



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Wednesday, 17<sup>th</sup> October, 2018

The House met at 2.30 p.m.

*[Hon. Acting Speaker (Mr. Chege Mwaura) in the Chair]*

#### PRAYERS

**Hon. Acting Speaker:** Do we have quorum? Clerk, proceed.

#### PAPERS

**Hon. Acting Speaker:** The following Paper is to be laid: The Public Finance Management Act, 2012 from the Committee of Budget and Finance. Leader of Majority, is there a document you are laying? Budget Review and Outlook Paper, 2018.

I am informed there is a hitch in our Table office but I think it will served to the office of the Majority Leader so that tomorrow he can be properly briefed. It is also improper for a leader to come up with a document the he is not conversant with. So, Clerk, make sure that you have his concurrence together with the Chairman of Budget before it is tabled. I direct that it comes tomorrow.

The Chair for ICT.

**Hon. Osman Adow:** Hon. Speaker, pursuant to Standing Order 19(6), I beg to lay the following Paper on the table of the Assembly, today, Wednesday 17<sup>th</sup> October, 2018: The Third Report of the Select Committee on Selection on the reconstitution of the Assembly Committee membership---- Sorry, Mr. Speaker, I was given the wrong one to read. I have the right one now.

Pursuant to Standing Order 19(6), I beg to lay the following Paper on the table of the Assembly, today, Wednesday 17<sup>th</sup> October, 2018: The Report of the Sectoral Committee on Energy and Information Communication Technology on the vetting of the nominee for the position of Chief Officer, ICT Sector.

*(The Paper was laid)*

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**Hon. Acting Speaker:** I move it to the House Business Committee so that they can schedule a time for us to be able to deliberate on the report.

The Chair of Selection Committee, the Leader of Majority.

**Hon. Abdi Hassan:** Sorry, Mr. Speaker, I beg to lay the Papers. I think the Table office has a problem.

**Hon. Acting Speaker:** I have actually taken note. It is the business of the Table office to ensure the Members look like they are being hurried.

**Hon. Abdi Hassan:** Thank you.

**Hon. Acting Speaker:** I'm being advised that because of the technical balancing of the proposals by the Select Committee--- that is why they a bit taken to task. But I am told that you had already signed the one for tabling. If you are ready then it will come up in Order No. 8 under Motions.

Proceed to the next Order.

### NOTICES OF MOTION

**Hon. Acting Speaker:** The Hon. Doris Kanario.

#### DESIGNATING A CONDUCIVE BREASTFEEDING AND NURSING AREAS IN COUNTY PUBLIC ESTABLISHMENTS

**Hon. Doris Kanario:** Thank you, Mr. Speaker Sir, as a Special Elect of this Assembly and as the Chairperson of the Women Caucus, I wish to move this Notice of Motion: Aware that Article 27(5) of the Constitution of Kenya, 2010, provides that a person shall not discriminate directly or indirectly against another person on any other grounds specified or contemplated in Sub-Article 27(4) which includes but not limited to sex and pregnancy;

Further aware that Article 28 of the same Constitution dictates that every person has inherent dignity and the right to have their dignity respected and protected required for the breastfeeding mothers in the public establishments; while appreciating that the breast milk has nutrients and protective anti-bodies that help them grow and boost their delicate immune system and overall health factoring the World Health Organization recommendation of exclusive breastfeeding of newborns for six months before introduction of food and continuation of the same until one to two years of age;

Further appreciating that through breastfeeding, mothers are able to grow and enhance attachment and bonding to their infants a phenomena to every mother entitled to; disturbed that lactating mothers often feel ashamed of breastfeeding in public and semi-public places due to possibility of potential objections or other people, negative comments or harassment, not to mention the discomfort and health risk to mothers gets exposed for fear of breastfeeding in public; further disturbed that in the past, there have been cases of mothers being denied the privilege to nurse their infants in public or semi-public establishments due to lack of designated nursing areas;

This Assembly resolves that the County Executive moves with speed to ensure all licensed County public establishments and County public service delivery points designate a conducive breastfeeding and

nursing areas that will be enabling policy as requirement and conditioned for the licenses renewal by the County Government of Nairobi City.

Thank you, Mr. Speaker sir.

**Hon. Acting Speaker:** Thank you. I forward the matter to House Business Committee to allocate time to debate that very interesting piece of legislative proposal. The Chairman of ICT, Hon. Osman.

#### VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF OFFICER, ICT SECTOR

**Hon. Osman Adow:** Hon. Speaker, I beg to give notice of the following Motion, THAT this Assembly adopts the Report of the Sectoral Committee on Energy and Information Communication Technology on the vetting of the nominee for the position of Chief Officer, ICT sector laid on the table of the Assembly, today, Wednesday 17<sup>th</sup> October, 2018.

#### PROCEDURAL MOTION

##### APPOINTMENT OF MEMBERS TO VARIOUS SECTORAL COMMITTEES

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir, THAT, pursuant to the provision of Standing Orders 203(1), this Assembly approves the appointment of the following Members to the following Sectoral Committees as listed in the Third Schedule to the Standing Orders:

##### *A. Sectoral Committee on Transport and Public Works*

1. The Hon. Fredrick Njogu, MCA
2. The Hon. Mark Mugambi Macharia, MCA
3. The Hon. Osman Adow, MCA
4. The Hon. James Mwangi Wambui, MCA
5. The Hon. Mark Ndungu, MCA
6. The Hon. Patricia Musyimi, MCA
7. The Hon. Anthony Ngaruiya, MCA
8. The Hon. Joyce Muthoni, MCA
9. The Hon. Abdi Ibrahim Hassan, MCA
10. The Hon. Paul Kados, MCA
11. The Hon. John Kamau, MCA
12. The Hon. Jared Okoth Okode, MCA
13. The Hon. Evans Otiso, MCA
14. The Hon. Stazo Elijah Omungala, MCA
15. The Hon. David Ayo, MCA
16. The Hon. Geoffrey Odhiambo Majiwa, MCA
17. The Hon. Osman Khalif, MCA
18. The Hon. Wilson Ongele Ochola, MCA
19. The Hon. Hafsa Khalifa, MCA

##### *B. Sectoral Committee on Justice and Legal Affairs*

1. The Hon. Stephen gikonyo, MCA
2. The Hon. Juliet June, MCA
3. The Hon. Julius Njoka, MCA
4. The Hon. Elizabeth Nyambura, MCA
5. The Hon. Mwaura Samora, MCA
6. The Hon. Sylvia Moseiya, MCA
7. The Hon. Doris Kanario, MCA
8. The Hon. Jayendra Malde, MCA
9. The Hon. Anthony Kimemia, MCA
10. The Hon. Elijah Mputhia, MCA
11. The Hon. Wanjiru Kariuki, MCA
12. The Hon. Moses Ogeto Nyangaresi, MCA
13. The Hon. David Ayo, MCA
14. The Hon. Osman Khalif Abdi, MCA
15. The Hon. Esther K Munayi Nyangweso, MCA
16. The Hon. Patrick Kanyangi Logedi, MCA
17. The Hon. Francis Otieno Ngesa, MCA
18. The Hon. Elias Otieno Okumu, MCA
19. The Hon. Emily Ondeje Oduor, MCA

*C. Sectoral Committee on Planning and Housing*

1. The Hon. Anthony Karanja, MCA
2. The Hon. Geoffrey Nganga, MCA
3. The Hon. Daniel Ngengi, MCA
4. The Hon. Waithera Chege, MCA
5. The Hon. Joseph Wambugu, MCA
6. The Hon. Abdi Ibrahim Hassan, MCA
7. The Hon. Patricia Musyimi, MCA
8. The Hon. Paul Kados, MCA
9. The Hon. Mark Ndungu, MCA
10. The Hon. Ruth Ndumi, MCA
11. The Hon. Leah Supuko, MCA
12. The Hon. Alvin Palapala, MCA
13. The Hon. Naftali Ogola, MCA
14. The Hon. Carlyne Mayunzu, MCA
15. The Hon. Geoffrey Majiwa, MCA
16. The Hon. John Muigungi, MCA
17. The Hon. Husni Halawi, MCA
18. The Hon. Redson Otieno, MCA
19. The Hon. Elias Otieno Okumu, MCA

*D. Sectoral Committee on Environment and Natural Resources*

1. The Hon. Jeremiah Themendu, MCA
2. The Hon. James Mwangi Wambui, MCA
3. The Hon. Peter Wahinya Njau, MCA
4. The Hon. Laura Mwendu, MCA
5. The Hon. John Kamangu, MCA
6. The Hon. Joyce Muthoni, MCA
7. The Hon. Mwaura Samora, MCA
8. The Hon. Muchene Kabiru, MCA
9. The Hon. John Kamau, MCA
10. The Hon. Susan Makungu, MCA
11. The Hon. Silas Ongwae, MCA
12. The Hon. Fredrick Onyango Okeyo, MCA
13. The Hon. Peter Anyule Imwatok, MCA
14. The Hon. Emily Wanjiku Waithaka, MCA
15. The Hon. Rose Masitsa Shitote, MCA
16. The Hon. Jared Ondieki Akama, MCA
17. The Hon. Francis Otieno Ngesa, MCA
18. The Hon. Solomon Magembe, MCA
19. The Hon. Jairus Amukhoye Omayo, MCA

*E. Sectoral Committee on Water and Sanitation*

1. The Hon. Kados Paul, MCA
2. The Hon. Leah Naikanae, MCA
3. The Hon. Mark Mugambi, MCA
4. The Hon. Ruth Ndumi, MCA
5. The Hon. John Kamangu, MCA
6. The Hon. Waithera Chege, MCA
7. The Hon. Peter Wanyoike, MCA
8. The Hon. Elizabeth Nyambura, MCA
9. The Hon. Charles Thuo, MCA
10. The Hon. Peter Wahinya Njau, MCA
11. The Hon. Anthony Kiragu, MCA
12. The Hon. Naftali Ogolla, MCA
13. The Hon. Rose Adhiambo Ogonda, MCA
14. The Hon. Michael Ogada Okumu, MCA
15. The Hon. Elias Otieno Okumu, MCA
16. The Hon. Emily Wanjiku Waithaka, MCA
17. The Hon. Catherine Apiyo Okoth, MCA
18. The Hon. Peter Anyule Imwatok, MCA

19. The Hon. Laurence Otieno Odhiambo, MCA

*F. Sectoral Committee on Culture and Community Services*

1. The Hon Mwangi Njihia, MCA
2. The Hon Habiba Hassan, MCA
3. The Hon Millicent Anyango, MCA
4. The Hon Patrick Karani, MCA
5. The Hon Leah Supuko, MCA
6. The Hon Nancy Muthami, MCA
7. The Hon Joseph Wambugu, MCA
8. The Hon Benson Mwangi, MCA
9. The Hon Anthony Nganga, MCA
10. The Hon Anthony Karanja, MCA
11. The Hon Annita Thumbi, MCA
12. The Hon. Melab Atema Lumalah, MCA
13. The Hon. Osman Khalif, MCA
14. The Hon. Wilfred Oluoch Odalo, MCA
15. The Hon. Faud Hussein Mohamed, MCA
16. The Hon. Rose Masitsa Shitote, MCA
17. The Hon. Jackline Achieng Apondi, MCA
18. The Hon. David Njilithia Mberia, MCA
19. The Hon. Jared Okoth Okode, MCA

*G. Sectoral Committee on Labour and Social Welfare*

1. The Hon. Peter Wanyoike, MCA
2. The Hon. Susan Mukungu, MCA
3. The Hon. Habiba Hassan, MCA
4. The Hon. Peter K. Wahinya, MCA
5. The Hon. Anthony Nganga, MCA
6. The Hon. John Nganga, MCA
7. The Hon. Anthony Kimemia, MCA
8. The Hon. Laura Mwendu, MCA
9. The Hon. Margaret Mbote, MCA
10. The Hon. Geoffrey Nganga, MCA
11. The Hon. Beatrice Gakuru, MCA
12. The Hon. Rose Adhiambo Ogonda, MCA
13. The Hon. Evans Otiso, MCA
14. The Hon. Wilson Ongele Ocholla, MCA
15. The Hon. Fuad Hussein Mohamed, MCA
16. The Hon. Eve Malenya, MCA

17. The Hon. Esther K Munayi Nyangweso, MCA
18. The Hon. Eunice Wanjiku Marimbi, MCA
19. The Hon. Jared Ondieki Akama, MCA

*H. Sectoral Committee on Health Services*

1. The Hon. Peter Warutere, MCA
2. The Hon. Ann Thumbi, MCA
3. The Hon. James Kiriba, MCA
4. The Hon. Julius Maina, MCA
5. The Hon. Naphtali Mathenge, MCA
6. The Hon. Juliet June Ndegwa, MCA
7. The Hon. Asli Mohamed Mohamud, MCA
8. The Hon. Mark Mugambi, MCA
9. The Hon. Pius Mbono, MCA
10. The Hon. Stephen Gikonyo, MCA
11. The Hon. John Nganga, MCA
12. The Hon. David Wambua Mbithi, MCA
13. The Hon. Carolyne Andisi Mayunzu, MCA
14. The Hon. Elija Stazo Omungala, MCA
15. The Hon. John Kyalo Mulyungi, MCA
16. The Hon. Moses Nyangaresi Ogeto, MCA
17. The Hon. Maurice Onyango Ochieng, MCA
18. The Hon. Emily Oduor Ondeje, MCA
19. The Hon. Hasfa Khalif Mohamud, MCA

*I. Sectoral Committee on Children, Early Childhood Education and Vocational Training*

1. The Hon. Anthony Nganga Gatune, MCA
2. The Hon. Millicent Mugadi, MCA
3. The Hon. Samuel Mwangi, MCA
4. The Hon. Waithera Chege, MCA
5. The Hon. Mbugua Kabiru, MCA
6. The Hon. Pius Mbono, MCA
7. The Hon. Patrick Karani, MCA
8. The Hon. Margaret Mbote, MCA
9. The Hon. John Kamangu, MCA
10. The Hon. Robert Mbatia, MCA
11. The Hon. Ann Catherine Akinyi, MCA
12. The Hon. Jane Muasya, MCA
13. The Hon. Rose Adhiambo Ogonda, MCA
14. The Hon. David Wambua Mbithi, MCA

15. The Hon. Joseph Ouma Ndonji, MCA
16. The Hon. Naftali Owuor Ogola, MCA
17. The Hon. Maurice Gari Otieno, MCA
18. The Hon. Solomon Magembe, MCA
19. The Hon. Clarence Munga, MCA

*K. Sectoral Committee on Energy and Information, Communications and Technology*

1. The Hon. J.M Komu, MCA
2. The Hon. Silas Matara, MCA
3. The Hon. Hassan Abdikadir, MCA
4. The Hon. Muthami Grace, MCA
5. The Hon. Anthony Ngaruiya, MCA
6. The Hon. Joyce Muthoni, MCA
7. The Hon. Doris Kanario, MCA
8. The Hon. Kariuki Wanjiru, MCA
9. The Hon. James Mwangi, MCA
10. The Hon. Osman Adow, MCA
11. The Hon. Mwangi Njihia, MCA
12. The Hon. Catherine Okoth Apiyo, MCA
13. The Hon. Fuad Hussein Mohamed, MCA
14. The Hon. Alvin Olando Palapala, MCA
15. The Hon. Kennedy Omondi Obuya, MCA
16. The Hon. Herman Masabu Azangu, MCA
17. The Hon. Fredrick Omondi Otieno, MCA
18. The Hon. Fredrick Onyango Okeyo, MCA
19. The Hon. Evans Otiso, MCA

*L. Sectoral Committee on Agriculture, Livestock and Fisheries*

1. The Hon. Muchene Kabiru, MCA
2. The Hon. Asli Mohammed, MCA
3. The Hon. Elijah Mputhia, MCA
4. The Hon. Millicent Jagero, MCA
5. The Hon. Beatrice Gakuru, MCA
6. The Hon. Eunice Marimbi, MCA
7. The Hon. Juliet June Ndegwa, MCA
8. The Hon. Peter K. Wahinya, MCA
9. The Hon. J.M Komu, MCA
10. The Hon. Maurice Gari Otieno, MCA
11. The Hon. Paul Shem Shilaho, MCA
12. The Hon. Eve Malenya, MCA



13. The Hon. Fredrick Omondi Otieno, MCA
14. The Hon. Kennedy Odhiambo Oyugi, MCA
15. The Hon. Redson Otieno Onyango, MCA
16. The Hon. Joseph Ouma Ndonji, MCA
17. The Hon. John Kyalo, MCA
18. The Hon. Herman Azangu, MCA
19. The Hon. Jared Okoth Okode, MCA.

*M. Sectoral Committee on Trade, Tourism and Co-operatives*

1. The Hon. Samuel Mwangi MCA
2. The Hon. Charles Thuo MCA
3. The Hon. Benson Mwangi MCA
4. The Hon. Naftaly Mathenge MCA
5. The Hon. Jacinta Wanjiru MCA
6. The Hon. Jayendra Malde MCA
7. The Hon. Mary Njambi MCA
8. The Hon. Paul Ndungu MCA
9. The Hon. Millicent Mugadi MCA
10. The Hon. Jeremiah Themendu, MCA
11. The Hon. Doris Kanario, MCA
12. The Hon. Wislon Ochola, MCA
13. The Hon. Cecilia Aiyot, MCA
14. The Hon. Jane Muasya, MCA
15. The Hon. Eve Malenya, MCA
16. The Hon. Maurice Ochieng, MCA
17. The Hon. Lawrence Otieno, MCA
18. The Hon. Wilfred Odalo, MCA
19. The Hon. Redson Otieno, MCA

I ask my counterpart, the Minority Leader to second the Motion. Thank you.

**Hon. Elias Otieno:** Thank you, Mr. Speaker, I second the Motion. The Committees are being reorganized and I think we are going to have the competent Members in these various committees. It is a warning to some Members who are misbehaving. If you continue misbehaving, you will face the music. Just remain the way you are. I beg to second and ask Members to support because I know you are all beneficiaries. Thank you.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Members, the floor is open. Hon. Mark Mugambi.

**Hon. Mark Macharia:** Thank you, Mr. Speaker. I am standing on Standing Order No. 100. Going by the mood of the House, I think it is the honorable thing to call the mover to reply. Thank you, Mr. Speaker.

**Hon. Acting Speaker:** But you are the first person, you would have said few remarks. However I cannot see any requests from Members, so, I will call the mover to reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. I think Hon. Mbatia, who is my able Chair of Budget is still going through the Order Paper. I want to thank the House for supporting this Motion. I will urge the Chairs and the respective committee Members to take the business of this House seriously so that Nairobians can get the fruits of what they did in August 8, 2017. Thank you.

**Hon. Acting Speaker:** Thank you, the Leader of Majority. I hope the teams are now revamped so that we can get as much vibrancy as possible. I know we are all equal to the task.

*(Question put and agreed to)*

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. THAT, pursuant to the provision of Standing Order 199(1), this Assembly approves the appointment of the following Members to the Select Committee on County Finance, Budget and Appropriations:

1. The Hon. Robert Mbatia, MCA
2. The Hon. Osman Adow, MCA
3. The Hon. Daniel Ngengi, MCA
4. The Hon. Anthony Ngaruiya, MCA
5. The Hon. Kariuki Wanjiru, MCA
6. The Hon. Nancy Muthama, MCA
7. The Hon. Patrick Karani, MCA
8. The Hon. J.M Komu, MCA
9. The Hon. Paul Ndungu, MCA
10. The Hon. James Kiriba Kariuki, MCA
11. The Hon. Susan Mukungu, MCA
12. The Hon. Michael Ogada Okumu, MCA
13. The Hon. Emily Oduor, MCA
14. The Hon. Nimo Omar Hajji, MCA
15. The Hon. Paul Shem Shilaho, MCA
16. The Hon. Jane Muasya, MCA
17. The Hon. Elias Otieno Okumu, MCA
18. The Hon. Catherine Apiyo Okoth, MCA
19. The Hon. Fredrick Onyango Okeyo, MCA

I ask my able Minority Leader to second the Motion. Thank you.

**Hon. Elias Otieno:** Mr. Speaker, I beg to second.

**Hon. Acting Speaker:** Thank you.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Members, the floor is open. Hon. Pius Mwaura.

**Hon. Pius Mbono:** Thank you, Hon. Speaker. The mood of the House shows the Members are in support of the Motion, so you call the mover to reply.

**Hon. Acting Speaker:** Hon. Minority Whip.

**Hon. Peter Imwatok:** Mr. Speaker, I rise to support the Procedural Motion. As a former Member of Budget and Appropriations, we must appreciate when the party decides to shift you to the capacity you can perform better off. I must thank my party, NASA, for giving me an opportunity for the last one year to serve as Member of Budget and Appropriations Committee. As I can see the Chair is happy because seemingly the stress is off but I can assure him, without fear of contradiction that more stress is coming because the Committee I have gone is Public Accounts Committee (PAC) where we do investigative oversight headed by Dr. Wilfred Odalo. I am assuring the House that the same Hon. Member for Makongeni, Peter Anyule Imwatok will remain as he is to make sure oversight is exhibited and more work will come to Budget and Appropriations Committee in terms of oversight. Chair, be prepared.

I thank all the Members of Budget and Appropriations Committee, former Chair, Ogada, Okeyo, Madam Emily, and all others that we have served in this Committee. It was a privilege but I am now saying best of luck to the Members of the Committee and all other members who have been moved with me to different committees. Let us serve Nairobian.

Hon. Speaker, here is a story of a child who went to country bus one day and before the bus left for Teso, that is in Western Province, the mother came to the bus next to the driver and gave this child a packet in a bag and told this child when he reaches Westlands--- when he arrived there, the child asked the driver if they have reached Naivasha but the driver told him they have not reached there. On the way the child slept but when they reached Eldoret, he woke up with fear and asked the driver if they have reached Naivasha. Therefore, I appreciate that I am now in PAC. Thank you.

**Hon. Acting Speaker:** I call the mover to reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. I want to take this opportunity to thank Members for supporting this Motion. I want to also ask my good friend the Minority Whip that he should not take the advantage of investigative capacity of PAC to put my Chair here on spot. He should do his work without malice. Thank you, I beg to reply.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PUBLIC ACCOUNTS

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. THAT, pursuant to the provision of Standing Order 197(1), this Assembly approves the appointment of the following Members to the Select Committee on Public Accounts:

1. The Hon. Fredrick Njogu, MCA
2. The Hon. Anthony Karanja, MCA
3. The Hon. Peter Wanyoike, MCA
4. The Hon. Charles Thuo, MCA
5. The Hon. Waithira Chege, MCA

6. The Hon. Juliet Ndegwa, MCA
7. The Hon. Elizabeth Nyambura, MCA
8. The Hon. Peter Warutere, MCA
9. The Hon. Joseph Wambugu, MCA
10. The Hon. Sylvia Moseiya, MCA
11. The Hon. Millicent Jagero, MCA
12. The Hon. Wilfred Oluoch Odalo, MCA
13. The Hon. Moses Ogeto Nyangaresi, MCA
14. The Hon. Rose Adhiambo Ogonda, MCA
15. The Hon. Esther K Munayi Nyangweso, MCA
16. The Hon. Redson Otieno Onyango, MCA
17. The Hon. Lawrence Otieno Odhiambo, MCA.
18. The Hon. David Njilithia Mberia, MCA
19. The Hon. Peter Anyule Imwatok, MCA

Mr. Speaker sir, this is a very serious Committee. I will ask the Chair and their Members to take the business of this Committee very seriously. I would like to congratulate my good friend who was saying "NAY". His NAY looked like 50 people yet he was the only one. I ask my friend here to second the Motion, thank you.

**Hon. Acting Speaker:** The Leader of Minority.

**Hon. Elias Otieno:** Mr. Speaker, I take this opportunity to second the Motion. As Majority I said, PAC is a very serious Committee, so the Chairman and the entire Membership of the Committee should take it seriously. I beg to second.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Members, the floor is open. Hon. Karani Themendu.

**Hon. Jeremiah Themendu:** Thank you, Mr. Speaker. As I see the House today, the mood is very good. The mover can respond.

**Hon. Acting Speaker:** Hon. Ndonji.

**Hon. Joseph Ndonji:** Mr. Speaker, I would like to go on record that this is not the party position, the party position is very clear. The Minority Leader is going against the party position. Therefore, I oppose the Motion. There is a directive from the party that has instructed him not---

**Hon. Acting Speaker:** Order! Hon. Member, there is Selection Committee that sat down---

*(Applause)*

**Hon. Joseph Ndonji:** I am just trying to express the party position.

**Hon. Acting Speaker:** As regards to Public Accounts Committee?

**Hon. Joseph Ndonji:** The party position is that there are no changes.

*(Loud consultations)*

**Hon. Acting Speaker:** I hear you. Order! Let the Member be protected to raise whatever he wants. But Hon. Ndonji, the position on the floor is with regards to the Public Accounts Committee. If it was a particular person or the all Committee that you are interested in, then that one I would have allowed. But if you raise an issue of the party that has not given the express--- Are you saying that the Selection Committee cannot sit because they have been given a chance like any other Committee of the Assembly?

**Hon. Joseph Ndonji:** Mr. Speaker, our party read malice in these changes and the party has given express direction to the party Minority Leader but he is just defiant and refusing to obey the party rules.

*(Loud consultations)*

**Hon. Acting Speaker:** Order! Hon. Members, I know it is a heated moment but as far as the Assembly is concerned, the party has a leadership in the House. So, I will allow the Leader of Minority to have a say on what has been said here.

**Hon. Peter Imwatok:** Mr. Speaker, allow me to say as a Minority Whip, whose the duties are vested upon him by the Standing Orders to do realignment and appointment of every sectoral committee, that so far I expect anyone speaking on the plenary should stick to the Standing Orders. Anything contrary, either from the party must be communicated to my office officially or the office of the Minority Leader but not at the plenary.

**Hon. Acting Speaker:** So, you have not gotten any request from the party or from Hon. Ndonji.

**Hon. Peter Imwatok:** Ndonji has just walked in with information that is oral.

**Hon. Acting Speaker:** Okay. Hon. Ndonji, you have the proper procedures of handling your matters from the party position. Order! I did ask your leadership to clarify if there is any communication, and there is no communication that is done.

*(Hon. Member spoke off the microphone)*

Order! I am consulting.

**Hon. Kennedy Obuya:** Thank you, Mr. Speaker. It is very clear, and I agree with you that constitution of the committees is the preserve of the Selection Committee. And it is also true that the formation of this Assembly is based on the strength of political parties that nominated us to this Assembly. Mr. Speaker, at the committee level policies are being executed.

*(Loud consultations)*

**Hon. Acting Speaker:** Order! I have taken off your mic. I was waiting for the criteria of selection where it was out of order but you were going to raise an issue that is not within Standing Order No. 166. The Leader of Majority is on the floor. Let me hear what he has to say. Leader of Majority.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. The Member stood under Standing Order No. 166 which is very clear; the onus of giving out committees is rested squarely on selection committee. That is as per our Standing Order. Mr. Speaker sir, the leadership of the county Assembly of Nairobi is known. The communication from the party to the leadership is very clear. An issue of party should not be brought to the plenary. This is not a forum to discuss party issues. This is an Assembly. We are discussing a procedural motion number 10. If you are not supporting the motion, give the reason why you are not supporting the

motion. Let those who support give their reasons. Let the majority carry the day. This circus of telling us that party said this and that---

*(Applause)*

In this plenary, the Standing Orders, the Constitution, the County Government Act, does not allow us to discuss party issues. If the Jubilee party has an issue with its leadership, they know where to deal with it. And if the party has communication to Jubilee, it will do through my office or the office of the Whip.

*(Applause)*

If NASA wants to do a communication, it will not do through a members. That is not the right channel of doing things, Mr. Speaker.

*(Applause)*

And you should not tolerate. You should not tolerate things which are outside our Standing Orders. Hon. Oyugi, I can give you an induction on matters pertaining to this House.

*(Applause)*

When the Majority Leader is on the floor, Hon. Oyugi---

**Hon. Acting Speaker:** Proceed. You are being protected, Leader of Majority.

**Hon. Abdi Hassan:** Mr. Speaker sir, it is a very dangerous trend and it should not be allowed. I think some people are still suffering a hang-over from the previous regime. Even someone was calling you Madam Speaker. People should come out of their slumber. The issue of former leadership of this House is gone and closed.

*(Applause)*

And we are not going to adopt it to the new leadership. I can assure you. Everything is transacted through this house and no party will save you on this floor of the House. Thank you Mr. Speaker sir.

**Hon. Acting Speaker:** Hon. Oyugi, Hon. Otieno and Hon. Mageto, may I also give you some guidelines. We are not going to gag anyone from speaking. But can you speak within the parameters? Hon. Members, I hope everyone has a Standing Order. Page 1 is very clear. And for purposes of clarity, let me repeat it. The County Assembly party means a party or a coalition of parties consisting of not less than 5% of the membership of the County Assembly. So, Hon. Kennedy Obuya, you are aware that your party is more than 5% of the composition. Page 2 says that the Leader of Minority Party means the person who is the leader of the second largest party or coalition under Standing Order no. 2. The Party Whip means a Member designated by a County Assembly party as its party whip for purposes of the transaction of the business of the County Assembly and includes the Majority and Minority whip. I take you to Standing Order no. 164 before we come to 166. 164 says that there shall be a select committee to be designated Selection committee consisting of the Leader of the Majority Party who shall be the Chairperson and the Leader of the Minority Party, not less than 11 members and not more than 13 members who shall be nominated by the County

Assembly parties and approved by the County Assembly. The committee on Selection shall nominate members to serve in committees except for the County Assembly Business committee and the committee on Appointment. The committee on Selection shall be appointed within 10 days on assemble of a new County Assembly.

Hon. Members, the county Selection committee is in place. It has given us some changes which is backed up with a huge report that I signed for purposes of tabling. Now, we have passed the sectoral committees. The only issues is now is on the committee Public Accounts. So, I would have expected that the discussion be “do we remove or accept” on the Public Accounts. So, I have given you directions. I want us to guide this discussion moving like that. I will allow the mover to reply.

*(Loud consultations)*

Order! Order! Hon. Oyugi, we are not talking about the discharge of the Members of the County Assembly in a committee. We are talking about a report of the Selection. And the Selection committee has members of both sides of the divide. So, if you had an issue, the sectoral committee on Selection should be the one in place. I therefore call the mover to reply.

*(Loud consultation)*

**Hon. Abdi Hassan:** Mr. Speaker sir, I want to ask my good friend, former member of the Speaker’s Panel---

*(Loud consultations)*

**Hon. Kennedy Obuya,** I don’t think we are in a market place. This is an honorable house.

**Hon. Acting Speaker:** Hon. Obuya, 166 has nothing to do with the committee of Public Accounts. If you had any issue with the committee composition, you would have raised that issue within the context of the Public Accounts.

*(Loud consultations)*

When I gave you the opportunity, you did not drive us to that. I will give you an opportunity. Hon. Obuya and Okello, order! I have given you the guidelines. We are now calling the mover to reply. If you do not want any member in the Public Accounts committee, you should just name. Mover, reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. Standing Order no. 166 is very clear unless somebody is reading from an Indian Standing Order. The Selection committee has done its part. It is upon this House to agree with the report of the select committee or disagree. Mr. Speaker sir, I think some members need more induction. The other day, for the purpose of record, Hon. Mbadi and Hon. Duale were doing adjustment on committees. That is two weeks ago. Someone rushed to political parties’ tribunal and he came with an injunction saying that what was happening in the house is against rules of natural justice. And if people heard very clear, the Assembly said it cannot allow itself to be directed from outside this chamber.

*(Applause)*

And since Hon. Obuya was removed from Speaker's panel, he has become a heckler. Mr. Speaker sir, I beg to reply. Thank you.

*(Question put and agreed to)*

*(Loud consultations)*

*(Point of Order)*

Order! Hon. Gari, what is your point of order?

**Hon. Maurice Gari:** Mr. Speaker, this is neither a slaughter house nor a market. Mr. Speaker, as the Majority Leader stated, this is a House of rules and procedure. In your seat there, I once told you that you are the MCA for Ngara. We must recognize that we are all MCAs. There is no Member of Parliament here. We are all MCAs.

*(Loud consultations)*

**Hon. Acting Speaker:** Order! Hon. Gari, you stood on a point of order. What is out of order as we speak?

**Hon. Maurice Gari:** Mr. Speaker, I have gone through all these documents.

*(Loud consultations)*

**Hon. Acting Speaker:** Order! Hon. Members, I have given Hon. Gari a chance to say what his point of order is. Let Hon. Gari proceed.

**Hon. Maurice Gari:** Mr. Speaker, if you look at the criteria on nomination.

*(Loud consultations)*

**Hon. Acting Speaker:** Hon. Gari, we have just finished motion number 10. Let me give you guidance. I will give you back the microphone. This is a house where Members of the County Assembly of Nairobi express whatever it is that they have in their hearts for the benefit of the people of Nairobi. I have given you direction that there is a committee on Selection, which I am not a member. They brought in a report and it was tabled. If you had an issue with the whole list, you would have raised at the point of tabling of the full report. We have already done over 15 appointments to the various select and sectoral committees. You have not raised an issue. I have given you a chance to raise what is out of order. Even the Leader of Majority has not read order no. 11. We finished 10 and we are at 11. I don't know what is out of order in between.

**Hon. Maurice Gari:** Mr. Speaker, this is a very bulky thing. It contains a lot of names with different committees. We must go step by step to see each and every committee somebody sits. Mr. Speaker---

**Hon. Acting Speaker:** Order! I am aware that before the report is tabled, it was floated two hours before the Assembly. If you are careful with the Table Office, they did that. I am giving you the final one or two minutes to wind up because I cannot see anything that you are saying that is out of order as far as this is concerned.



**Hon. Maurice Gari:** Mr. Speaker, let it go to the records and we should not read from malice. One day, you will remember Maurice Otieno Gari, Member of Nairobi West. If you go to Standing Order 166, “except as the County Assembly may otherwise resolve, on the recommendation of the committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two sectoral committees”.

Mr. Speaker, here we are making laws. We have not come here to be given favors. We have not come here to praise anybody. We have come here to make laws and each and every member here, regardless of your allegiance, faith, we have come here to make laws, and we are brothers and sisters here. If a member has noticed something is wrong, there is no need of heckling. You are heckling me today. Tomorrow I will be back here. I will find you on the street or you find me on the street. We are doing nothing. So, if I pinpoint something wrong in the Assembly or the Standing Order, or this bulky thing which is here, members should listen and not heckle each other. We should stop reading from malice. We are not friends of each other. We are friends of everybody here. That is why I told you that we are all MCAs. So, if I have one committee that is my party issue. Again, I can come and address it in the Assembly. It is allowed.

**Hon. Acting Speaker:** Are you done?

**Hon. Maurice Gari:** Mr. Speaker, with your wisdom, I am seeing something and I am reading malice.

**Hon. Acting Speaker:** Hon. Maurice Gari, I have heard you. I direct that the committee on Selection looks at anything that does not conform to the Standing Order no. 168 and after we are done with this, they give us a report and we will proceed. Hon. Gari, I have noted your concern. Have a seat. Hon. Gari, have a seat. I have taken note and forwarded to the committee. Order! Hon. Okello, all you need to do is to put an intervention and you didn't do it! The committee on Selection will look into it and they will give us a forwarding report on the same. Leader of Majority, proceed with motion number 11.

*(Loud consultations)*

**Hon. Abdi Hassan:** Mr. Speaker sir, with your indulgence, before I move to order no. 11, I want to clarify on what Hon. Gari was saying. Mr. Speaker sir, if you go to Standing Order no. 166 (3) which my good friend Hon. Gari read. It says, “*Except as the County Assembly may otherwise resolve, on the recommendation of the committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two sectoral committees*”.

You can serve in one committee. That is what the Standing Order says unless someone does not understand the language.

*(Loud consultations)*

**Hon. Acting Speaker:** Order Hon. Gari! You were given a chance to talk. Let the Chairman of Selection respond to your issues. Proceed.

**Hon. Abdi Hassan:** Hon. Gari, I was listening to you when you were talking. I was listening very keenly.

**Hon. Acting Speaker:** Hon. Gari, I am giving you the final warning. Otherwise I will let you leave the house for the rest of the day. Order Hon. Gari!

**Hon. Abdi Hassan:** Mr. Speaker sir, unless what I am reading here is different from what Hon. Gari is reading, the Standing Orders are very explicit. They say you can serve one committee but not more than two committees. Mr. Speaker sir, let me proceed with order no. 11. I want to state for the record of HANSARD, as a Chair of Selection committee, we have balanced all the committees according to Standing Order 166 which states that in nominating to serve on a select committee, the Selection committee shall ensure that the membership of this committee reflects the relative majority of the seat held by each of the county party in the County Assembly. Mr. Speaker sir, if you go through this procedural motion, you can see that Jubilee has nine while ODM has 8. We have followed what the Standing Orders demand. Let me go to order no. 11. Some people should wake up from their slumber.

**Hon. Acting Speaker:** Proceed.

*(Applauses)*

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PUBLIC INVESTMENTS

**Hon. Abdi Hassan:** THAT, pursuant to the provision of Standing Order 198(1), this Assembly approves the appointment of the following Members to the Select Committee on Public Investments as it appears on the Order Paper. I ask my counterpart to second. Thank you.

**Hon. Acting Speaker:** The Leader of Minority.

**Hon. Elias Otieno:** Thank you Mr. Speaker. You know, it is good---

*(Loud consultations)*

**Hon. Elias Otieno:** Let me finish and you will be given your time.

*(Loud consultations)*

**Hon. Acting Speaker:** Order! Order!

*(Loud consultations)*

**Hon. Elias Otieno:** Mr. Speaker, the only person who is mandated to call the Selection committee is none other than the Majority Leader. Secondly, even if you want to remove the Minority Leader today, it will take you years for the Majority Leader to call the committee to organize. But God is for us all. Those people who have been collecting signatures, I don't know whether they did not succeed with the signatures, they reach dead end and then come back to make noise. Party position is none other than Elias Otieno Okumu, the son of Jenifer.

This person who is making a lot of noise has Committees. He is just lying to his brothers. The party position in this Assembly on the Minority side is Elias Otieno Okumu and Peter Imwatok and if you want to remove me you do not need to collect signatures, you just go to the party and they will just give you the letter, bring it here and I will just walk out and leave it for you. However, if you do not succeed... *(Applause)* Hon. Speaker, in this House I do not talk to... Mr. Speaker, I don't talk to former convicts so Mr. Speaker protect me from those people. *(Loud consultations)*

**Hon. Acting Speaker:** Order, Members!

**Hon. Elias Otieno:** So Mr. Speaker, I would rather not mention anybody's name, there are so many people speaking. Mr. Speaker, the guilty are afraid. Mr. Speaker I beg to second.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Members, the floor is open for debate. The Hon. David Rongo. *(Loud consultations)* Order Hon. Catherine, take your seat! Hon. Moses Ogeto---

**Hon. Moses Ogeto:** Hon. Speaker, I am on a Point of Order number 104. *(Loud consultations)*

**Hon. Acting Speaker:** Order Members! Hon. Moses Ogeto please---

**Hon. Moses Ogeto:** I will refer you to Standing Order number 104 including my fellow colleague Hon. Catherine.

**Hon. Acting Speaker:** Hon. Ogeto.

**Hon. Moses Ogeto:** Hon. Speaker, Hon. Catherine and other Members, I want to refer you to Standing Order number 104. Hon. Speaker, this House has come into disgrace, this House has a lack of maintenance of order under Standing Order 104. Hon. Speaker, Order number 1 gives you powers to preside over this Assembly and every Member including me, if I do not follow the Standing Orders you chase me out.

Hon. Speaker, it is prudent like the Leader of the Majority said, he will have his time to speak and thus we have this electronic machine which enables our volume to be heard. Hon. Speaker, Members including the one who is behind me, if he has a contrary opinion you can give him a chance.

**Hon. Acting Speaker:** Hon. Ogeto, you have raised some very critical issues on the maintenance of order. Do you have specific Members you feel are out of order? Do you have any specific Members? Hon. Ogeto, are you proposing to mention any Member?

**Hon. Moses Ogeto:** Hon. Speaker, it is very clear. You have even given a warning to one Member. Hon. Speaker, that is why I have said, including me... *(Loud consultations)*

**Hon. Acting Speaker:** Proceed, I have heard you. *(Loud consultations)* Hon. Members the matter at hand is weighty and I know it has emotional considerations from all of you but we have to ensure that we are doing it within the confines of the Standing Order. The Hon. Member is raising an issue on mentioning Members, I do not know if you are aware that if you are sanctioned or your name is mentioned what the consequences are.

*(Hon. Obuya spoke off the record)*

**Hon. Acting Speaker:** Hon. Obuya, a Member has a right to bring an issue with regards to the maintenance of the order. It is now the preserve of the Chair to give direction and I do not want to go in that direction. So, if we allow ourselves... If you do not agree with Motion 11 I will give you a chance, if you agree with it, I will give you a chance. At the end of the day you will vote and whoever will have won I will give you the day. So have your issue, I will give you the requests that are here, you respond and we will have this business completed. You all know that you win or lose on position of numbers in the Assembly. Be guided. Hon. Abraham Mwangi Njihia.

**Hon. Abraham Njihia:** Thank you, Hon. Speaker. I think we are being pushed by the opposition side into unnecessary debate and I think the die is cast. Hon. Speaker, we have the Selection Committee

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which did all this work so maybe what I can urge my brothers from the other side, if someone has a grievance to this list you air it through your leadership. You have leadership and you must respect leadership no matter what. So maybe what I can urge the Minority Leader, these are your... not goons *(Laughter)* These are your kids Hon. Minority and I urge you to give these Hon. Members a suspension of 3 months each. *(Laughter)*

**Hon. Acting Speaker:** Order Hon. Njihia! The Leader of Minority has not solicited for your advice so you are just giving it in good faith. The mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I will urge the Hon. Member to behave in a manner which is consistent with this Hon. House and to behave with decorum. Whenever you have a contrary opinion from what your friend or colleague is stating just rise and speak your mind. Mr. Speaker sir, I want to assist my good friend here who was formerly on the Speakers Panel and I want to say here that it is only the Speaker who can mention a Member. Mr. Speaker sir, I want to refer him to Standing Order 115 which states that *“any Member at any time on a point of order invite the Speaker or the Chairperson of the Committee to name other Members for gross disorderly conduct”*. Mr. Speaker sir, I don't know if the former Speaker has inducted this Member well...

Hon. Obuya go to Standing Order 115 and you can see that any Member of this House can stand on a Point of Order and invite the Speaker or the Chairperson to name another Member for gross disorderly conduct. Mr. Obuya stand guided. Mr. Speaker sir, I want to thank Members for supporting this Motion and I want to tell my colleagues that we still have time coming in the next session which will be the 3<sup>rd</sup> session of the County Assembly of Nairobi which will be in February, that the Selection Committee will still consider these matters and bring its report before this House. Mr. Speaker, when the Selection Committee does it work as per Standing Order 166 which is very clear, this House has to agree or disagree with it. Mr. Speaker, there is no other way out. My colleague could have tried to lobby before so that Members can go with their opinions. Mr. Speaker sir, with those few remarks I beg to reply. Thank you.

*(Question put and agreed to)*

**Hon. Acting Speaker:** Leader of the Majority.

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON IMPLEMENTATION

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I want to also take this opportunity and thank my good friend and former Member of the Speakers Panel for his courage, determination to show his contrary opinion and I urge him to continue. Mr. Speaker, in this Motion which is Motion number 12 he should use his electronic gadget so that he can air his view in a decorum way. Mr. Speaker, having said that let me go to Order number 12;

THAT pursuant to the provision of Standing Order 201(1), this Assembly approves the appointment of the following Members to the Select Committee on Implementation:

1. The Hon. Pius Mbono, MCA
2. The Hon. Samuel Mwangi, MCA
3. The Hon. John Kamau, MCA
4. The Hon. Nancy Muthami, MCA

5. The Hon. Daniel Ngengi, MCA
6. The Hon. Peter Wahinya Njau, MCA
7. The Hon. Beatrice Gakuru, MCA
8. The Hon. Abdi Ibrahim Hassan, MCA
9. The Hon. Anthony Kimemia, MCA
10. The Hon. Hassan Abdimaliq, MCA
11. The Hon. Peter Wahinya, MCA
12. The Hon. Elias Otieno Okumu - MCA
13. The Hon. David Ayo - MCA
14. The Hon. Hafsa Khalif Mohamud - MCA
15. The Hon. Alvin Olando Palapala - MCA
16. The Hon. Michael Ogada Okumu – MCA
17. The Hon. Ann Catherine Akinyi - MCA
18. The Hon. Fredrick Omondi Otieno - MCA
19. The Hon. Milicent Akinyi Okatch - MCA

**Hon. Acting Speaker:** Minority Whip.

**Hon. Peter Imwatok:** Mr. Speaker, I second the Motion.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Members the floor is open. The Hon. Ruongo Okello.

**Hon. David Okello:** Thank you, Mr. Speaker. I just wanted to get some clarification from you because if I look at the Order Paper, from the Standing Order which I will not mention now, it is saying that; “A Member should have 2 sectoral Committees and 1 Select Committee”. Hon. Speaker, I need clarification from you to tell us because by the time this Order Paper reached your desk and came to the plenary you had read and approved that it is correct and each and every Member is in the right Committee. Mr. Speaker, I need clarification from you.

**Hon. Acting Speaker:** Okay, proceed. I want you to discuss within the Implementation Committee if there is any Member that you are not comfortable with. But you have said that we look into the Standing Order if there are people who are beyond the requirements of the Standing Order. We will do that and we will be giving you a communication in consultation with the Committee on Selection because you are aware that it is not one of the Committees that I chair. Hon. Patrick Kanyangi Logedi, you requested to speak.

**Hon. Patrick Logedi:** I am okay.

**Hon. Acting Speaker:** You are okay. So, go ahead Hon. Kennedy Omondi Obuya.

**Hon. Kennedy Obuya:** Mr. Speaker, I take positively the compliments from our very good and able Majority Leader who is a man of wisdom. Hon. Speaker, I am rising to oppose the Motion and also to quote our Standing Order. Mr. Speaker, of all the Standing Orders we have there is no Standing Order that is superior or that supplements any Standing Order. Mr. Speaker, it is true that we have the knowledge and that the Constitution of committees is a preserve of all committee and membership of any committee is also a right of all elected and nominated Members of this Assembly. Mr. Speaker, it is also a right that consultation is supposed to be done within the party that nominated you to this Assembly.

Mr. Speaker, names are being forwarded to the Selection Committee for members to be nominated to respective committees and in this regard a majority of us were not consulted; our party, ODM that

nominated us to this House was not consulted. Mr. Speaker, there is also a communication which I know you have not received but let us set that aside however Mr. Speaker, let it go on record that we do not have confidence in the person that nominated us...

**Hon. Acting Speaker:** You are out of Order. I have heard your issue of opposing the proposed motion and I have given you time to direct it but now if you are not confident with whoever, that is out of the preserve of Motion 12. So, don't go beyond that please. Proceed.

**Hon. Kennedy Obuya:** I reject this Motion and I pray that you set serious precedents as an Acting Speaker so that in the future when you become our Speaker we do not read malice and bias in your judgments Mr. Speaker. It is of paramount importance as an Acting Speaker so that in the future when you become our Speaker---

*(Point of Order)*

**Hon. Acting Speaker:** Order. What is your Point of Order, Leader of Majority?

**Hon. Abdi Hassan:** Is the member accusing the Acting Speaker of bias, can he substantiate Mr. Speaker sir. That is a very serious issue.

**Hon. Acting Speaker:** Hon. Obuya, can you substantiate your claims.

**Hon. Kennedy Obuya:** Mr. Speaker sir, I have said I am submitting a prayer but you should not set a precedence by showing a sign of bias Mr. Speaker.

**Hon. Acting Speaker:** Order. Hon. Member I have given you an opportunity to air your side, I have given the Leader of the Majority an opportunity to air their view. Is there any bias with putting or proposing the question? *(Laughter)*

**Hon. Kennedy Obuya:** Mr. Speaker I will not guide the presiding Chair. It is your right within your wisdom. It also within your wisdom to understand that I have a right as an elected leader of Imara Daima, the same as anybody else. Thank you Mr. Speaker.

**Hon. Acting Speaker:** The Hon. Geoffrey Majiwa.

**Hon. Geoffrey Majiwa:** Thank you Mr. Speaker. I rise on point of order number 112 because we are now dealing with the issue of irrelevance and repetition and you are setting a very bad precedent in this House Mr. Speaker, where you are going to give guidance and members will ignore and they are going to repeat this every other time and they are going to entertain. It is a very bad precedent, Mr. Speaker, watch it.

*(Laughter)*

**Hon. Acting Speaker:** The Hon. Majiwa, while I understand the repetition that you are feeling but I also want the members to get a chance to say whatever they want to say. At the end of the day we will have a vote and whoever will win will say aye and the ones who will feel that they say nay, whoever carries the day I will announce from here. Hon. Kiragu.

**Hon. Antony Kiragu:** Thank you, Mr. Speaker. I would like to refer to Standing Order 78, we need to follow the law and it is un-procedural for a member to speak twice on a question. I have seen members speak twice on the same subject. However, I would also like to advice my members because I was a very

fierce opposition person in this Assembly, that sometimes you do not have to win and consultation does not mean consensus. Whether they were consulted or not the decision was made by the Selection committee, this is not the time and we need to move on and get other ways. I also find it funny when we want to cast aspersions or when we want to make the Chair look biased.

Hon. Speaker, I would like you to note exactly the people who are questioning your validity to sit on that seat, they are the same people who did not want you to sit there. Hon. Speaker, I would like to request that you be careful that no forces outside this Assembly will in any way be trying to control what you do or will in any way engineer your downfall or your effectiveness in that seat. Hon. Speaker we need to move on. Hon. Members there are very serious matters affecting this county and we need to call the mover of this Motion to reply.

**Hon. Acting Speaker:** I call the mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. Let me take this opportunity to thank the members for supporting the Motion and I think members who are opposing the Motion are within their rights and my good friend Hon. Bishop here has given them a word of wisdom. Hon. Bishop was one of the fiercest opposition to the leadership at that time. Mr. Speaker sir, when the party gives you the opportunity to serve on a certain committee it is in the discretion of that party to do that and if that party feels as Obuya or as Ngoyo that you are not fit to serve in that committee because you are not effective and you are not adding value to that committee the party will take you to the committee in which it feels you can serve better and can serve Nairobian at that capacity. Mr. Speaker with those few remarks I beg to reply.

**Hon. Acting Speaker:** I now put the question.

*(Question put and agreed to)*

**Hon. Acting Speaker:** Leader of Majority.

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION

**Hon. Abdi Hassan:** Thank you Mr. Speaker. Democracy at its best.

THAT, pursuant to the provision of Standing Order 202(1), this Assembly approves the appointment of the following Members to the Select Committee on Delegated County Legislation:

1. The Hon. Peter Wahinya Kimuhu, MCA
2. The Hon. Mwangi Njihia, MCA
3. The Hon. Jeremiah Themendu, MCA
4. The Hon. Mary Njambi MCA
5. The Hon. Stephen Gikonyo, MCA
6. The Hon. Annita Thumbi, MCA
7. The Hon. Geoffrey Nganga, MCA
8. The Hon. Asli Mohamed Mohamud, MCA
9. The Hon. Elijah Mputhia, MCA
10. The Hon. Ruth Ndumi, MCA
11. The Hon. Kariuki Wanjiru, MCA
12. The Hon. David Wambua Mbithi - MCA
13. The Hon. Solomon Magembe, MCA

14. The Hon. Rose Masitsa Shitote, MCA
15. The Hon. Eunice Wanjiku Marimbi, MCA
16. The Hon. Nimo Omar Hajji, MCA
17. The Hon. Jairus Amukhoye Omay, MCA
18. The Hon. Clarence Kipkemboi Munga, MCA
19. The Hon. Herman Azangu, MCA

**Hon. Elias Otieno:** Thank you Mr. Speaker. As I second the Motion I want to just emphasis on something. Mr. Speaker, if you are serving in one committee right now it was just an oversight because last time I can remember Majiwa, Catherine, Frederick Okeyo and the other Frederick Omondi from Lucky Summer. Those who were talking loudly right now did not raise their voice concerning those people when they were serving in one committee. Secondly, Mr. Speaker, I think the people who are opposing this, if they are not satisfied with the composition of the committees, why don't they just do the honourable thing and write a letter and sign and say they do not want to be in any one of those committees because there is no way somebody is going to take us round and round and they are serving on those committees.

It is not right for you to say that you were not consulted to be in that committee. Even the other committees in which they were serving in before nobody consulted them. So, when they were on Transport Committee it was good, when they were serving on another committee like Water that was good even if you were not consulted, it was good. However I do not think we poached any members from outside this Assembly or from different parties. The people who are going to serve on those committees are from this party, they are the same members of this party and they are going to serve in those committees which they are not serving in right now.

I just feel for one person called Hon. Ouma Ndonji because I think it was an oversight because he was the Vice-chair of Environment Committee but all of a sudden I can see your name is not in the Environment Committee. I think Chief Whip should address that one. That is the only one I can say for now, but the rest I think we are going to revisit as the Selection Committee. Just be good people let us work together, you are going to have your committees back; they are not going anywhere. They are not going anywhere Hon. Obuya. Hon. Obuya you are my friend and you are still serving in ICT, and the Transport Committee, it was just an oversight.

*(Laughter)*

I am telling you the truth. You can ask the Majority Leader; yesterday when we had a meeting as the House Business Committee and those things came up. The Deputy Speaker and I asked why these names were not there. Then he told me he is going to rectify. So, already it had been passed in the Selection Committee and then by the House Business Committee. But I asked clearly even Hon. Rose Kula can bear me witness, isn't it? I asked those questions because I was not the one who was selecting names to those committees.

That is the reason why I am saying may be if you are serving in one committee, it is just an oversight. Even in my office about some few hours ago we quarreled; Defao can bear me witness, isn't it? We quarreled about those---

**Hon. Joseph Ndonji:** But I have been in one committee throughout.



**Hon. Elias Otieno:** That is a mistake which should not be repeated again under my watch. So I second Mr. Speaker for today only but next time I will not allow you...I am telling you the truth, it is a serious matter. At all the time people serve in one committee like Anne Catherine served in one committee, Hon. Fredrick Okeyo served in one committee, Hon. Kabagedo in one committee and the Hon. Member for Lucky Summer, one committee. That one should not be repeated again. Let each and everybody, even if they are your enemies, let them serve in minimum of two committees. This one should go on record; take back the Transport Committee back to the owner. I can guarantee you that one. I second.

*(Question proposed)*

**Hon. Acting Speaker:** You are here? Hon. Ouma where have you gone to? I have given you a chance, you have gone out again. The Hon. Mary Ariviza?

**Hon. Mary Mwami:** Thank you sir. I am on the floor and it is a very sad afternoon for ODM to have decided vey many things that are affecting our *chama* and I can only see that it's the side of Jubilee that is really ululating and clapping hands, it is a very sad moment. I stand here---

**Hon. Acting Speaker:** Order! The Hon. Member, put yourself under Motion No. 13.

**Hon. Mary Mwami:** I am doing an introduction and that is exactly what has been happening sir. I stand here as a person that has been removed and given only the Loans Committee; I am not a person of accounting and you know it. I have been given Loans Committee and another one where you do some selections. I am not interested; I am interested in serving some children somewhere. I am an educationist per excellence. In fact every time I go out of here I meet two or three of my students on a daily basis. For you to remove me from Education, for you to remove me from things that matter to Nairobians and give me Loans Committee while I never count money, it is really sad.

**Hon. Acting Speaker:** Order! Hon. Mary Ariviza, you are not on record. Allow me to guide you that the Committee on Loans and the committees that you feel are not very important have also members who are in those committees. Please stick to the motion that is on the floor. I give you, proceed.

**Hon. Mary Mwami:** I proceed and what I am saying is, we are now in the 21<sup>st</sup> Century and we cannot be serving Nairobians when we don't put people in an area which could be best of----

*(Point of Order)*

**Hon. Acting Speaker:** There is a Point of Order Hon. Mary Ariviza. There is an intervention again from Hon. Mark Mugambi. What is your point of order? Confine yourself to the motion please.

**Hon. Mark Mugambi:** Thank you Mr. Speaker. I am still standing on Point of Order No. 100.

**Hon. Acting Speaker:** Order! Hon. Mary Ariviza proceed.

**Hon. Mary Mwami:** We are living in the 21<sup>st</sup> Century, a fast moving world. That we would come to Nairobi the capital city of this country, we would count as Members of the County Assembly and purport to be organizing, I note with all concern that the people who have been reshuffled and moved from one committee to the other are ODM members. I have not seen any of Jubilee members who have been moved. We know that---

**Hon. Acting Speaker:** Order! The Hon. Mary Ariviza I have given you an opportunity, you are not confining yourself to the Motion No. 13 and if I allow that direction to proceed I will allow you to be putting the issue of the whole party to question yet that is not the one in the motion. You are also aware that you have not even said whether you are supporting or not supporting the motion.

**Hon. Mary Mwami:** Thank you sir. You know I can see you are also giving some people so much time to talk while some of us even before we explain ourselves; you just switch off the mike. What I am saying is, as much as the Selection Committee and the leadership of the house have the prerogative of being able to choose and put people in whatever, we are in the 21<sup>st</sup> Century; put people where they can do. Some of us are not interested in counting money and loans; even we have not gone there. So, when you put me there is nothing that I will help.

I want to put it today, for instance, the ----

**Hon. Acting Speaker:** Hon. Mary Ariviza point taken. I will give the Minority Chief Whip to respond to the issues as he also makes his remarks on the issue.

**Hon. Peter Imwatok:** Mr. Speaker, allow me to say that this is a House of rules and procedures and every member arising to address you must address you with the title you deserve Hon. Speaker. Number two Hon. Speaker; allow me to say the Minority Leader of the coalition has given the directive to me as the Chief Whip. If you feel to the contrary that the names forwarded by the Selection Committee is not tantamount to your aspirations and your professionalism, I ask you to submit to my office any written notification for reconsideration. I beg to support the motion.

**Hon. Acting Speaker:** Order Hon. Otieno! There is Hon. Ouma Ndonji who is on a Point of order. Hon. Otieno, have your seat!

*(Hon. Otieno spoke off record)*

**Hon. Fredrick Otieno:** Mr. Speaker---

**Hon. Acting Speaker:** Your Leader is requesting to speak.

**Hon. Elias Otieno:** I think Mr. Speaker Hon. Ngesa and Hon. Okello there is no way that you are saying that Jateso is misleading me, surely. Can this small boy mislead me?

*(Laughter)*

I think if you read the Standing Orders very well, this Committee is the one which is supposed to vet them, it is not me, even when he made those things when I was at home. So, you should not direct the anger to me. What we are going to do is to go and reorganize afresh; I am telling you that Hon. Imwatok will not do it under my watch again. I can tell you that for free. There is no way that all the time he omits some people's names, what he should do is just to go and ask the Selection Committee Chairman if he can *(Inaudible)*....then reorganize the committees afresh. Thank you, Mr. Speaker.

**Hon. Acting Speaker:** The Hon. Anthony Kiragu again.

**Hon. Anthony Karanja:** Thank you Hon. Speaker. I know that I do not hold brief for the Minority Whip, but I think---

**Hon. Acting Speaker:** Continue.

**Hon. Anthony Karanja:** Hon. Speaker I do not hold brief for the Minority Whip but then I guess that it is on record in this assembly that one of the members who is complaining about not being in the Education Committee has exchanged vulgarities with the Chair of that Committee in public. She has been very critical-

--

*(Loud consultations)*

...and among the criteria, Hon. Speaker I have been a member---

*(Loud consultations)*

**Hon. Acting Speaker:** Hon. Member, are you in the Selection Committee?

**Hon. Anthony Karanja:** Hon. Speaker, I have been a member of the Selection Committee in the last assembly and among the criteria that we used to select members is first of all competence, discipline in the committee and the content and also the availability of slots in that committee. Discipline alone is enough reason to be kicked out of a committee. So, Hon. Speaker we need to move on.

**Hon. Acting Speaker:** The Leader of Minority.

**Hon. Elias Otieno:** Mr. Speaker as much as we are dealing with these issues, all the time I always request members to respect my members like Hon. Mary Ariviza. All the time when you are addressing that iron lady, you must observe total respect. Thank you.

*(Applause)*

**Hon. Acting Speaker:** The Hon. Ndonji was on the floor.

**Hon. Joseph Ndonji:** Thank you very much for catching my eye. Hon. Speaker, looking at the list-

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**Hon. Acting Speaker:** Of Motion No. 13?

**Hon. Joseph Ndonji:** Looking at the entire list, some people are not even---

**Hon. Acting Speaker:** Motion No. 13.

**Hon. Joseph Ndonji:** I want to give you an observation. *Wewe mtoto nyamaza.*

**Hon. Acting Speaker:** Order! Withdraw.

**Hon. Joseph Ndonji:** Okay I withdraw, Mr. Speaker.

**Hon. Acting Speaker:** Proceed.

*(Loud consultations)*

**Hon. Joseph Ndonji:** Mr. Speaker, you will have to protect me from this child. Mr. Speaker I am very happy that the Minority Leader has accepted that there is a problem with the list and one thing that I can tell you is he has mentioned my name and I was comfortable even in that one committee.

**Hon. Acting Speaker:** So you are supporting Motion No. 13?

**Hon. Joseph Ndonji:** Don't put words in my mouth.

**Hon. Acting Speaker:** I am not getting what you are saying. You are saying that you are comfortable with that one committee, which one, 13? Proceed.

**Hon. Joseph Ndonji:** Just give me time. What I am happy about is that the Minority Leader has accepted that there is a problem and the person doing this was Jateso. Jateso please stop misleading the Minority Leader and he has said that two people and these people will have one or two committees. If it is an oversight, and I guess that is what is bringing tension in our side of the party and had even made some communication from the party, it should be clear for Jateso correct those things, and then bring them to the House before we pass them.

**Hon. Acting Speaker:** We proceed to Hon. Leah Supuko.

**Hon. Leah Supuko:** Mr. Speaker sir, I have been sitting here for the last 30 minutes listening to party issues which is---

*(Loud consultations)*

**Hon. Acting Speaker:** Order! Proceed address yourself to the House. Proceed, you are protected.

**Hon. Leah Supuko:** Excuse me, I gave you time to speak--- Mr. Speaker sir, it will not be very painful for people to be removed from committees but we cannot bring to this House matters to do with parties. If ODM or NASA or whatever they call themselves, they can go and solve their problems and then they come to this House.

**Hon. Acting Speaker:** Order! Hon. Leah, the party or the coalition that the assembly recognizes is NASA. So, proceed.

*(Loud consultations)*

**Hon. Elias Otieno:** Mr. Speaker I think this one will not go unnoticed. There is no way Hon. Leah can say; 'whatever they call themselves'. Just apologize to that, Hon. Leah.

**Hon. Abdi Hassan:** Mr. Speaker sir, I am standing under Standing Order 115 and I think Hon. Obuya has become unnecessary nuisance to this House. As a former member of the Speaker's Panel he should know better that when a member is speaking, heckling her down and making a lot of noise should not be allowed in this House.

*(Applause)*

Mr. Speaker sir when he was making his point, we were listening to him very keenly, attentively and silently. If you look at the other side of NASA, you can see four people interrupting people in and out, every four members, only four members. Mr. Speaker I want to state as follows; no member of this House is more superior to the other members. The committee which some people have been moved to serve were being served by other members. Were these members telling us that they are superior to the other members, Mr. Speaker sir?

Were other members not Hon. Members of this House? I think you can remember Mr. Speaker sir two weeks ago, some members put this House in disrepute.

**Hon. Acting Speaker:** Indeed.

**Hon. Abdi Hassan:** Mr. Speaker sir, I heard someone calling you 'sir' without the name Speaker and she is still in this House. You are allowing somebody to call you 'sir' and the Standing Orders do not allow any member to address the Speaker as a 'sir' without the name Speaker and she is still sitting with us.

Mr. Speaker sir, I want you to use your discretion under Standing Order No. 1 and 115 and to name one Hon. Mary Ariviza and one Hon. Obuya so that--- instead of calling Mr. Speaker 'sir' he has to--- Mr. Speaker sir, they are still making noise.

*(Loud consultations)*

**Hon. Acting Speaker:** Proceed.

**Hon. Abdi Hassan:** Mr. Speaker sir, I am still being interrupted by the same members. And if you allow this House to go that way Mr. Speaker sir, then we are not going to transact any business in this House. Mr. Speaker sir as my good friend the deputy Minority invoked Standing Order No. 104, you need to invoke Standing Order No. 104, and make sure that this House has some decorum. If somebody cannot listen when his colleague is speaking, he has no business being in this House. I don't think people of Kwa Njenga elected a heckler in this House, Mr. Speaker sir. They elected somebody who will come to represent then on the floor of the House. We expect Hon. Obuya to prosecute his ---- Thank you Mr. Speaker sir.

**Hon. Acting Speaker:** Hon. members allow me to read Standing Order No. 115; That (1) Any Member at any time on a Point of order, invite the Speaker or the Chairperson of Committees to name another member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or the Chairperson. (2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then:

*(a) if the breach has been committed to such a Member in the County Assembly, a Motion shall be made by any other Member present "That; such a Member (naming the Member) be suspended from the service of the County Assembly" and Speaker shall forthwith put the question there on, no amendment, adjournment or debate being allowed'.*

Hon. Members, the fact that I am going lenient is because if I go the direction of the Standing orders, being out of a committee will be lenient; being out of the Chamber and the precincts for x number of days would be harsher. So, when I am allowing you that discretion is for you to be able to exercise yourself with decorum. Therefore, because it has been brought to my attention, the Hon. Obuya, I am giving you a final warning that whatever it is that you want to raise, do it at the confines of the motion.

The Hon. Mary Ariviza, the seat that is here is not for Chege Mwaura, it is for the Speaker of the Assembly. So whether it is Chege Mwaura or it is Hon. Otiso, or it is the new member Hon. Emily Oduor, or the Hon. Matara, or the Hon. Gathumbi, or any other member and actually the Deputy Speaker. Any Member who sits on this seat, for me I don't mind so much about the titles, it is the seat that we are in.

I will use my discretion and allow the named Members leniency for now but take note that it will not be tolerated in future, that if I spot it now I will just ask a Member to produce it as a motion and you will be debated and if the debate moves you will be out for a number of days that you will be called. The Hon. Ariviza if whoever will be on this seat should be given the respect that accords to the seat not to the Member.

*(Applause)*

I now direct that the mover to reply.

**Hon. Abdi Hassan:** Mr. Speaker sir you have pronounced yourself and I think Hon. Oyugi is also going that route. You should warm your seat Hon. Oyugi. This is not a market Hon. Oyugi.

**Hon. Acting Speaker:** Proceed. I have already pronounced myself on the issue and we are on Motion No. 14 so we proceed move on.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I thank the House for supporting the motion and I beg to move. Thank you Mr. Speaker sir.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON WARD DEVELOPMENT FUND

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir; THAT pursuant to the provisions of Section 35 (1) of Nairobi City County Ward Development Fund Act 2014, this assembly approves the appointment of the following members to the Select Committee on Ward Development Fund as it appears below:

1. Hon. Fredrick Njogu, MCA
2. Hon. Chege Mwaura, MCA
3. Hon. Mwaura Samora, MCA
4. Hon. Patricia Mutheu, MCA
5. Hon. Peter Warutere, MCA
6. Hon. Millicent Mugadi, MCA
7. Hon. Herman Masabu Azangu – MCA
8. Hon. Fuad Hussein Muhammed – MCA
9. Hon. Cecilia Achieng Ayot – MCA
10. Hon. Okello Ruong'o - MCA
11. Hon. Nicholas Okumu, MCA

Mr. Speaker sir, I heard hon. Minority Leader and Minority whip saying that I should call for the Selection Committee. I want them to officially write to me and I will consider as the Chairperson of the Selection Committee if what they have requested me is necessary. If I feel that it is necessary, then I will call the Selection Committee and I want to ask my counterpart to second the motion. Thank you.

**Hon. Elias Otieno:** Thank you Mr. Speaker. I think let us not because we have already agreed that there is a mistake, let us just finish this thing then thereafter he is going to write a letter to the Majority Leader for the Selection Committee to reorganize the committees. I don't see the reason why... let us respect one another even as the Speaker has put it, and just respect the seat not the person even if you hate him because in Nairobi there are some people I am always telling them even if you don't like Mbuvi Sonko but just respect the office.

We are just on the same page. Even if you don't like Chege Mwaura, but I don't see the reason why you don't like him because he is going to stay there. Because the other one is gone and she has already

accepted that she is not coming back again. I don't see the reason why...just learn to work to work with Chege Mwaura and give him total respect that he deserves.

For the remaining four years that we have here at the Assembly, Hon. Chege Mwaura is the one who will be signing your documents.

*(Laughter)*

Therefore, Hon. Speaker, I hereby second this Motion and let us move with speed.

*(Question proposed)*

**Hon. Kennedy Oyugi:** Thank you, Hon. Speaker, for giving me this long-awaited opportunity to contribute to this important Motion. Bearing in mind that our Minority Leader has also agreed that there are mistakes in this whole process, I wonder whether I would be in order to suggest that as opposed to his suggestion, we just proceed and then we amend at a later date. I was of the view that is why I was pressing for your attention earlier. Also, I was of the view that instead of proceeding with an illegality and with mistakes which we have already accepted on the floor of the House---

*(Point of Order)*

**Hon. Acting Speaker:** Leader of Majority.

**Hon. Abdi Hassan:** *(off mic)* ---we are transacting legal business here and there is nothing illegal about it and if we have some Members of NASA who are dissatisfied, that does not constitute illegality. He should be guided, Hon. Speaker.

**Hon. Acting Speaker:** I think, Hon. Member, you stand guided. What we are talking about is Committee report and it has been properly tabled, it has been proposed and seconded. Therefore, we cannot remove the issue because it is properly on the floor. So if there are issues of consideration, I think the Leader of Minority has addressed them and he has said that he is going to take up the matter with his Committee. So proceed and stand guided.

**Hon. Kennedy Oyugi:** I will leave it at that, but I want to say that Minority Leader has just said that there are a lot of oversights. On our side, I had three Committees now that I have been transferred to Committee of Agriculture I want to believe that they were all oversight as Minority has put it. I would like to advise my Minority Leader with friends such as Hon. Imwatok and Ogeto, you do not need any enemy. Let me repeat it again.

**Hon. Acting Speaker:** Order, Hon. Member! We are talking about Motion No.14 and you have brought us to the Committee of Agriculture. You are out of order.

**Hon. Kennedy Oyugi:** I will leave it at that, but remember---

**Hon. Acting Speaker:** Withdraw the remarks.

**Hon. Kennedy Oyugi:** Which remarks?

**Hon. Acting Speaker:** The ones on the enemy.

**Hon. Kennedy Oyugi:** Mr Speaker, I am not under any influence of anything, my mind is very clear that with friends and the likes of Hon. Imwatok and Ogeto, you do not need an enemy.

**Hon. Acting Speaker:** No problem, I will allow that on condition that I will give them a right of reply.

**Hon. Kennedy Oyugi:** No problem.

*(Hon. Ogeto rose on a point of Order)*

**Hon. Acting Speaker:** Proceed. I will give you the right of reply.

**Hon. Kennedy Oyugi:** Now why am saying this---

**Hon. Acting Speaker:** We are on Motion No.14.

**Hon. Kennedy Oyugi:** Yes, I am on the Motion and am opposing this Motion on one ground and am only building my case on why I am opposing the Motion. The reason why I am opposing the Motion is simply that there is malice out of the constitution of the Committee and the Minority Leader is carrying the heavy burden which I am surprised that he is not aware of. As we are talking, there are a lot of movements against my Minority Leader yet his purported friends are doing these things behind his back. So, that is the reasons why I am again repeating with the two friends that I have mentioned you do not need an enemy.

**Hon. Acting Speaker:** The Leader of Minority.

**Hon. Elias Otieno:** I think Mr. Speaker they are not purporting to be my friends, also you Hon. Oyugi you are my friend as you always drink with me at night and during the daytime, you are not my friend.

*(Laughter)*

When we are with Oyugi we usually drink Hennessy at night and when morning comes we are not enemies. Because you are not my enemy, it was just an oversight *(Laughter)* and I can tell you that for free.

If you can go through this properly, Hon. Ndonji was in Environment Committee, so these people thought that they are adding Ndonji to another Committee and they omitted his name somewhere. Therefore, every Member is my friend and I do not have any enemy here.

**Hon. Kennedy Oyugi:** Hon. Speaker, I agree to what Hon. Minority is saying but I believe in a true friendship where one will tell you "My king you are naked" as opposed to some of his friends. The reason why am saying this is because in the corridor we get a lot of threats. Personally, I have been confronted by my Deputy Minority Whip informing me that "Oh brother you are going to suffer you have stepped on a live wire". Then I asked my Deputy Minority "I can suffer at the hands of God not fellow human beings". He replied, "Oh no you step on the wrong foot". *(Laughter)* Then I informed Hon. Ogeto that "Gentleman, one Hon. Njihia was advising me to go and kneel so that I can get my position back". Then I told him in front of Hon. Ogeto "Oh brother Ogeto, I am not a crying baby, as far as I have not wronged anyone I will always stand on my principles and I will not kneel before anyone".

Minority Leader, these Members are doing things behind your back and at one point when your eyes will---

*(Loud consultation)*

**Hon. Acting Speaker:** Hon. Oyugi I have given you an opportunity--- Hon. Ogeto, one minute we share.

**Hon. Moses Ogeto:** Why one minute.



**Hon. Acting Speaker:** Because you have been mentioned, I will give you to finalize let him start. The Minority Whip.

**Hon. Peter Imwatok:** Thank you Hon. Speaker and it should not go unchallenged or unquestioned that Minority Chief Whip of this County Assembly, when we have a position you must make decisions that befit the party and I have never seen any Member speaking castigating another Member pointed to any relevant Committee. What the Minority Leader has said, in consultation with the Minority Leader the subject to omission of other names like Anne Catherine and Magembe, we should review that and we have agreed with them and the Majority Leader has said that I do a letter from my office to request for Selection Committee.

Hon. Speaker, what will go unchallenged is mentioning our names. If you look at the County Assembly Appointment Act, 2017 it says “*No one should be cross-examined on what he has discussed or done a decision on his part of work*”.

Hon. Speaker, on Order No.14, it is on Ward Development Fund. You can attest to this before you became the Acting Speaker, you were the Majority Whip with me. We had a lengthy discussion on the Committee on Ward Development. This is the Committee that runs Kshs.1.7billion of Development in 85 wards. In this Act, it stipulates that a Member elected from relevant wards must be a Member of this Committee. Looking at these names that I have put here on wisdom, let me go to the substructure of the Motion. Hon.Cecilia Ayot elected from Laini Saba, Hon. Fuad Hussein, Hon. Okello Ruong’o, Hon. Nicholas Okumu, all these Members are elected from respective Wards, where all of us 85 Members who are elected must all put our energies behind them to realize the development of our Wards.

What must be withdrawn, Hon. Speaker from the HANSARD that I and Hon. Deputy Whip can be enemy number one, it is wrong before the HANSARD. We are doing our job and as a Minority Whip, I will not hesitate to realign any Committee with alienation or understanding of the party’s ideals. Therefore, I still stand firm and say as Minority Leader has given directives and Majority Leader and I will write to Selection Committee to look on omissions if any that I can be able to correct. Therefore, we cannot work under stress or any other threats. We will do our job without fear or contradiction. Thank you, Speaker.

**Hon. Acting Speaker:** I will call the mover to reply.

**Hon. Abdi Hassan:** Thank you, Hon. Speaker Sir, I thank the House for supporting the Motion. I beg to reply Hon. Speaker sir.

*(Question put and agreed to)*

## PROCEDURAL MOTION

### EXTENSION OF ASSEMBLY SITTING TIME

**Hon. Abdi Hassan:** Hon. Speaker, I beg to move that pursuant to Standing Order 31 (3) (a), this Assembly resolves to extend its sitting time until the completion of the business in the Order Paper, and I want to ask my Minority Whip to second the Motion.

**Hon. Acting Speaker:** Hon. Minority Whip second the Motion on 31 (3) (a) on an extension of time.

*(Question proposed)*

**Hon. Acting Speaker:** I call the mover to reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir, I want to thank the House for their understanding and support of the Motion. I beg to reply thank you.

*(Question put and agreed to)*

### MOTION

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON POWERS AND PRIVILEGES

**Hon. Abdi Hassan:** THAT, pursuant to the provision of Section 15 of the County Assembly Powers and Privileges Act, 2017 and Nairobi City County Assembly Standing Order 169(1), this Assembly approves the appointment of the following Members to the Select Committee on Powers and Privileges:

1. The Hon. Chege Mwaura, MCA
2. The Hon. Abdi I. Hassan, MCA
3. The Hon. Peter Wahinya Njau, MCA
4. The Hon. Naftali Mathenge, MCA
5. The Hon. Jacinta Wanjiru, MCA
6. The Hon. Margaret Mbote, MCA
7. The Hon. Sylvia Moseiya, MCA
8. The Hon. Geoffrey Odhiambo Majiwa - MCA
9. The Hon. Evans Otiso - MCA
10. The Hon. Patrick Mbangula Musili - MCA
11. The Hon. Carolyne Andisi Mayunzu – MCA

I therefore ask my counterpart to second thank you.

**Hon. Acting Speaker:** Leader of Minority.

**Hon. Elias Otieno:** Thank you, Hon. Speaker. This is a very important Committee. I am seeing the names there and they are equal to the task. So, if you are removed from that Committee maybe you were not doing anything good for yourself. Therefore, I beg to second.

*(Question proposed)*

**Hon. Abdi Hassan:** Thank you, Hon. Speaker Sir, I beg to reply. Thank you.

*(Question put and agreed to)*

**Hon. Acting Speaker:** Motion No. 16.

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON SELECTION

**Hon. Acting Speaker:** Leader of Majority.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir. THAT, pursuant to the provision of Standing Order 164, this Assembly approves the appointment of the following Members to the Select Committee on Selection:

1. The Hon. Abdi Hassan, MCA
2. The Hon. Elias Otieno Okumu, MCA
3. The Hon. Peter Imwatoke, MCA
4. The Hon. James Chege Mwaure, MCA
5. The Hon. Esther Waithera Chege, MCA
6. The Hon. John Kamangu, MCA
7. The Hon. Juliet Ndegwa, MCA
8. The Hon. Charles Thuo, MCA
9. The Hon. Mbugua Kabiru, MCA
10. The Hon. Emapet Kemunto Osongo, MCA
11. The Hon. Michael Ogada, MCA
12. The Hon. Caroline Andisi Mayunzu, MCA
13. The Hon. Mary Ariviza Mwami, MCA

I therefore ask Hon. Ogeto to second. Thank you.

**Hon. Acting Speaker:** Hon. Deputy Minority Whip.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker, as I beg to second this Motion and also looking at the composition of the Membership of this Selection Committee, I believe that the Chairperson for Selection Committee will get the information by engaging with the Members and also inducting the new Members who have come into this Committee.

Hon. Speaker, today I want to congratulate you as the leader of this County Assembly. I want to quote Hon. James Orenge the Senator for Siaya County; *"sometimes the Government can use its own people to stabilize the economy of the Country."*

Hon. Speaker, there is a Member who is not before this House as I do not want to name him, but I want to thank him for recognizing me that I have powers that can make him to be in a very serious Committee. Therefore, as I second this Motion, I want the Hon. Members of this House to respect one another and also to bring decorum for us to be able to make the business of the House to be perfect.

Hon. Speaker, I beg to second.

**Hon. Acting Speaker:** Thank you.

*(Question proposed)*

**Hon. Acting Speaker:** Hon. Maurice Gari.

**Hon. Maurice Gari:** Thank you, Hon. Speaker, before I rise here to support this Motion, I am a person who likes to put things in white and black for all Members to feel that we are all Hon. Members and MCAs by designations. Hon. Speaker, these Committees always come and go, but if we realize like there is a point here like in Standing Order No. 203 (2) on Appointment of Sectoral Committees, that *"A member shall not be appointed to serve in more than two Sectoral Committees"*. It's on the Standing Order and not on order of Hon. Gari.

**Hon. Acting Speaker:** Order, Hon. Gari! We dispensed that issue and the Chairman of the Selection Committee said that if you have issues you raise them with the Committee and they will deal with them. So, now confine yourself with the Motion No.16 Proceed.

**Hon. Maurice Gari:** I want to bring to your attention that you have an adviser who is the Clerk. Before anything reaches this House, it must pass through your table and your Clerk must advise you and it must go through every process because this thing usually goes to HANSARD and any Member of the republic can inquire what went on the Assembly on these dates. Therefore, this means we are coming to Hon. Speaker and your Clerk should have advised you.

**Hon. Acting Speaker:** Order! Hon. Member you are casting your aspersions to the advice I get from the office of the Clerk.

**Hon. Maurice Gari:** Hon. Speaker, I am not accusing anybody.

**Hon. Acting Speaker:** I now therefore direct that you put your complaints in written form and I will deal with them in that level. The mover to reply!

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir, we are not discussing a bill here we are just discussing a report of Selection Committee. I like my good friend Hon. Gari to be conversant with those Standing Orders. We are saying if he has issues then he will channel them through the Minority Leader and the Minority Leader will do a request to Select Committee which we will consider. With those few remarks Mr. Speaker Sir, I beg to reply thank you.

*(Question put and agreed to)*

**Hon. Acting Speaker:** Motion No.17.Leaders of Majority.

#### APPOINTMENT MEMBERS TO THE SELECT COMMITTEE ON LOANS MANAGEMENT

**Hon. Abdi Hassan:** Thank you Mr. Speaker Sir. THAT, pursuant to the provision of Regulation of the Nairobi City County Loans and Mortgage Regulations, this Assembly approves the appointment of the following Members to the Select Committee on Loans Management:

1. The Hon. Abdi I. Hassan, MCA
2. The Hon. James Kiriba, MCA
3. The Hon. Waithera Chege, MCA
4. The Hon. Elias Otieno, MCA
5. The Hon. Peter Imwato, MCA
6. The Hon. Mary Aliviza, MCA
7. The Hon. Ann Catherine Akinyi, MCA
8. The Hon. Wilson Ochola, MCA

Hon. Speaker, I ask my Counterpart to second the Motion, thank you.

**Hon. Acting Speaker:** Leader of Minority.

**Hon. Elias Otieno:** Thank you, Hon. Speaker, I can see this is a very important Committee because it always gives us loans when you want to buy a car or a house. Any time you see a Committee with the

name of Majority and Minority and Chief Whips that's a very important Committee. Therefore, you should always be thankful because this is an important Committee. In the Selection Committee and the Loan Committee, you will find Majority name and mine there. Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Acting Speaker:** I cannot see any request, so the Leader of Majority can come and reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir, I want to take this opportunity to thank the Members of the Selection Committee for doing a wonderful job. Mr. Speaker Sir, balancing these committees it's not an easy work. As you have seen the Motions were many because some feel they are greater than others, they think when you are removed from Transport and then taken to Committee of Loans, the person who has been taken to loans is a less than the other.

Mr. Speaker Sir, I want Members to understand each and every one of us in this House is a Hon. Member either elected or nominated by our respective parties. I also want to tell Members who are still in slumber that the Speaker of the County Assembly of Nairobi is one Hon. Chege Mwaura and it will remain that way.

*(Applause)*

I want to remind my good friends and our counterparts who are few like five of them and who are still dissatisfied that they don't have numbers whatsoever to remove the Speaker. They should live with that because for the next four years if am not wrong, Hon. Chege is going to preside as the Speaker of the County Assembly of Nairobi.

The earlier you come to terms with that the better for you. Thank you and I beg to reply.

*(Question put and agreed to)*

#### VETTING OF THE NOMINEE FOR THE POSITION OF CHIEF OFFICER, ICT SECTOR

**Hon. Acting Speaker:** Motion No. 18. The Leader of Majority! This is for the chairperson, Committee on Energy and Information Communication Technology. Is the Chairman here? Okay, proceed!

**Hon. Abdi Hassan:** That, this Assembly adopts the Report of the Sectoral Committee on Energy and Information Communication Technology on the vetting of the Nominee for the position of Chief Officer, ICT Sector, laid on the table of the Assembly today, Wednesday, 17th October 2018.

Mr. Speaker Sir, I will urge my good friend and counterpart to support this Motion.

**Hon. Acting Speaker:** Leader of Minority.

**Hon. Elias Otieno:** Mr. Speaker, I think because we have already exhausted some of the issues and as I can read the mood of the House and also as I second the Motion I will also ask one member to call the mover to reply. Thank you.

*(Question proposed)*

**Hon. Acting Speaker:** Since I cannot see any request, I will call the mover to reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir, I want to take this opportunity to congratulate the Committee of ICT for doing a wonderful job. The Member who has been adopted by this Committee is a member of a distinguished university and I can see his CV is rich and I would like to thank the Members for supporting this Motion. With those few remarks Mr. Speaker Sir, I beg to reply.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Acting Speaker:** Hon. Members we have successfully concluded the business of the day, I will now ask for an adjournment until tomorrow Thursday 18<sup>th</sup> October, 2018 at 2:30 p.m.

**The House rose at 5.11 pm**