance and the extent in which the submission given were taken into consideration.

In this undertaking Madam Speaker, the Sectoral Committees are requested to provide a conducive environment for the public to raise their views and the clerk assistants assigned to the Committees are hereby directed to capture all issues related to the plans including those that don't fall within the mandate of the respective Sectoral Committees.

All Members are requested to attend the public participation with the respective Sectoral Committee that they belong. The exact venue and time of the publication will be provided by the office of the Clerk.

Therefore, Hon. Speaker, this is to inform the Members to avail themselves for the said public participation so that we can make sure that the Budget is in line with what the public wants.

Madam Speaker, I would now like to ask my good friend Hon. Ogeto to second the Motion. Thank you.

Hon. Moses Ogeto: Thank you, Madam Speaker. I want to second this Motion on the County Integrated Development Plan which is very essential to Nairobians. It is not a personal document but a public document. Having looked at it, it is very essential to engage the Nairobians to participate in this and give their views on what they want to be implemented in their various electoral wards and constituencies.

Madam Speaker, I want to congratulate you for ensuring that this has happened and the leadership of this Assembly - looking at the previous leadership - we never had such an important function on how members of Sectoral Committees will go and engage with the public especially on the County Integrated Development Plan. This is a very good move Madam Speaker.

Secondly Madam Speaker, it is also important that during this time the members of those electoral wards have time to ensure that the residents are able to speak on the projects which are supposed to be in the CIDP because at times we bring projects which the residents don't want and we force them. For example, in my Ward they say that they want modern kiosks but for me, I want to construct a road. This is very important and I believe it will be captured and whatever the public will present before the Members let it be adopted in the County Assembly of Nairobi. Whatever the residents of Nairobi bring before us---

It is very important that the County Integrated Plan be actualized and not just on paper the way the previous Government was doing. Let it be implemented and let us follow what the common *mwananchi* wants. The menace which is ongoing in the City, there has been no consultations with the people and that is why you saw yesterday my colleague here brought a motion of adjournment to discuss about the hawkers. If we engage with them in the way you have assured us which is to engage with the people and we give them solutions, that is now what we want but we cannot provide.

Madam Speaker, I second this motion and I believe it will see the light of the day. Thank you Madam Speaker.

(Question Proposed)

Hon. Speaker: Chair.

Hon. Roberts Mbatia: Thank Madam Speaker. I want to support the motion of adjournment whereby the purpose is to go for CIDP participation. As my colleagues have stated, this is very important to this House and it is where the rubber met the road. The CIDP is what finally we as Members will benefit from. Anything that is captured in the CIDP 2018-2022 is what can be implemented by the Executive.

So, I would urge as we go for the break, Members should participate fully in this. CIDP is in a validation state, the Executive went to the public twice and took their views now this is the time we as the Assembly will go there and validate whatever our people had requested and this is what is now captured in the CIDP. So for us, it is more of validation than a fresh document. We are going to validate whatever has not been captured and it should be noted and brought forward so that it is brought before this House. I would urge participation of Members as this is a budget process document which is very important to us.

Secondly, I would want to urge our Members that we can have a very good CIDP but we must also look at the mechanism of revenue collections that are captured in the CIDP because without it we will never achieve our aspiration as per the CIDP. Therefore, Members as we go to the public, let us tell them to participate fully in whatever they do especially in matters of business, let them pay the bills, fees and charges that are due to the County. I am not holding brief for the Executive but I have to be very frank that without revenue we will not achieve much.

Thirdly, I would like to tell the Members this is a process of this Assembly. I would therefore urge that as we participate, let us mobilize our people and let them give their views. Sometimes we keep away from this and find that those who always oppose participating bring a lot of confusion and it will probably bring problems. To avoid that entirely, let us mobilize our people and interact with them. We can get the dates and venues from the office of our Clerk so that we can be aware as we drive this process that we will get the actual views of our people in this.

Madam Speaker, even the Members of the fourth estate that are there, I would like to urge them to participate. They are always reporting matters like this and we would like them to come into the grounds and let them participate and also let them see that this is a process that is effective. All along, Hon. Ogeto has stated that we have done the public participation here and this is the very first time we are going to the sub-county level.

Therefore, the Members of the fourth estate should also appreciate and acknowledge that we are implementing the Public Participation Act. We are going to hear the people's views and are also involve the public in matters of development.

I would also like to request that for the Members of this Assembly Security is paramount. Our clerks and secretariats are the ones that are going to pick these views, let us ensure that we get venues that are secure not only for us but also our supporters and even for the Secretariat that are participating in this. So, Madam Speaker I beg to support.

Hon. Speaker: Thank you Chair. Hon. Maurice.

Hon. Maurice Gari: Thank you, Madam Speaker. I rise to support this Motion but I want to bring this to the Members attention. I just walked out of here and there is a very serious matter going on outside. It is the issue of bursaries and it is because of the regulation which was done by the last Assembly but was not passed by this Assembly. I have heard from the CEC that you cannot be issued with bursaries unless that regulation is passed. It is a bone of contention out there.

Madam Speaker, we are going for recess but in the last Assembly, I used to tell them that we must find something to identify this Second Assembly. We are going for recess not only for budget purposes but also for the common goal of the *wananchi*. There is global warming right now yet the entire Kenya today has rains. I want to urge the Majority Leader plus you the Public Service Board if you can organize us in this recess for a tree planting program somewhere or something which we can be identified with after this recess. We must make this recess and in each and every recess we must accomplish something, either we go to an orphanage school and offer something, we should organize things like that. The little we earn here some of us see it is millions of shillings and that we are not helping the community, so let us be identified with one thing in this Second Assembly. In the last Assembly we all ate our money. We never thought of even going to children's home or even a school to give out sanitary pads for the girl child.

Madam Speaker, I rise to support this but we must identify ourselves with an issue and more so an environmental issue. Let that be on your watch that each and every recess we must have something to do in the first week of that recess even if it is tree planting and we then urge all the members and their supporters and we all go and plant trees somewhere. If it is going to an orphanage school we bring clothes. We have a lot of clothes in our houses doing nothing there. We can carry them and give the needy children. Let us be counted, let us be people who love nature and who love the society. Thank you Madam Speaker. I beg to support.

Hon. Speaker: Thank you *Mheshimiwa*. *Mheshimiwa* Jagero.

Hon. Millicent Jagero: Thank you Madam Speaker. I rise to support the Motion but you find it is very challenging that at the grassroots level, they do not know how to differentiate between the CIDP, CFSP, the ADP and all the other papers, reason being that they are not first of all sensitized. You find that the Ward Administrators or Sub-County Administrators who are conducting these particular sessions do not know what to tell these people. They go there and tell them that we want your projects, we prioritize the things that you want to be done and then again in the second meeting they do the same thing.

In the last meeting that was held in January on the CFSP, they did a duplication of our CIDP meeting that was held, I think in December or November, whereby they told the people from different wards to prioritize again the projects that they wanted. They were supposed to tell them all that in the CFSP about the implementation that was done and the things that were ongoing and the things that have not been done but it did not happen like that. You also find in the CIDP that most projects are not done according to what the people said because they do not know what is going on.

The CIDP is a strategic plan for five years and some projects were altered because those that were proposed have not been implemented or some that are indicated in the CFSP as implemented have not been implemented. I would urge all the Members who are present here to attend those meetings so that they can educate the people from the ward level and make them aware of what is going on. I fear that when we will be doing those public participations, we will go back to zero from the meetings that took place last year and we shall start discussing afresh yet we are in the validation stage. The ward administrators and the sub-county administrators need to be sensitized and taught what the CIDP, the CFSP, the Budget Estimates paper and all other papers entail. We also don't have a reporting tool so people don't know what is going on. We need to have a reporting mechanism and they also need to know about the monitoring and evaluation team that will ensure that their projects have been implemented and that the projects that they proposed have been captured. I stand to support the Motion.

Hon. Speaker: The Minority Chief Whip.

Hon. Peter Imwatok: Madam Speaker, I want to thank the Majority Leader of this Assembly and you as the Chair of the session and our Speaker. I was a very happy man when *Mheshimiwa* Kamweru brought this Bill in the last Assembly of Public Participation. It is one of the challenging Bills on the side of the Executive, we had a lot of issues, by then I was the spokesman of the Executive. But afterwards we realized it was a very important segment of this County.

Madam Speaker, may be for the new members- I am very particular about the new members who number about sixty something - because for those who were here, about 28 or 30 came back. Out of 85 we have 65 or so who are new members. In the entire House the success of this Bill, the Public Participation Bill 2017 will depend on us on Monday on what we will do. More so, this is a finance Bill which has an effect on finance to all the 85 Wards which are amalgamated into a county. Madam Speaker, I urge you and the Clerk to put across to all the elected and nominated Members of the 85 Wards of about 17 Sub-counties, how important this process is. We may take it lightly and say it is part of the normal meetings or a campaign tool within our sub-counties *vis-à-vis* our wards.

Madam Speaker, new members of this House whether elected or nominated should visit the Archives of the Assembly for you to understand the Bills which were passed like this one which is very crucial. You might just assume and go to Mombasa for a committee meeting and forget to attend or go to a show and forget to attend to this. You find yourself for the next five years with nothing to effect in your Ward.

Therefore, Madam Speaker mine is to urge and ask the Majority Leader and your office to make sure that all the Members who are involved and also what the Act stipulates is that it is done on time to avoid hasty runner-ups and also proper mobilization on those units that this public participation is going to take place. Thank you, Madam Speaker.

Hon. Speaker: The Majority Leader. You can reply on it. I know I don't need to put a question but you can reply.

Hon. Abdi Hassan: Thank you, Madam Speaker. I thank all the Members who have contributed to the Motion. Public participation is very important to the elected members. For your ward to have any meaningful development, you need to participate in CIDP. For the new members, they do not know the importance of this CIDP. For the next five years as my able Minority Whip has put it, what happens to your ward depends on what has been captured in the CIDP. The moment you miss that and may be the

Executive has not captured your Ward in the CIDP, you are going to lose for the next five years and your electorate will send you home. They will send you home because of your failures.

Madam Speaker, if you want development then you must participate in that public participation and you can through the CIDP and you will see. I have gone through it and I have seen many aspirations of my Ward have not been captured and this is my chance to make sure that what Matopeni/Spring Valley people want is captured in the CIDP. For the next five years, the programme has to be captured in this CIDP. With those few remarks, Madam Speaker, I beg to reply. Thank you.

Hon. Speaker: Thank you Chair. I just want to emphasize on what the Chairman said that is important for you, especially the 85 members, to ensure there is security for the staff and for yourselves and your members. It is a meeting where you have been given an opportunity to call your leaders the ones you have worked with closely and they will understand what projects you wanted to have. When you talk of the Ward Fund, now this is part of what we say is Ward Fund because this is what you put in that document so that it translates into a project

So I am hoping the 85 members will take this. We will also ensure that everything is smooth for you but I want you to liaise with your County Ward representatives so that you don't find yourselves with conflict of mobilizing each other differently and then you will have a conflict. Let the members mobilize so that it becomes a smooth activity that can build us.

ADJOURNMENT

Hon. Speaker: Hon. Members, we now stand to adjourn. I want to wish you well as you go and this House stands adjourned until Tuesday 13th of March 2018 at 2.30 p.m.

The house rose at 4:00 p.m.