



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 14th August, 2018

The House met at 2.30 p.m.

(Hon. Deputy Speaker (*Mr. Kamangu Nyumu*) in the Chair)

PRAYERS

Hon. Deputy Speaker: Serjeant-at-Arms, I think we don't have a quorum please ring the bell for 10 minutes.

(The Quorum bell was rung)

Hon. Deputy Speaker: Order in the House! Hon. Mbugua! Order and sit down, please! Hon. Members, please take your positions, Hon. Ogeto please don't forget that we are in an Assembly.

Clerk can you proceed, Hon. Warutere and other Hon. Members remember that we are in an Assembly and we please maintain the order. Clerk, I think we have the quorum now can we proceed.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NAROK COUNTY ASSEMBLY

Hon. Deputy Speaker: Hon. Members let me start by welcoming you all this afternoon. Hon. Members, our sitting this afternoon is graced by Members from Narok County Assembly, Sectoral Committee on Finance and Economic Planning who are seated at the Speaker's gallery up there.

I wish to recognize the presence of one, Hon. Philemon Aruasa, MCA and Chairperson can you please stand so that we recognize you, yes thank you (*Applause*) Second, We also have Hon. Wilfred Kiyo

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MCA and Vice Chairperson please also stand and let us recognize you thank you, (*Applause*) Thirdly, Hon. Salankat Nchoe, MCA - Member and Deputy Speaker can you please stand so that we recognize your presence (*Applause*), Fourthly, Hon. Samuel Kosilamy, MCA - Member and Chief Whip thank you (*Applause*), Fifthly Hon. Grace Liaram, MCA and Member thank you (*Applause*) sixthly, Hon. Rebecca Naanyu MCA - Member, (*Applause*) Seventhly, Hon. Charles Nkiton MCA - Member thank you (*Applause*), Hon. Mary Kilwi MCA Member(*Applause*) Ninth, Hon. Stephen Likundati MCA Member, (*Applause*) Tenth, Samuel Malaba Secretariat, (*Applause*) Eleventh, Joseph Nchuli Secretariat thank you (*Applause*) Twelfth, Ms. Easter Mbaire thank you. (*Applause*)

Hon. Members, the Committee is with us on Benchmarking exercise with its counterpart Committee for Finance Budget and Appropriations on matters relating to County finances.

Hon. Members, on behalf of Nairobi City County Assembly family, I wish to extend a warm welcome to the Hon. Members of the Narok County Assembly Sectoral Committee on Finance and Economic Planning. May your endeavors benefit the residents of your great County and feel welcome and enjoy your experience in Nairobi. Thank you.

Hon. Robert Mbatia: Thank you Hon. Speaker, as we welcome the Members of the Narok Budget and Appropriation Committee we also have a privilege to have hosted some more Members from various counties who are here on an event of (CASA) Sports program so I would like to request the Chair also to recognize their presence thank you Bwana Speaker.

Hon. Deputy Speaker: Anybody who has come for benchmarking or any visitor of this Assembly, I take this opportunity once again to welcome you and feel at home. Thank you and God bless you. Clerk, proceed.

PAPER

Hon. Deputy Speaker: Hon. Warutere.

The following Paper was laid on the Table of the Assembly:

The report of the sectoral Committee on Health Services on the inspection visit to Mama Lucy Kibaki Hospital on August 2018.

(By the Chairperson for Health Services)

Hon. Deputy Speaker: Any Committee that would like to table any report, you are most welcome.

Hon. Maurice Gari: Mr. Speaker, I am a very disturbed man. This concerns Ethics and Anti-Corruption Commission (EACC) summoning Members of Labour Committee. It should not have been done in such a manner because we have Powers and Privileges Committee who should have summoned those Members first before proceeding to EACC. We have advisers of this Assembly who should advise the Speaker on what can be done before the Members are summoned by EACC.

Hon. Deputy Speaker: Hon. Gari, I will give you a chance when we reach Order No.7.

Hon. Maurice Gari: Mr. Speaker, let me finish---

Hon. Deputy Speaker: You will have a chance.

Hon. Maurice Gari: Okay, thank you.

NOTICES OF MOTION**ADOPTION OF THE REPORT ON THE INSPECTION VISIT TO MAMA LUCY KIBAKI HOSPITAL**

Hon. Peter Warutere: Hon. Speaker, I beg to give notice of the following Motion: THAT this Assembly adopts the report of the Sectoral Committee on Health Services on the inspection visit to Mama Lucy Kibaki Hospital on August 2018, which was laid on the Table of the Assembly today, Tuesday 14th August 2018. Thank you.

Hon. Deputy Speaker: Hon. Obuya.

ESTABLISHMENT OF ELECTRICAL ENGINEERING DIRECTORATE

Hon. Kennedy Obuya: Thank you, Mr. Speaker sir. I beg to give notice of the following motion: THAT aware that paragraph 8 (e) of the part two of the Fourth Schedule of the Constitution of Kenya. 2010 provides for County Planning and Development particularly on electricity and gas reticulation and energy regulation as a county function; further aware that section 6 (2) (c) of the County Government Act,2012---

(Loud consultations)

Mr. Speaker, I need your protection.

Hon. Deputy Speaker: Can we have some order, please! Order, Warutere! Chairman Planning, let us have order in the House.

Hon. Kennedy Obuya: Thank you Mr. Speaker sir. Further aware that section 6 (2)(c) of the County Government Act 2012 gives power to county governments to delegate any of its functions to its officers, the centralized units or other entities in the county. Noting that Nairobi County is yet to realize its potential on renewable energy from resources such as solar, biogas and biomass, wind and by recycling solid waste.

Further noting that energy sub sector in the financial year 2018/2019 budget allocation had a total budget of Ksh. 360 million. With an allocation of Ksh. 340 million under development and Ksh. 20 million under recurrent to promote use of clean and affordable energy for Nairobi and its visitors.

Mr. Speaker concerned that the sector lacks sufficient capacity to implement key renewable energy projects such as solar lighting, biomass technology among others.

Appreciating that there is need for the county governments to build existing capacity of the sector to enable them engage on effective public/ private partnerships where necessary as contemplated in section 6 (3) of the County Government Act 2012. This Assembly urges the County Executive to move with speed and establish fully-fledged electrical engineering directorates under the existing energy sector to enable the County maximize on the existing renewable energy projects in the County for cost effective gains. Thank you Mr. Speaker.

STATEMENTS

Hon. Maurice Gari: Thank you Mr. Speaker once again. I was saying that I was perturbed by a letter which was received by members of Labour Committee summoning them on the issue of bribery.

Mr. Speaker it is against our norm to take Members to that direction because investigation in the Assembly is carried out by Powers and Privilege committee. When I saw this letter I was disturbed and I remembered last time when the same thing happened in this House and I asked myself if this was a witch hunt.

Mr. Speaker it is not right. Even the previous week at the National Assembly there was allegation of corruption and members were only summoned at the Powers and Privilege committee before their names could be forwarded to EACC for investigation by the Speaker Hon. Justin Muturi..

We are torturing the heads and minds of our Members and that is why I used to tell Members to wake up. We have advisers in this Assembly and they are being paid with taxpayers' money. This thing should be reviewed and Committee on Powers and Privilege convened with immediate effect to summon Members first because this Assembly is like a High Court.

The Committee on Powers and Privilege is like a High Court. Why are we subjecting Members to this mess? Once Members names go there, they fear because maybe they will not be allowed to vie like last time. I am praying that with your ruling on this you advise the relevant committee to summon the 19 members of that Committee.

We should not assume that things are well and things are not well. We should find somebody who is right to advise this Assembly. We should not live in malice. The case was one person who talked on radio, now the whole committee had been subjected to this. Let us help our Members come out of this quagmire and come to the Assembly before the Committee and be investigated. If they are found guilty let them be taken before the EACC, thank you.

Hon. Deputy Speaker: Thank you Hon. Gari. You know it would have been a personal statement and it you would have done what is required to be done, nevertheless because of the urgency of the matter I request the House that I will give the response tomorrow in the afternoon. Thank you.

Hon. Anthony Kiragu: Thank you Hon. Speaker. I think it is in the County Assembly Powers and Privileges Act that we must be protected as Members of this Assembly. We must be protected by this House from harassment either by police, courts or most importantly by the Ethics and Anti-Corruption Commission. Hon. Speaker, I believe what my colleague is saying is urgent, that there is somebody who is working tirelessly to intimidate, frustrate and instil fear in members of this Assembly.

Hon. Chair, I think the precincts of this House are protected in law and before any court officer or even before any police officer enters to execute their mandate in this House, somebody must have waived, somebody must have given an opportunity for them to do that. Hon. Speaker, I do not want to go into the history of this House but we have had members of the EACC and the DCI walking in every corridor in this House. Hon. Speaker, I believe this matter is urgent and it would be unfair to subject members of this Assembly to being harassed based on a clip....

Hon. Deputy Speaker: Hon. Kiragu, I had given a ruling and I said that I have seen this matter as a serious matter and I said that I will make a ruling tomorrow.

Hon. Josph Wambugu: The Members are supposed to appear tomorrow, it might be too late and maybe they do not even know the consequences of not appearing or waiting for this approval. Hon. Speaker, I beg that we expedite this matter and give a ruling and protect the Members so that we feel free to talk about issues in this Assembly. Thank you.

Hon. Deputy Speaker: Hon. Leah.

Hon. Leah Supuko: Thank you, Mr. Speaker sir. First, before I comment on what my colleagues have just discussed concerning the EACC I would like to welcome members of my county, where I come from. I come from Narok County and I want to welcome them in the House and feel free and see what the proceedings in Nairobi County are about and I hope they will have something to take home. Secondly, Mr. Speaker sir, what is being discussed here concerns grief, it cannot wait until tomorrow. I have a Member here by the name Hon. Suzie who doesn't even let me sleep asking me how and what she will go and say at the EACC.

Hon. Speaker, it is our concern and it is them today, tomorrow it will be me and any other Member so we really want you to rule on this as an urgent issue because it is of grave concern of our Members and all of us. Thirdly, as my colleague Hon. Gari has said, we have advisors in this Assembly and the last time I checked we have a panel of Advocates in this Assembly which can also be advised to go with the Hon. Members who are aggrieved by that matter. They go with them for moral and legal support. So, Mr. Speaker, this is a matter of urgency and it cannot wait for tomorrow so please just give us a ruling today. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let me say this Hon. Warutere that this matter just came today, there was no communication and I am very sorry because you were told to report on this issue tomorrow. This issue is administrative and as I said let me have time because this belongs to one committee and that is the Labour Committee. We shall communicate with you and you will get the communication, let me involve other stakeholders and then we shall communicate with you because this matter is very serious and we cannot allow our people to be humiliated. This is a House just like any other, we have three Houses, the Senate, the National Assembly and we have the county assemblies. *(microphones malfunction)*

Hon. Joseph Wambugu: Hon. Speaker, now that the system is not working, because this matter is very weighty can we break the norm and sit in the morning so that you show us the ruling and the direction of this matter.

Hon. Deputy Speaker: Agreed.

Hon. Peter Warutere: Hon. Speaker, on the same, I see the other concern and I can see the heart of it because as it is...

Hon. Deputy Speaker: Agreed

Hon. Peter Warutere: (Inaudible) I strongly believe that somebody is working against this Assembly for this matter to have gone this far. I also believe that someone gave a note to ensure that Members are taken to the EACC as this is happening for the first time. This is a Honorable House of rules and procedures and I wish that we deliberate on this to know exactly who is doing what and where and if somebody is meddling with this House then we need to know on time so that we can deal with that person. In the interest of time, I think that tomorrow will be late for us to see Hon. Members in front of a Government agency without being given an opportunity to be heard. This narrative is not good and as a House we need to stand up for our rights and as the Bible says we should not say that because it is not Hon. Warutere or the Deputy Speaker in the list then we will not act. They might come for you tomorrow. So, before they come for my head then I think that I need to protect the Hon. Members of the Labour Committee. We read mischief and malice in this so as to curtail the efforts of the Members and their dignity.

We must stand tall as an Assembly and let our voices be heard. This is a Honorable House and we need to see that honor happening here.

Hon. Deputy Speaker: On the same? Could you please request. Proceed.

Hon. Kennedy Oyugi: Thank you Mr. Speaker. I wanted to come to your aid. Committee Members for Labour had been summoned to the EACC from the 12th and have recorded statements. The rest will do so tomorrow and so even if we stop it then we will be doing injustice to the others. The issue brought by Hon. Gari is very weighty but at the moment there is nothing much that we can do. There is no way that we can stop the process halfway and so I agree with you that in as much as we are awaiting the ruling, this will be the last case. As Hon. Warutere said that someone sited somewhere with malicious aim of tarnishing names of Members of this Assembly then proceeds to do so. For now, we cannot do much for this case

Hon. Deputy Speaker: Thank you. Clerk, proceed

MOTION

Hon. David Mbithi: Hon. Speaker, we have a statement to read

Hon. Deputy Speaker: Hon. Mbithi, statements have been overtaken. Please come tomorrow. You may sit down.

Hon. David Mbithi: It is not a Motion but a Statement

Hon. Deputy Speaker: It is a Statement that has already been overtaken by events

Hon. David Mbithi: okay

Hon. Deputy Speaker: We are now in a different order. Thank you. Come early tomorrow. Order number 8; the mover of the Motion is indisposed. The Motion is to be deferred to a date allocated by the Assembly Business Committee. Honorable Members, there being no other business, this House stands adjourned till tomorrow 15th August, 2018 at 2:30 p.m. Thank you and God bless you.

(The House rose at 3.19 p.m.)