



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 22nd March, 2018

The House met at 2.30 p.m.

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

#### PRAYERS

#### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the bell for 10 minutes.

*(Quorum bell was rang)*

Ring the bell for another 2 minutes.

*(Bell was rang)*

#### STATEMENTS

**Hon Speaker:** Hon. Mberia. He is not there. Hon. Njihia? Hon. Naftali Mathenge, do you have a statement?

#### REQUEST TO A STATEMENT ON LACK OF WATER IN GITHURAI WARD

**Hon. Naftali Mathenge:** 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 Water and Sanitation regarding lack of water in Githurai Ward. Residents of Githurai Ward have gone without water for a long time.

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

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- i. Measures put in place by the County Executive to address the perennial water shortage in the Ward; and
- ii. Measures put in place by the County Executive to root out water cartels that are fleecing residents on the pretext of supplying water.

Thank you, Madam Speaker.

**Hon. Speaker:** Chairperson or any Member from the Committee? Rose, are you a Member?

**Hon. Rose Ogonda:** Thank you, Madam Speaker. Our Chairman went to Ndakaini to plant some trees because it is a raining season. We shall give the report after one week.

**Hon. Speaker:** Thank you, Rose. On behalf of the Committee, you are giving one week. Hon. Mberia, do you have a statement to make?

**Hon. David Mberia:** Yes, Madam Speaker.

**Hon. Speaker:** Proceed.

#### REQUEST TO A STATEMENT ON STATUS OF ROADS IN KAREN WARD

**Hon. David Mberia:** Madam Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairman of Select Committee on Transport Public and Works regarding the status of roads in Karen Ward, whether named or unnamed.

Hon. Speaker, the expansive Karen Ward has suffered lack of properly built roads and neglect forcing residents to dig deep into their pocket for the same while still dutifully remitting taxes and levies to the County Government.

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

- i. The status of all roads in Karen Ward, named and unnamed;
- ii. Status of roads under construction and repairs and if, when the ongoing works, if any will be completed; and
- iii. Measures by County Government to ensure equitable distribution of resources for the construction and repair of roads across the City.

Thank you, Madam Speaker.

**Hon. Abdi Hassan:** Thank you, Madam Speaker. On behalf of Transport Committee as a Member and also as the Majority Leader of this House, I undertake to bring a comprehensive report in a week's time because it is a very serious matter and an urgent one.

**Hon. David Mberia:** Hon. Speaker---

**Hon. Speaker:** Yes, Hon. Mberia!

**Hon. David Mberia:** It is for the first time that an undertaking is one week and I appreciate the Leader of Majority for the same, thank you.

**Hon. Speaker:** Has Hon. Njihia walked in? Not yet. Majority Leader, you have a statement to issue on behalf of the House Business Committee.

STATEMENT REGARDING THE BUSINESS APPEARING BEFORE THE ASSEMBLY

**Hon. Abdi Hassan:** Thank you, Madam Speaker. Pursuant to Standing Order 45 (2) (a) and on behalf of the Assembly Business Committee, I rise to give a statement regarding the business appearing before the Assembly for the week beginning Tuesday 27<sup>th</sup> March, 2018.

Madam Speaker, the Assembly Business Committee met on Wednesday this week at 10.30 a.m. to prioritize business of the House. Hon Speaker, next week on Tuesday the House will consider the Motion by Hon. Osman Adow, MCA, on the incorporation of the solid waste management chutes in the architectural plan of buildings with more than four stories and buildings with less than four stories to incorporate designated solid waste holding area for temporary collection.

Further, in the event that the consideration of the report of the Select Committee on Public Accounts on the consideration of the report of Auditor General on the financial statements of Nairobi City County Assembly for the year ended 30<sup>th</sup> June, 2016 it is not concluded today, then it follows that this Motion will also be put down for Tuesday, next week.

Madam Speaker, allow me to remind Members of the upcoming business following the tabling of CIDP and ADP report by the Select Committee on Budget and Appropriations and the pending supplementary estimates which may be tabled before the House next week for consideration.

Finally, Hon. Speaker, the Assembly Business Committee will meet on the Tuesday, 27<sup>th</sup> March, 2018, at the rise of the House to consider Business for the rest of the week. I now wish to lay the Statement on the Table of the House. Thank you.

**Hon. Speaker:** Thank you Leader of Majority. Next Order.

**Hon. Mberia:** Point of Order.

**Hon. Speaker:** What is out of order, Hon. Mberia?

**Hon. David Mberia:** Madam Speaker, I rise on a Point of Order on Standing Order No. 56(8) on a question of privilege which allows a Member at any point to move a Motion without notice when the matter at hand regards a question of privilege.

I wish to move that this addresses itself to the matter of Members remunerations in light of the stay orders which the Assembly is duly in possession of and the fact that our benefits do not reflect the position prevailing per the court order. Madam Speaker, I seek your guidance on this matter. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Mberia, I hear you and since I do not have the Order with me and I have not read, I will ensure that next week on Tuesday, I will give you answers and I will do it through a *Kamukunji*. Proceed, Clerk distorted the sequence, sorry for that.

#### MOTION

**Hon. Speaker:** Chairperson, Public Accounts Committee (PAC), Hon. Odalo.

#### CONSIDERATION OF THE AUDITOR GENERAL'S REPORT OF THE FINANCIAL STATEMENT OF NAIROBI CITY COUNTY ASSEMBLY

**Hon. Wilfred Odalo:** Thank you, Madam Speaker. I beg to move that this Assembly adopts the report of the Select Committee of Public Accounts on the consideration of the Auditor General's Report of the Financial Statement of Nairobi City County Assembly for the year ended 30<sup>th</sup> June 2016 laid on the Table of the Assembly on Thursday 15<sup>th</sup> March, 2018.

Madam Speaker, the mandate of the PAC as provided for under Standing Order No. 197 (2) of the Standing Orders is to examine the account showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may deem fit.

Madam Speaker, the Committee's main objective is to ensure that the Nairobi City County Assembly public funds are well utilized and the public realize the value for their money in all Government expenditure. In its works, the work of the Committee is guided by the Constitutional principles on the public finance as spelt out in Article 2(1) of the Constitution. The principles are openness and accountability including public participation in financial matters. Public money shall be used with prudence and in a responsible way and financial management shall be responsible and the Fiscal Report shall be clear.

Madam Speaker, this report of the Auditor General was committed to the PSC on 7<sup>th</sup> November 2017 for the consideration and reporting. While considering the report, the Committee met and interrogated the Clerk to the County Assembly who is the Accounting Officer of the Assembly. Moreover, the Committee received the written response from the Clerk.

Allow me, Madam Speaker, to thank the entire membership of this Committee for its hard work and its commitment which made the taking of the evidence and the production of this report a success. The report of the Auditor General did not raise any financial misappropriation by the County Assembly during the year of audit. However, it raised wickedness in financial reporting, accounting standards and compliance to

human resource management policies and procedures, issues that have already been addressed by the Accounting Officer.

Nevertheless, Madam Speaker, the Committee made the following recommendations as summarized on page 23 of the main report:

1. The Accounting Officer should institute measures to ensure that the Assembly adheres to international public sectors accounting standards consistent with the public Finance Management Act 2012;
2. The County and Treasury should ensure the timely release of funds to the County Assembly to enable the Assembly to fully discharge its mandate;
3. The Accounting Officer should strive to make to ensure that the Assembly fully implements its budget as approved;
4. In future, the County Assembly should always conduct a staff needs analysis before proceeding to recruitment exercises which should also be in compliance with the approved plans;
5. The County Assembly Service Board should always adhere to its own human resource policies, procedures and other applicable regulations when conducting a recruitment exercise to avoid unnecessary litigation and forestall audit queries; and
6. The Accounting Officer should institute measures to ensure that the Assembly always acts in time when dealing with the Auditor General to forestall audit queries.

Madam Speaker, I urge all the Members to support this report and as I move, I call upon Hon. Njogu who is also the Deputy Chair of the PAC to second the Motion.

**Hon. Fredrick Njogu:** Thank you, Madam Speaker. I rise to second the Motion and we are in agreement. Therefore, I implore the Hon. Members to adopt the report as it is. Thank you, Madam Speaker.

**Hon. Speaker:** I propose the question.

*(Question proposed)*

**Hon. Speaker:** Hon. Moses Ogeto.

**Hon. Moses Ogeto:** Thank you, Madam Speaker for granting me this opportunity. Madam Speaker, I want to first congratulate the Chairperson and Vice Chairperson of the Public Accounts Committee for ensuring that the said report has been tabled before this House Madam Speaker, as you realize, this is a very serious and fundamental Committee before this House.

Madam Speaker, without taking the first recommendation lightly, the query was very specific that the Accounting Officer was trying to violate public sector accounting standards.

Madam Speaker, as I rise to support this Motion, the Leader of Majority should ensure that whatever this Committee has raised must be implemented. If we don't do that, then we will be in a messy situation. The same standards talks about principles where an officer is obligated to give information at the time of the

query. This did not happen. It took the Committee a lot of time to go through few things which the Accounting Officer should have done. In the recommendations, it is very clear that the Accounting Officer should observe the accounting standards.

In the Service Board where you are the Chair, Madam Speaker, the Committee has recommended that the legislation should be followed in good faith. This is the first report in this House and you need to congratulate the Public Accounts Committee where I am a Member. The County Assembly Service Board did something which brought litigations; it should not be done again. In the future, Members who fail to clear things like imprest are supposed to do it on time so that such factors don't arise during audit query. I support.

**Hon. Speaker:** Hon. David Mberia.

**Hon. David Mberia:** Thank you, Madam Speaker once again for giving me this opportunity. As a Member of Public Accounts Committee, I wish to congratulate the Chairman and the Deputy Chair for the job well done.

Secondly, there are recommendations which have been made by the Public Accounts Committee to the Board which you chair, Madam Speaker, whose members are the Leaders of Majority and Minority, and the Clerk as the secretary. I would urge that those recommendations are implemented to the latter to avoid future audit queries on the County Assembly spending. Thank you, I support.

**Hon. Speaker:** Hon. Silvy Moseiya.

**Hon. Silvy Moseiya:** Thank you, Madam Speaker for the opportunity. I rise to support the report presented by the Public Accounts Committee under the very able Chair. The Public Accounts Committee provides necessary eyes on what this County Government is doing. The recommendations therein should be taken very seriously because a lot of queries were raised. As a Member, I happened to witness the dedication to which the Committee undertook its mandate. I am of the opinion that there was diligence in the work of the Committee. I wish to support and emphasize that the recommendations should be taken very seriously. Thank you.

**Hon. Speaker:** Hon. June Ndegwa.

**Hon. Juliet Ndegwa:** Thank you, Madam Speaker for this opportunity. I rise to support the report by the Public Accounts Committee which I am a Member. I wish to thank the fantastic leadership that we have, from the Chair and Vice Chair, Hon. Dr. Odalo and Hon. Njogu---

*(Laughter)*

---Madam Speaker, not forgetting Hon. Ogeto who has a lot of institutional memory and has been able to take us through what PAC is supposed to do. I would also like to urge you to take the recommendations seriously. It is almost acceptable that the office of the Auditor General must find something negative in our Assembly and even in the Executive, but with your leadership, I know this will stop.

We do not necessarily need to have negative findings in the Auditor General's report. It would be fantastic if we have Auditor General's report that is almost nil. That means we have actually taken into consideration the recommendations of the Committee and put them into practice. Thank you and I wish to support.

**Hon. Speaker:** Hon. Kennedy Odhiambo Oyugi.

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker. If you clearly see the pattern of the debate of this Motion, you realize that Members are in support because they are privy to this report. Now as Members, we are expected to debate over the report to which we are not aware. I don't have any reason to either support or not. But is it not fair for us, as Members---

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

**Hon. Moses Ogeto:** Madam Speaker, I remember yesterday when I was given a voluminous report, I was told to get it from the Table's Office. I am a member of the Accounts Committee and I don't know if the Serjeants know that I am a Member. I was given a copy. Is the Hon. Member alluding that your staff is incompetent? I received a copy in the morning.

**Hon. Speaker:** Thank you.

**Hon. Kennedy Oyugi:** Madam Speaker, I partially agree with Hon. Ogeto but he only went to the Journals' Office because he knew the report would be tabled in the House. Some of us were not aware that the report would be tabled in the House and therefore we could not go to that office to enquire what is there. I would suggest---

**Hon. Speaker:** I will answer you, Hon. Kennedy. Let me see what Hon. Silvy Moseiya is saying. What is it?

**Hon. Silvy Moseiya:** The Order Paper clearly states that the report was tabled on the floor of the Assembly on Thursday 15 March 2018. So, it was available to all Members on top of it being at the Table's Office. Thank you.

**Hon. Speaker:** Thank you for answering. She has answered, I don't need to repeat. That is why I said yesterday that Hon. Members should research and read. I don't want to repeat that. She has said that the moment the Paper was laid it was made public. You were to go and look for it and read. What is the comment Kennedy? Put your mic on so that I can give you a chance.

**Hon. Kennedy Oyugi:** I agree that we are being penalized on our own laxity. But this is an appeal to all Members, this is a very important report that we need to ventilate and give our honest opinion on it. Next time, let us do our research as directed by the Speaker. Thank you.

**Hon. Speaker:** Thank you, Kennedy. Hon. Jeremiah, you want to support the report?



**Hon. Jeremiah Themendu:** Thank you, Madam Speaker. I support the report. I think it is wise and we know there are able men and women in that committee and they cannot let us down. I know what they have done is for the interest of this House. So, Madam Speaker, I beg to support.

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

**Hon. Millicent Jagero:** Thank you, Madam Speaker. I want to thank the Public Accounts Committee Chaired by Hon. Odalo, the doctor, and the entire committee. PAC is an evidence based committee that deals with evidences only and the report that was tabled on the 15<sup>th</sup> March was well authenticated and substantial. The recommendations that are there are for implementations so that we don't repeat the same recommendations in the coming year. I support the report.

**Hon. Speaker:** Hon. Rose Odhiambo Ogonda.

**Hon. Rose Ogonda:** Thank you, Madam Speaker. I stand to support my able Chairman for the job well done. I want to put something across. I know my able MCA from High-Rise is able to go to where he told us to go and fetch the statements. As a Member of PAC, this is my second term in that committee, I beg that action be taken by the board on things adopted in the report by the Committee. Madam Speaker, if you have read the Star of today, the outgoing Kakamega MCAs are under siege. They are being asked to pay some amount and some of them are not working. We don't want to be mentioned after 2022. I beg to support the Motion. Thank you.

**Hon. Speaker:** Hon. Clarence Munga.

**Hon. Clarence Munga:** Thank you, Madam Speaker. I rise to support the Motion. Having been appointed to this Committee recently, and having gone through the report and the recommendations made by the committee, I hereby support and urge the accounting officers to adhere to the accounting standards to ensure that when they are doing the accounting, they do it according to the regulations.

Two, I know Public Accounts is an extension of this House and so the recommendations and suggestions made by the Committee is for the good of this Assembly. So, I urge Hon. Members to support this report. I also urge the Board to take into consideration the recommendations made by the Committee. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Immapet Kemunto.

**Hon. Immapet Kemunto:** Thank you, Madam Speaker. For the first time, I am standing in this House. Aso, I want to support the Motion and also thank the PAC Committee for the support and their commitment and rising up to its standard. Our able Chairman, not only is he a doctor, but also a sober man in all senses. I beg to support, thank you.

**Hon. Esther Nyangweso:** Thank you, Madam Speaker for giving me this opportunity being my first time to stand in this House. First, let me congratulate every Member who is in this House for their victories.



Also Madam Speaker, congratulations to you for winning the seat. Further, I want to congratulate the PAC Committee members and our Chairman, Hon. Dr. Odalo together with the able Deputy Chairman. I urge the House to implement the recommendations of the Committee. Thank you, I support.

**Hon. Margaret Mbote:** Thank you Madam Speaker. I want to support this Motion because we can see all members of that Committee led by the doctor. In fact, doctor. is a learned person.

*(Laughter)*

We also have our Kawangware MCA who is very vibrant, I think we can all support this Motion and say that we adopt it. Thank you very much.

**Hon. Speaker:** Hon. Abdi Hassan, Majority Leader.

**Hon. Abdi Hassan:** Thank you, Madam Speaker. Let me take this opportunity first to thank the Committee of PAC led by their Chair, I have heard today that he is doctor. I don't know if he is a real doctor who takes care of patients or--- let me not finish, Madam Speaker.

Madam Speaker, if you go through this audit report, it has minimal queries of the County Assembly of Nairobi. If you look at the 47 County Assemblies in Kenya, you will see most of them have a lot of queries. Thanks to this Board and the Accounting Officer of this Assembly. No Member has been surcharged because of misappropriation of funds. I think Members need to congratulate the Board for their due diligence to make sure that when Members go outside this Assembly, they are not followed.

Madam Speaker when you lose a seat, you lose everything because most of us spend a lot of money while campaigning. We also use our retirement benefits to look for votes. When you lose, then you become desperate, and when you become desperate and you are being followed. You are being surcharged because of not adhering to the laws and regulations. That is the reason why we are strictly on issues pertaining to roads, Madam Speaker.

The reason why the County Assembly Service Board was summoned to the Senate is because of the loan. The major issue in this audit query is the issue of loan. The other one is the issue pertaining to HR which is nothing big. This Assembly needs to congratulate the Board for doing a wonderful and marvelous job.

*(Applause)*

Madam Speaker, when we went to Senate because of the issues pertaining to loan, the County Assembly Service Board and the Loans Management Committee were not the entities which were administering the loans. The loans were being administered by commercial banks and that is the reason why even this query has arose. This time round, I want to assure Members you won't see any audit query pertaining to loans.

I want to assure Members that as the Vice-Chair of the Board, we are going to strictly make sure that the Accounting Officer of this Board has adhered to the recommendations of the Public Accounts Committee. We need to be a good example and I want to assure the Chairman of PAC Committee who is Dr. Odalo, as per his Committee members. I think the members are very happy and I don't know the reason behind this. But we will look at it with the lenses as to why the members of PAC are very happy and satisfied with their Chair, Madam Speaker.

I want to ask other Chairmen to do a good job as the Chair of PAC and let each and every member of the respective committees be satisfied with the work of their chair. With those few remarks, Madam Speaker, I beg to support. Thank you.

**Hon. Speaker:** The mover to reply.

**Hon. Wilfred Odalo:** Thank you, Madam Speaker. Before I thank the members, let me applaud the Leadership for nominating very vibrant Members. This is my second term in this Assembly and I used to be the Chair of Trade Committee. But what I am experiencing in PAC is very encouraging. Thank you Madam Speaker, let me also thank Members for contributing and supporting. Thank you.

**Hon. Speaker:** Hon. Members, I also want to thank the Chair before I put the question and also thank the Members and say that we are learning. I am happy to see that we are able to debate, next time we debate within the lines because we are learning. I want us to be a good Chamber, a model where other assemblies come and realize that you don't need to go to the National Assembly, you can sit and listen to a debate in Nairobi City County Assembly.

*(Question put and agreed to)*

## ADJOURNMENT

Hon. Members we want to adjourn, so we need to stand. Hon. Members, the House stands adjourned to Tuesday the 27<sup>th</sup> March, 2018 at 2.30 p.m.

*(The House rose at 3.33 p.m.)*