



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 7th August, 2018

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon members I know I have two communications to make but I will start with one; just to inform the house that I received a petition from a member of the public Mr. Daniel Kuria Ngarui on behalf of the people of Nairobi pertaining to the matter of the Nairobi County Service Board and I want to assure the citizens of Nairobi and the petitioner that I will present the petition and the Assembly will be able to give you the answers within a week, thank you.

PAPERS

Hon. Speaker: Majority Leader?

Hon. Abdi Hassan: Thank you madam Speaker. Pursuant to Public Finance Management Act 2012, 163 (1) I beg to lay the following papers to the Table of the Assembly today Tuesday 7th August 2018, the Nairobi City County Assembly Government Consolidated Reports and Financial Statement for the quarter ended 30th June 2018, thank you.

Hon. Speaker: Chair, Labour Committee?

Hon. Jared Ondieki: Thank you Madam Speaker, I am not the Chair but I am acting on behalf of the Chair and the Committee. Pursuant to Standing Order 139 (6) I beg to lay the following paper on the Table of the Assembly today Tuesday 7th August 2018, the report of the Sectoral cCommittee on Labour and Social Welfare on the induction workshop held at Sawela Lodge from 16th to 19th November 2017, thank you.

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Hon. Speaker: Thank you. Chair, Energy Committee?

Hon. Osman Adow: Thank you madam Speaker. Pursuant to Standing Order 19 (6) I beg to lay the following paper on the Table of the Assembly today Tuesday 7th August 2018, the report of Sectoral Committee on Energy, Information and Communication Technology on the eJiji pay revenue collection and management system, thank you.

NOTICES OF MOTION

Hon. Osman Adow: Thank you Madam Speaker. I beg to give notice of the following Motion: That the Assembly adopts the report of Sectoral Committee on Energy, Information and Communication Technology on the eJiji pay revenue collection and management system laid on the Table of the Assembly today Tuesday 7th August 2018.

Hon. Speaker: Hon Mberia do you have an issue?

Hon. David Mberia: Yes Madam Speaker I rise on Standign Order 56 (h) to move a Motion on a question of privilege.

Since I rose on this matter regarding payment of Members' salaries for those Members who served in the first assembly and served a full term as contemplated in the Constitution, and have since been reelected. The Chair has never come back to the House with a response as promised.

Hon Speaker in the same fashion you will recall the court stayed SRC gazette salaries and benefits of Members of the Second Assembly which saw our salaries go back to where they were before. But ever since the ruling was made I have never been paid. Please guide Madam Chair, thank you.

Hon. Speaker: Hon. Mberia I am aware of that and I know the first question was about privileges and salaries and the other was why the insurance was terminated yet it was supposed to stay a full year. I can see the Majority Leader is here, he is a member of the Board and we will sit down tomorrow and I promise on Thursday we shall have answers to all those questions.

Hon. David Mberia: Much obliged Madam Speaker, thank you.

STATEMENTS

PERSONAL STATEMENT

Hon. Peter Imwatok: Speaker I was looking for my card and I have found it! Can I use this one or I put on mine?

Hon. Speaker: No you have to proceed because you decided to be Patrick!

Hon. Peter Imwatok: Madam Speaker and Hon. Members allow me to move personal statement pursuant to Standing Order 89.

Hon. Peter Imwatok: I beg to give a personal statement regarding my own personal security. Section 8 of the County Assemblies Powers and Privileges Act 2017 gives Members of the County Assembly freedom of speech and debate while executing their triple bottom-line of representation, legislation and oversight. As a member of the County Assembly of Nairobi City representing Makongeni Ward I wish to bring to both your attention and the attention of the House at large the unbecoming and constant threats to my personal security.

Hon. Speaker, as I address you this afternoon my life is in danger for reasons directly touching on the execution of my mandate. Hon. Speaker, over the weekend I was accosted by the Governor's cronies after the Governor said that I was a prisoner in waiting and that I had masterminded the death of one lawyer whose body is currently lying at Umash Funeral Home. Hon. Speaker, this comes after numerous threat calls on my personal line asking me to stop talking ill about the current status of the County or else I will suffer the consequences. Hon. Speaker, again this morning as I was passing by 680 hotel next to Java Inn three young men confronted me calling me names "*jateso, jateso, wewe ndio unatusumbua?*"

I requested that they approach me and we address the misconception but instead they fled telling me that they called me last time but I did not listen, "*wachana na Governor*". Hon. Speaker, I am being victimized together with other members of this Assembly for speaking out on the floor of the House on issues affecting the County Government on the floor of the House. Hon. Speaker, I now seek for the House to intervene in this matter but I do not want anyone to take this on a personal or political line. Madam Speaker, you can remember last time when we debated a Motion here which was supported well by my Majority Leader and which was brought to the floor of the House by *Mweshimiwa* Bishop on the state of affairs in the County Government.

I also remember a call was put through when I was standing with you in front of your own office and I put the phone loudspeaker on and there was a guy threatening and asking me whether I love my children. The same kind of call came again this weekend and again today morning as I was walking from my private office, - I have two private offices in this town – and somebody followed me and threatened me again. Madam Speaker, as a House I believe that we can differ in ideologies but we will never go well on personal issues... There is a video circulating all over this country...

Hon. Speaker: Hon. Whip, are you repeating the statement or are you speaking on it again because you know very well that you just have to read what is on your paper...

Hon. Peter Imwatok: I have read it, Madam Speaker.

Hon. Speaker: There are two things, Hon. Whip. I know you gave it to the technical team to assist you with it but when I hear you say '*the cronies of the Governor...*' You know when you mention the words *cronyism* and *Governor* it means that you know them and you are in a position to substantiate that these people who are threatening you are the people of the Governor.

Hon. Peter Imwatok: Thank you, Madam Speaker. At least I now have my own card. Madam Speaker, the tone of anyone speaking before us depends on who is speaking. When I was told '*wachana kusumbua Governor*' it was very clear that was somebody who knows our Excellency the Governor. However, I am not saying that the Governor had sent him, what I am saying is that my life is at risk on utterances alluded by the Governor himself. Somebody might take advantage of the utterances and that is why I am saying that my life is in danger without exclusively pointing at the Governor of the City and anyone else who could take advantage of this.

Madam Speaker, that is why I am saying now that as the Speaker and as a House it is very important to bring it before the floor of the House and more importantly, the allegation on the video that is circulating across the country where the Governor himself spoke vehemently on it saying that I have killed somebody

who is a lawyer and who is currently lying at Umash Funeral Home. Madam Speaker, this is really very unbecoming especially for my family and my entire electorate in Makongeni. Thank you.

Hon. Speaker: I will present it to the leadership because it cannot go to any other committee but only to the leadership of the cabinet. Let me hear my Majority Leader.

Hon. Abdi Hassan: Thank you, Madam Speaker. In the Standing Order my good friend, brother and able Whip that we take the security of our Members very seriously and as the Majority Leader of this House I will take up that matter and I am sure that we will resolve that matter amicably, Madam Speaker. Thank you.

Hon. Speaker: Hon. Millicent, you wanted to clarify something?

Hon. Millicent Mugadi: Madam Speaker, sorry for addressing the House while I am seated, my legs are very swollen so I am just begging the House to understand me. I wanted to advise the House on one thing. I have realized that there are a lot of issues coming up between Members and His Excellency our Governor but Madam Speaker, I would also like to advise the Members to watch out on how they are addressing the Governor and let us have a boundary between work and personal issues. Madam Speaker, we cannot be on Whatsapp or going outside attacking the Governor on his personal lifestyle or personal life, he is also human and it is embarrassing. Let us stick to what has brought us here and what we feel is our obligation to Nairobi residents. I feel sorry for *Mweshimiwa* Imwato, however to avoid such issues we need a lot of wisdom. Let us keep the personal lives of others outside and focus on our leadership attributes. Thank you.

Hon. Speaker: Hon. Members, I believe the Governor is doing his work. Our work is on oversight. This matter of dragging the Governor into personal issues and whatsapps where information can be retrieved is not good. I plead with you Hon. Members to go to the Governor to work and once you are done doing that, do not fill your whatsapp with other issues. Go there not in the name of the Majority Leader or the Speaker but as a nominated or elected member to work for the people of Nairobi. Let us cease dragging the Governor into personal matters that do not relate to this House. On the issue of the Minority Whip I believe that the Majority Leader is going to deal with it but on this other matter that Hon. Millicent has raised then I wish to say that the Governor is a family man and a father of many in Nairobi. He deserves respect as the Governor.

COMMUNICATION FROM THE CHAIR

OBSERVANCE OF HOUSE RULES AND ADMISSION OF STRANGERS WITHIN ASSEMBLY PRECINCTS

Hon. Speaker: Hon. Members, I will go back to my communication. I know that Hon. David Okello is out on official duty and therefore we will defer that Motion until he comes back. Hon. Members, the Chair is in receipt of various complaints from Hon. Members regarding the breakdown of the observance of House rules and admission of strangers within the Assembly precincts. Indeed the Chair has observed with disbelief the extent of the breaches complained of and must accordingly act to remedy the situation for two key reasons. Firstly to protect the security, safety and welfare of all Members and secondly to safeguard the dignity of the precincts of the Assembly.

Hon. Members, the admission of strangers or the public into the Assembly precincts is provided for under the Speakers rules in the County Assembly Standing Orders. The Standing Orders and indeed the Speakers rules similarly provide for the conduct of the members of the public upon admission. Responsibility for their presence within the precincts and recourse of the Assembly to admit a member of the public is in breach of Assembly rules and privileges.

Hon. Members, the County Assembly powers and privileges Act 2017 under section 2 provides for the definition of the precincts as further demonstrated under Standing Order 2 whose definition includes amongst other things all the area of land and every building or a part of a building under the County Assembly's control including all the parts of the buildings in which the chambers are situated including the entrances, fore courts, yards, gardens, enclosures or open spaces.

This naturally extends to the car park and any other spaces so used by Assembly committees for purposes of meetings whether within the physical location of the Assembly or without. As is the practice across the Commonwealth, the precincts of Parliament or the Assembly as the case may be are under the control and management of the presiding officers who may subject to any order of the House, take any action they consider necessary for the control and management of the precincts. This obviously includes orders of the maintenance of security of Members and staff within the precincts.

Hon. Members, the Chair is alive to the fact that security of Assembly precincts and of Members brings into conflict two principle basics to parliamentary traditions and usages. On the other hand there is undeniable right of people in a parliamentary democracy to observe the Assembly at work and to have reasonable access to their representatives. Likewise, Members and staff of the Assembly must be provided with conditions which will enable them to perform their duties in safety and without interference. This is basic to the operations of the Assembly and a balance must be struck between these two important principles.

For the foregoing reason, the Standing Orders and the Speakers rules provides elaborately how this balance is to be maintained. Rules 23 of the Speakers rules provides that the word public will refer to and mean a person who is neither a Honorable Member nor an officer or other employees of the County Assembly. Further, rule 31 provides that no public shall without special permission be admitted into or allowed to remain in any part of the County Assembly precincts or garden unless such public is in possession of a card of entry to the precincts bearing that days date issued to her and signed by the designated officer of the County Assembly or a card for the business entry signed by the Honorable Speaker or the Clerk.

Under rule 32, no public shall without special permission be permitted to remain in any part of the County Assembly building or garden other than the reception in the main hall or in the visit centre unless he or she is attended by a Member or an officer of the County Assembly or has an entrance card.

Hon. Speaker: ---Holders of cards for the day must at all times be attended by a Hon. Member while within the precincts. The public seeking audience with a Member or an officer of the County Assembly must not only obtain the necessary entrance card but must always wait in the reception until escorted in accordance with rule No.3.

Rule No.39 provides that no public shall, without special permission enter or be allowed to remain in any part of the County Assembly or gardens after 8:00 p.m or shall any Hon. Member or an officer of the County Assembly, without special permission, admit or keep two or more public guests after 6:00 p.m.

Hon. Members are responsible for the continued good conduct of any public whom they bring to the precincts till the departure from the precincts. For such public, the good conduct of the public is expected in the gardens and Member's car park. The public who only wish to tour the precincts of the Assembly and the gardens will be admitted without entrance cards at the scheduled hours when the County Assembly is not sitting provided that they are escorted by staff.

As regards to the car park, rule No.27 provides that no public may without special permission enter or remain in the Members' car park unless such public is accompanied by a Member or an officer of the County Assembly or the authorized driver of a Member, of an officer of the County Assembly, of a senior County or National government official in possession of a card for entry to precincts and actually driving or in charge of a car bearing the official County Assembly car pass or a member of the diplomatic corps, a governor or other distinguished visitors in flag or the driver of such car. Further, rule No.28 bars any vehicle other than an official County Government vehicle a flag car or a self-driven taxi will be admitted into the Members' car park unless it bears the official County Assembly car pass on its screen.

Accordingly, and following from the foregoing, and to protect the dignity of the Assembly precincts and the security of Members and officers of the County Assembly, I will now proceed to issue directions on the admission of strangers to Assembly precincts, conduct of the said strangers and arising issues:

1. No member shall be allowed admission of more than two guests at any time, and all such guests shall be subjected to vigorous security checks and issued with badges accordingly.
2. All members of the public so admitted shall strictly access the Assembly precincts through the public gate opposite KICC.
3. No member of the public shall be allowed to access the precincts through the gate designated for the admission of Hon. Members, being the gate on Wabera Street.
4. No member of the public shall be allowed admission to the Member's lounge
5. Members shall be responsible for the public so admitted and shall stay with the said member of the public at all times when within the precincts
6. No car shall be allowed to park at the Members' car park unless such car bears an original certified parking sticker issued by the County Assembly Service Board
7. No persons shall be allowed to idle or loiter at the Members' car park unless so authorized for purposes of carrying out meetings with the Hon. Members or such other activities as car wash etc.
8. No member of the public shall be admitted to Assembly precincts without proof of admission as evidenced by an entry card so issued
9. Serjeant-at-Arms to make arrangements to man both gates at the parking from 6:00a.m to 6:00p.m forthwith with admission to the car park strictly on the basis of the directions here now issued.
10. Serjeant-at-Arms to make arrangements to place clear signage indicating public entry gate and the Hon. Members entry gate to precincts and additional signage at the parking restricting unauthorized access.

It is so directed, thank you. Yes, Majority Leader.

Hon. Abdi Hassan: I am sorry, I am not allowed to speak after you have given direction, but with your indulgence, Hon. Members who have not been successful to defend their seats are still Hon. Members.

I think they should be allowed to come within the precincts of the Assembly and also to park at the parking lots. I wanted clarification on the same. Thank you

(Applause)

Hon. Speaker: I agree with you. Indeed, that is the traditional practice. Even in parliament today, I am allowed to park there. I have a sticker of the parliament. Therefore, I order that former Hon. Members should be given stickers. I also order they can come in to the precincts but they are not allowed to come with visitors. They have to follow due process.

ADJOURNMENT

Hon. Speaker: There being no any other business, I hereby adjourn the House to tomorrow, Wednesday, August 08, 2018 at 2:30 p.m. We shall have House Business Committee meeting after this.

(The House rose at 3:30p.m.)