



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday, 13th February, 2018

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Clerk, proceed!

COMMUNICATION FROM THE CHAIR

WELCOME FROM THE LONG RECESS AND BUSINESS AHEAD

Hon. Speaker: Hon. Members I want to welcome you back from your long recess. I have the following communication to make: Hon. Members, welcome back from the long recess and festive season. I trust you all had a wonderful and fruitful break together with your families and electorates. I also want to believe that you all commenced the year well. It's good to have you all back.

Hon. Members, today, we resume our sittings for the Second Session of the Second Assembly of the Nairobi City County Assembly with a number of businesses ahead.

CONSIDERATION OF THE COUNTY INTEGRATED DEVELOPMENT PLAN - CIDP

Hon. Members, as you may be aware, the County Integrated Development Plan for Nairobi City County has been forwarded by the County Executive Committee Member in charge of Planning and shall be subsequently tabled in the House pursuant to the provisions of Section 126 of the Public Finance Management Act, 2012. The County Integrated Development Plan contains; the strategic priorities and plans for the medium term, details of the programs to be delivered together with the allocated budgets therein, payments to be made on behalf of the County Government, description of the significant capital developments among others.

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Hon. Members, County Integrated Development Plan is a very essential document, it guides all key development in the County for the next five years, hence it is prudent that an intensive scrutiny on the document is conducted by Members with necessary recommendations to ensure relevant projects and programs are well prioritized and budgeted for.

CONSIDERATION OF THE COUNTY FISCAL STRATEGY PAPER – CFSP

Hon. Members, also to remind you, the Assembly will be considering the County Fiscal Strategy Paper which is required to be submitted to the County Assembly by the County Executive Committee for approval as provided for in Section 117 (1) of the Public Finance Management Act, 2012.

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

VETTING OF THE CHIEF OFFICERS BY THE SECTORAL COMMITTEES

Last but not the least, Hon. Members, you are all aware that, one of the functions of the Sectoral Committee is to vet and report on all the appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order No. 196 (*Committee on Appointment*).

Hon. Members, in that regard, the Assembly is yet to receive nominees for the positions of Chief Officers for vetting and as such, directions on the same shall be issued once the Assembly receives the names.

Hon. Members, you are therefore encouraged to continue working with diligence you have exhibited in executing your mandate for the benefit of Nairobi residence.

I thank you Honorable Members. Thank you. Next Order!

PAPERS

Hon. Abdi Hassan: Pursuant to Article 216 (5) of the Constitution of Kenya 2010, I beg to lay the following paper on the table of Assembly today Tuesday 13th February, 2018: The recommendation by the Commissioner of Revenue Allocation on the basis of equitable sharing of revenue between National and County Government for the financial year 2018/2019. Thank you.

NOTICES OF MOTION

RENAMING OF PUBLIC ROADS

Hon. Speaker: Hon. Osman!

Hon. Adow Osman: Thank you Madam Speaker, I wish to give notice of the following motion that aware that streets and roads in the County have from the past been named after distinguished individuals who have played outstanding contribution to our today's society, further aware that in renaming of public roads after such great and legendary contributors, it bestows honor and gratitude for their deeds;

Noting the great contributions of the late Dr. Geoffrey William Griffin (1933– 2005)...

Hon. Speaker: Order! Hon. Warutere! Order Osman! Just a minute! Hon. Warutere you will go back and bow and cross kindly.

Hon. Adow Osman: I will continue from where I left. ... who [Dr. Geoffrey William Griffin] was the founder of Starehe Boys Centre and School (1959), founding Director of the National Youth Service – NYS (between 1964 and 1988) and not forgetting his dedication in improving the lives of youth in the Country by educating tens of thousands through sponsorship; concerned that such heroes haven't had such recognition for the great work and role they played, this Assembly urges the Nairobi City County Government to rename the current Ring Road Ngara to be "Dr. G.W Griffin Road" in recognition of his efforts and great contributions to the County and Country at large. Thank you.

Hon. Speaker: Hon. Bishop I saw you. Do you have a notice of motion?

HARASSMENT AND SECURITY OF MEMBERS OF THE COUNTY ASSEMBLY

Hon. Antony Karanja: Thank you Madam Speaker, I wish to move the following motion. Hon. Speaker pursuant to provision of Standing Order 34 I wish to seek leave that the House adjourns to discuss on the harassment and security of Members of the County Assembly precisely the Sectoral Committee on Transport and Public Work in execution of their mandate.

Hon. Speaker, the former Kamukunji MP, Hon. Simon Mbugua, currently associating with the Office of the Governor has in a number of occasions been threatening Members while executing their duties. Recently, Hon. Speaker, Mr. Simon Mbugua has also been using goons to threaten Members as was the case with Hon. Peter Warutere, MCA for Roysambu Ward and Member of the Transport Committee.

Hon. Speaker, recently, while Hon. Peter Warutere was leaving the Assembly precincts, he was followed by a number of suspicious looking people who confronted and told him; "*usipoacha kupiga Symo, tutahakikisha hio Bunge hautakanyaga*"

Hon. Speaker, also during recent committee workshop in Mombasa with H.E. the Governor, Mr. Simon Mbugua was spotted insulting the nominated County Executive Member in charge of Water and exchanging insulting words with the County Officers.

Hon. Speaker, it is not clear under which capacity is Mr. Simon Mbugua associating with the County Government of Nairobi. Hon. Speaker, his unbecoming behavior is affecting service delivery in the County and cause unnecessary friction in the County Executive. His interest is indeed not clear.

(Several members stood up to support the motion)

Hon. Speaker: Okay Clerk I can see they are beyond 20. I agree with that and after the last business that we are going to have I will give Hon. Antony to do a substantive move on the same. Thank you Hon. Members.

(Loud Consultation)

STATEMENTS

REPORT OF AUDITOR GENERAL ON FINANCIAL STATEMENT OF NAIROBI COUNTY

Hon. Speaker: Chair PAC! Proceed.

Hon. Wilfred Odalo: Thank you I rise to seek your intervention regarding the constitutional timeline to the business before Public Account Committee. Hon. Speaker, as you are aware Article 229 of the Constitution provides that within three months after receiving report of the Auditor General, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

Hon. Speaker, as you are further aware the report of Auditor General on financial statement of Nairobi City County Assembly for the year ended 30th June, 2016 and the Report of Auditor General on financial statement of the Nairobi City County Executive for the year ended 30th June, 2016 were tabled on 7th November, 2017 and therefore committed to PAC for consideration and reporting.

Hon. Speaker, the committee was supposed to have concluded the consideration of the two reports and table the reports before 7th February, 2018 which is within the three months' time line set by the Constitution.

However, Madam Speaker, as you are aware during the better part of October and November last year we were going under transition both in the Assembly and Executive and the Committee were still been constituted and members going under induction. In addition most of the committee were affected by long December recess as such the committee was not able to dispense with the two reports within the required timeline.

Hon. Speaker, I therefore wish to seek your indulgence and allow us one more month until March 22nd 2018 to enable us to conclude consideration of the two audit reports and subsequently table the report. Thank you Madam Speaker.

Hon. Speaker: Okay Chair I realize that your mandate is within the law as I even give you one month, I am hoping that within that one month you will finalize because you know very well there is a mandate that it is within the Act. So I give you one month and I hope you will finalize everything and table the report.

Hon. Wilfred Odalo: Most obliged.

Hon. Speaker: Okay. Next order!

MOTIONS

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON ASSEMBLY BUSINESS

Hon. Speaker: Hon. Abdi Hassan!

Hon. Abdi Hassan: Thank you Madam Speaker, that, pursuant to the provisions of Standing Order 163(1), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business in addition to those specified under paragraphs (a), (b), (c), (d), (e) and (f): -

1. The Hon. Beatrice Elachi, MCA – Speaker and Chairperson.
2. The Hon. John Kamangu, MCA – Deputy Speaker and Vice Chairperson.
3. The Hon. Hassan I. Abdi, MCA – Leader of the Majority Party.
4. The Hon. Elias O. Okumu, MCA – Leader of the Minority Party.
5. The Hon. Chege Mwaura, MCA – Majority Party Whip.
6. The Hon. Peter Imwatok, MCA – Minority Party Whip.
7. The Hon. James K. Kariuki, MCA.
8. The Hon. Waithera Chege, MCA.
9. The Hon. Millicent Mugadi, MCA.
10. The Hon. Patricia Musyimi, MCA .
11. The Hon. Anthony Kiragu, MCA.
12. The Hon. Peter Warutere, MCA.
13. The Hon. John Kamau, MCA.
14. The Hon. Wilfred Odalo, MCA.
15. The Hon. Rose A. Ogonda, MCA.
16. The Hon. Moses Ogeto, MCA.
17. The Hon. Michael Ogada, MCA.
18. The Hon. Mary Alivisa, MCA.
19. The Hon. Osman Khalif Abdi, MCA

Madam Speaker, for this House to have business we have to approve the House Business Committee (HBC) Madam Speaker, I will ask my counterpart to second the motion. Thank you.

Hon. Elias Otieno: Thank you Madam Speaker. I beg to second the Motion because it is very important for us to start business of this year. So it is upon the House to approve the names because this committee is being constituted every year, so if you don't perform in this committee next year we are still going to do the same. It is very important for us to know what our role in this Assembly as a committee is and also you must avail yourselves not only in this committee, but in every committee.

As much as so many people are complaining about the committees they are in now, we are going to give them these committees and they must attend committees for the Chairmen to have hard time to transact the business of this Assembly. Thank you and I second the Motion.

(Question proposed)

Hon. Speaker: Hon. Chege.

Hon. Chege Mwaura: Thank you very much Madam Speaker and a Happy New Year to all of us. Madam Speaker, I rise to support this Motion because it signifies the start of business. As much as I also want to be brief, I want to take this opportunity to ask members, this year, because now Members are six months old in the Assembly that this is time for us now to generate enough business so that House Business can also churn business for this August Assembly. With those very few remarks, I beg to support, thank you.

Hon. Speaker: Hon. Anthony Kiragu, do you want to discuss on this? Hon. Ogeto.

Hon. Moses Ogeto: Thank you Madam Speaker. I want to second this motion [especially] now that in the last Assembly they used to say gender balance. Now that it happens that you are the Chairperson of this committee, the gender won't be something serious. Madam Speaker, looking at the composition of these Hon. Members, these are men and women who will be able to deliver before this House, Madam Speaker. The composition of this committee has taken the interests of those even who come from North Eastern like Osman Kadir.

Hon. Osman Adow (*Inaudible*)

Hon. Moses Ogeto: Madam Speaker---

Hon. Speaker: Order *Mheshimiwa* Osman! This is not a market place where we are doing--- you know what to do!

Hon. Moses Ogeto: Madam Speaker that is why we are saying that people must be taken to learn at what point they need to shout to each other. This is not a market place. Madam Speaker---

Hon. Osman Adow: Point of order!

Hon. Speaker: I haven't given you Osman, can you proceed.

Hon. Moses Ogeto: Yes, Madam Speaker thank you for protecting me from this old man who want to interfere with---?

Hon. Speaker: Order! Withdraw, he is a *Mheshimiwa*.

Hon. Moses Ogeto: Madam Speaker---

Hon. Speaker: Withdraw Hon. Ogeto. Withdraw the word "mzee". He is a *Mheshimiwa*, you need to respect that.

Hon. Moses Ogeto: Madam Speaker, I withdraw the word "old mzee" and replace with 'old Member' of this House. Madam Speaker it is good to respect age because when we say that, we don't mean to hurt them. Madam Speaker the composition of this committee has been created very well and these men and women will be able to make the business of this House to be very hopeful and encouraging. I support, Madam Speaker.

Hon. Speaker: Thank you.

(*Applause*)

Hon. Osman Adow: Madam Speaker, I just want to correct him that I, Osman, comes from Western Kenya and not from North Eastern. I was born and raised in Western Kenya, I have never settled in Northern Kenya. That is all I wanted to say.

(*Laughter*)

Hon. Speaker: Order! Hon. Osman I think we respect every person living anywhere in this country. So he is a Kenyan. Is there any other person?

(*Question put and agreed to*)

Hon. Speaker: Hon. Anthony Kiragu, you can proceed now with [Motion] ---?

HARASSMENT AND SECURITY OF MEMBERS OF THE COUNTY ASSEMBLY

Hon. Anthony Kiragu: Thank you Madam Speaker for this opportunity and for granting my request for adjournment on definite matter. I wish to move the following Motion: Hon. Speaker pursuant to provision of Standing Order No.34, I wish to seek leave that the House adjourns to discuss on the harassment and the security of the Members of the County Assembly precisely the Sectoral Committee on Transport and Public Works in execution of their mandate.

Hon. Speaker, the former Kamukunji MP, Hon. Simon Mbugua currently associating with the office of the Governor has on a number of occasions being threatening members while executing their duties. Recently Hon. Speaker, Mr. Simon Mbugua has also been using goons to threaten members as was the case with Hon. Peter Warutere MCA for Roysambu and a member of the Transport Committee.

Hon. Speaker, recently while Hon. Peter Warutere was leaving the Assembly precinct he was followed by a number of suspicious looking people who confronted and told him and I quote; “*usipowacha kupiga Simo, tutahakikiksha hiyo Bunge hautakanyaga*”. Hon. Speaker also during a recent Committee workshop in Mombasa with H.E the Governor, Mr. Simon Mbugua was spotted insulting the County Executive member in charge of Water, and exchanging insulting words with the County officers.

Hon. Speaker it is not clear under what capacity under which Hon. Simon Mbugua associate with the County government of Nairobi, his unbecoming behavior is affecting service delivery in the County and cause unnecessary friction in the County Executive. His interests are indeed not clear. Madam Speaker I may not have authority as a member of this Assembly to proof or to have documents or even to give weight to some of these allegations but the Hon. Member, Hon. Peter Warutere, is here and he will elaborate on what I have put in my statement. But you are also aware that the said Hon. Mbugua is a Member of the East Africa Legislative Assembly who should be based in Arusha not in Nairobi but is seen in the corridors of City Hall issuing illegal orders to officers, harassing and pushing them to do things they are not even sometimes allowed to do. He is closely associated with illegal impounding of vehicles that have delayed or failed to pay parking.

If the members of this Assembly have seen vehicles that are nowadays designed to lift your vehicle when you delay, even if the systems have failed but you have not paid parking, he is associated with those vehicles. Madam Speaker we are coming from a very disturbing season of politics and cartels and I think in the process that the Governor is requesting that we help him finish the cartel, then I think another one is coming and it is better that we deal with it now not later.

Madam Speaker I am also aware that anybody who has walked in the CBD on Friday, Saturday and Sunday have seen illegal markets in the parking. Madam Speaker I understand that if you want space in these markets you have to see the said Simon Mbugua. As the Chairman of the Planning Committee, I also understand that he is also involved in the harassment of developers and contractors in the city. As late as Thursday last week Madam Speaker, there was a physical confrontation between County security and goons associated with Hon. Simon Mbugua. I would hate to see any of these members intimidated, cowed or harassed to the point that they can no longer perform their legislative role that has been bestowed upon them by the people of Nairobi and the Constitution.

In the last Assembly Madam Speaker, we had a similar case where one Hon. Sam Nyang'wara was harassed and was on a daily basis harassed by goons outside this Assembly to a point that the Speaker organized for the Member of the Assembly to be escorted to his house and back by two land-rovers of GSU; it was that serious. Madam Speaker we cannot allow these things to get that serious that we will feel as members of this Assembly we are not free to make decisions or to make laws that affect this city and this County. Madam Speaker as the leader of this Assembly, with the Majority Leader and the Minority Leader we would request that on behalf of these members you would kindly ask the Governor to either tell us what this man is doing in that office, why he is attending cabinet meetings and he is not even part of this Assembly.

Recently in Mombasa as I had stated, I may not want to speculate but I am also aware that we do not have a Deputy Governor and it happened after the meeting in Mombasa and with this kind of behavior, I don't think it is far-fetched to speculate that may be he is one of the reasons why we do not have a Deputy Governor in this city. Madam Speaker with that said, if security of one member is threatened, we are all threatened and this is the time to wake up and request that we be assured that we would be free and able to do our work. I would like to beg that Hon. Njihia to second my Motion.

Hon. Abraham Njihia: *Asante Mheshimiwa Spika, ninasimama kuunga huu mswada kwa sababu kumekuwa na mambo mengi ambayo yamekuwa ikifanyika, sijui nisema kwa corridor of power. Kuna vitu ambavyo vimekuwa vikifanyika, kama mimi niseme ni chairman was Culture and Social Services committee but nikienda kwa yule mtu alikabidhiwa jukumu ya chairman ama mwenyekiti wa Liquor board, nikienda kwake, anasema hana nguvu, nguvu yote iko na Simon Mbugwa. Nafikiri mmekuwa mkiona kuna bar zinafungwa, kuna raids na mimi kama mwenyekiti anahusishwa na hiyo idara sijakuwa na msemu. Kamati yangu inanipika. Juzi tukiwaka wale watu wanawakilisha Nairobi County kusimamia kama chairman ward 17, sisi kama kamati hatukuhusishwa na tukienda kuuliza unaambiwa hiyo kamati imewekwa na mtu anaitwa Simon Mbugwa. Sasa tunauliza na tunataka tujue kazi ya Simon Mbugwa katika assembly ya Nairobi ni gani?*

Madam Spika bwana Simon Mbugwa amakuwa na nguvu nyingi mpaka wakati sisi kama wabunge tunapoitwa mkutano, kwa mfano juzi tulikuwa Rainbow resort Ruiru tulishtuka sana tukiona Simon Mbugwa akikuja akitu address kama waheshimiwa ambayo sio jukumu lake na nafikiri members wote wliona. Sasa tunataka leadership ya assembly, the Majority Leader, tunakutuma kazi kwa Gavana atuambie Simon Mbugwa ni nani, kwa sababu sisi tumekuwa tukisoma kwa mtandao na magazeti na tumeona kwa runinga Simon Mbugwa amateuliwa katika bunge la Afrika Mashariki na Kati na sisi tunaomba tupatiwe space, tupatiwe nafasi tutekeleze wajibu wetu ambao tulipewa na wananchi wa Nairobi.

Mheshimiwa Spika ukienda kwa hizi maofisi nyingi, juzi kuna zingine zilikuwa zimefungwa kama ofisi ya rates, Planning kumekuwa na shida, kuna Legal pia. Saa hii ukienda kama jana asubuhi nilikuwa na chairman wa Justice and Legal Affairs, Agriculture, Trade. Ukienda kwa hizo ofisi unasikia kuna mtu moja ana nguvu pekee yake. Hata hao wanafanya kazi zao kwa uoga. Kwa hivyo madam Spika na leadership ya assembly tunataka mtuchunguzie na mtuambie hii nguvu yenye watu hawakuchaguliwa na wananchi inatoka wapi? Na sisi tupewe space tuweze kufanyia wananchi wa Nairobi kazi. Asante Mheshimiwa Spika. So I stand to second.

Hon. Speaker: Hon members I rise on Standing Order 34; I request we restrict ourselves on the issues raised not the personality or the person in discussion.

(Question proposed)

Hon. Speaker: Hon. Herman you want to speak on it?

Hon. Peter Imwatak: Hon. Speaker, on behalf of Herman who has a cough - he might not be able to speak but he has given me authority and powers to speak on his behalf...

Hon. Speaker: Order, order, order...Hon. Imwatak! Hon. Herman, you will stand and bow and sit.

(Hon. Herman Azungu stood, bowed and sat)

Now am giving Hon. Imwatak a chance but not as Herman.

Hon. Peter Imwatak: Thank you madam Speaker for this opportunity. I have stood as first person because I feel for *Mheshimiwa* Warutere. As far as I know he speaks much but in another world he is the biggest of cowards. He is being threatened and it's me to stand for him now. Madam Speaker on our opposition side I think it is time we put things clear. I think the Parliament vetted one Simon Mbugwa to be member of EALA and currently he is the chairman of members of EALA on the Kenyan side.

I see from his posts of Facebook updating the nation any progress on EALA. Now Madam Speaker while we were in Ruiru I was also kind of shocked when we he said 'I am the worker *wa mkono wa Governor*'. I was kind of *waaah!* What about the interest of Kenyans? It is not about a constituency now. EALA is the interest of entire Kenya from Turkana to Isiolo to Marsabit to Teso to Migori to Homabay. It is vested on one Simon Mbugwa in Arusha. Madam Speaker as much as we may speak only on issue of Simon Mbugwa there are more than 100 Simon Mbuguas on the other side.

The mover of the motion has just spoken about the security of the staff. I have always said this is turning into a county called a recording county because the staffs are afraid of every face they don't understand currently as it stands. This is because the county has turned into a recording county but not a moving county because anyone who can shake the Governor's hand pretends as a special programmes minister for the Governor. Or either a secret service or an intelligence officer or a special programmes officer just like Simon who now purports to be the designate deputy Governor or special minister with special duties. We don't understand this!

Therefore to the mover and the seconder of the motion, when a name has been brought before this house it is not a begging spree that 'kindly tell the Governor'. It is the resolution of 122 members of the assembly who are backed by 2 million registered voters. That one Simon Mbugwa must proceed to Arusha where he has an office, where he has a duty on behalf of Kenyans to execute in Arusha and more so the Governor should come clean and tell us what is the job description of this guy. I remember when the Governor moved in the Majority Leader you can remember this; there is a team of guys who went to cash office and some of them were still suppliers of the county. They turned immediately and because advisers of the Governor. So madam Speaker it is not only this I meant.

There are more Simons on that aisle more than the Simon we are discussing here. Therefore the Governor must come out clean and tell us through the County Secretary who are the staff of the Governor. I was just talking to our director this afternoon and he told me 'Mheshimiwa we cannot effect anything so far before consulting one Mbugwa and the Chief of Staff'. I asked myself, is Mbugwa a deputy Chief of Staff? Is he the special programmes minister? Is he the designate Deputy Governor? As you know there is lacuna involved. Maybe the Governor can tell us with all due respect 'I don't have a deputy Governor, am providing Simon Mbugwa to be deputy Governor' as the law is not clear what next for Nairobi.

Madam Speaker I stand here on behalf of the opposition side to say this. We will not sit back and see members on whichever side harmed, just because of self-interest. There is no law in this county that was passed that if you find your car has been clamped it has to be taken away. There is no law like that, unless it is an archaic law, developed by someone in the corridor of this City Hall who don't understand.

Madam Speaker I think you must take action and know which vehicles are these, who owns these vehicles, how are they paid, which account has been paid, who gave out the contracts, at what cost, what was the understanding in this contract. Because Nairobian are suffering. Just as the Governor said we are going to reduce the rate at which we pay our parking fee. But now somebody has come with another dimension getting vehicles to tow away our vehicles. Madam Speaker this is uncalled for in a civilized society. Therefore if it is one Simon Mbugua doing this I may ask the entire assembly to resolve that from today henceforth Simon Mbugua, even the staff of Nairobi County should not take any instructions whatsoever from him. He is persona non gratia in this county.

As I stop I beg to say this, this county is for all of us. Let no one feel so special than the other. The Governor is for all of us-those who elected him and those who didn't elect him. We will not just support for the sake of support. We will not criticize just for the sake of criticizing. Can we get all the Simons out of the Governor's way? Thank you, Madam Speaker.

Hon. Peter Warutere: Thank you Hon. Speaker for giving me this opportunity to indulge in this matter. First and foremost I want to respond to what the whip has insinuated about my persona. I am not a coward. I was elected by people of Roysambu, 20,000 people elected me on a date in August. I was elected to come and serve the people of Roysambu and nobody will dissuade me from this particular cause. Hon. Speaker I rise again to talk about this particular disturbing situation. As they say power is delegated. One Simon Mbugua as far as we are concerned at the assembly has not been delegated any power by the Governor of the day. Therefore from where we speak as assembly and as people we must raise our daily concerns. Today I am here, am able to defend myself to tell the country what basically is happening between one side of the executive and assembly. I will be able to probably argue my case. What will happen to a hapless worker out there who cannot defend himself or herself within the precincts of this assembly? It is indeed a sad day and it is the honour of this house through our elected leadership.

We have a Majority Leader here in this Assembly. He must protect us as Members because as much as we say I am not being a coward, I don't want to go into statistics as one member who was fought like what happened in the other Assemblies. I stand tall to defend my people. I stand tall as a friend of the governor to tell him the truth and tell him that there is a problem if there is a problem. My issue with one Simon Mbugua is because I serve in the committee of chairs and said as it is.

We sat with the Governor and told him the truth. And if he can't take the truth as it is, if the kitchen is too hot, let him ship out of that kitchen. We will tell the Governor the truth because as a Jubilee Member, I have a stake in this administration and the best thing I can do to my Governor is to tell him the truth. I will not be cowed by one Simon Mbugua in submission or in terms of cowing me so that I don't walk freely. I am protected by this constitution. And therefore, Hon. Speaker, I come before this House to ask you for protection. I am a Hon. Member; I don't have to walk looking sideways for goons because I don't know when I will meet the wrath of those goons. My plea is simple. We have a Majority Leader in this House. We need to send him categorically to the Governor of Nairobi to come and probably bring a report to this House whether he has delegated some authority to a one Simon Mbugua. I went to an election as he did. He lost

in Kamukunji. I won is Roysambu. And for that he must give me dignity and respect because I am an elected member and I represent the aspiration of the people of Roysambu.

Majority Leader has a responsibility as my leader and as our leader to ensure that he reports back to this House and tell us if indeed Simon Mbugua has been delegated some powers by the Governor, or became the Deputy Governor. As much as there is a vacuum, I think there are ways of filling that particular seat. And if it was to happen, I don't think Simon Mbugua qualifies to be the Deputy Governor of this particular city. I don't think we can be led by the power of the sword because that is what he is doing. He is walking all over the offices. In fact, to me, he is more feared than the Governor of this city. The Majority Leader should have a serious interaction with the Governor. We need it to come clearly.

Lastly, I pray that, since my life is threatened, it is incumbent on you that you provide some security for this Hon. Members and particularly me because of this particular case because I need to walk straight. I am a man for heaven's sake. I need not be threatened by a few goons because of speaking the truth and saying it as it is. I will not be cowed by anyone. I will walk straight. I don't fear death. If it has to be, then let it be. But as an elected leader of Roysambu, I want to send this message very clearly and I will be very candid that the Membership of this Assembly cannot be cowed by one person. This Assembly is bigger than Simon Mbugua. We must, as an Assembly ensure that we make him a persona non-grata in this particular county. We cannot work through intimidation. I think, in my legislative work, I need you to give me security. I need assurance from the leadership that while I am working as the Chairman of Health and as a representative of the people of Roysambu, I have what it takes to deliver on my mandate. Otherwise I am saddened. I don't feel threatened. I still speak my mind because that is what I was sent here by the people of Roysambu to do. And as long as we have an Assembly here, the Executive must know that time to do things right is now. Thank you Madam Speaker.

Hon. Speaker: Hon. Maurice.

Hon. Maurice Gari: Thank you Madam Speaker. I will just speak but I didn't want to speak anything about Mbugua. But if it touches a Member, I will also fall on our side. Madam Speaker, sometimes always see Hon. Warutere go to the parking running. I think those are the fears he has. He just goes to the car, bang the door, ignite the car and go like safari rally.

Madam Speaker, it is not in order for a Member who is also a member of East African Legislative Assembly to come and dictate to us. We are all Hon. Members. Mbugua is an honorable member and he should stick to his lane because he is going to bring the Governor a lot of problems if the Governor allows this. We won't allow someone to come from East Africa legislature to come and control the city. Last week I saw an operation in the city which was led by one Simon Mbugua. I know what Simon Mbugua is capable of doing and a lot of things will happen in this city under our watch and under your watch as Speaker of this great city. We don't want a fight. We are all Hon. Members. We don't want to fight with Hon. Mbugua as an individual and he shouldn't dictate how the county operates. And if the Governor wants a Deputy Governor, I have seen a legislation in Senate. Let him wait for that legislation to come up so that he can nominate anybody he wants to be the Deputy Governor. When a Warutere is threatened, I am also threatened because there might be gun fight at the parking. Anybody enters that parking anyhow. So, you can find goons in the parking. You don't know how they entered there. So when a Member is hurt we can also fall a victim. So, let us caution him. We were elected. He was also elected sometimes back and he has been appointed as honorable member. Let him go and represent us in the east African assembly.

Madam Speaker, I want to encourage Warutere. And to the Clerk, we should have a policy here to own guns. Nowadays having a gun is a process. But we can initiate that. Warutere will not be a coward again. He should have a defense. Thank you Madam Speaker.

Hon. Speaker: Hon. Mutheu.

Hon. Patricia Mutheu: Madam Speaker, Hon, Members, Happy New Year. I think my microphone was pressed by mistake. I think it is unfortunate that one of our Members was threatened and I hope this House will take a stern and strong measure in making sure that every member feels protected within the vicinity of this House. Thank you.

Hon. Speaker: Hon. Kennedy.

Hon. Kennedy Oyugi: Thank you Madam Speaker. I have a different view on the issue of Mbugua. The different view I have is as follows. Simon Mbugua was in the meeting that we were having in Ruiru. He was even given a chance to address the audience. On whose behalf was he doing this? Who gave Mbugua the invitation? Mbugua has been doing operations within the city. On whose behalf was he acting? Therefore, I want to suggest that we should not go for the ball. Let's go for the owner. Mbugua is owned by someone. He is not acting on his own volition. He is acting on somebody's orders. Let us exonerate Mbugua. I want to call a spade a spade. Mbugua is working for the Governor. If I get it clearly from the mover and the seconder; he is working for the Governor. Why are you afraid to say this? So, I think I have radical suggestions towards this. I am getting here that Mbugua has been issuing ultimatums threatening officers from the county. On whose orders! Where is he getting these orders from? It is from the ball's owner. Let us go to the owner of the ball himself. The Governor should come clear and tell Nairobi Mbugua is working as whom. We should not beat about the bush. Mr. Warutere, we say if he threatens, we also threaten. *Akirusha tunarusha*. Don't be coward.

(Laughter)

Hon. Speaker: Minority Leader.

Hon. Elias Otieno: Thank you Madam Speaker. I think we are just cheating ourselves here. If you look at the Jubilee side, the seats are empty. You know, a coward dies many times. You can just see that from their faces. These are cowards. One day you will die! Let us call a spade a spade.

(Hon. Leader of Majority stood on a point of order)

Now you have courage to call a point of order. Okay. I give you.

Hon. Abdi Hassan: Hon. Speaker, I think the language my counterpart is using is un-parliamentary and he should withdraw and apologize.

Hon. Elias Otieno: Madam Speaker, it is just common practice with me that I never withdraw anything I have already said. I can't withdraw because I can't swallow that word back. Today I don't see anything red blinking on this other side like always *wanang'ang'ana kama mbwa yule ambaye anataka kula nyama*. But today I don't see them talking. Okay, let us ask ourselves; what about if the Governor will not act? What will we do? That is the question because we are talking about this person. To me, he is nobody. What about if the Governor says he is the one who gave him the duties to transact?

What will we do? We must have a solution. There is no point of coming here and we talk about Mbugua, Mbugua. You are always pretending you are a friend to Governor. The person who threatened

you is a friend to the Governor also. Don't be a pretender, my friend. *Ni kama watoto wale ambao wanang'ang'ana matiti. Si ni sawa?* So, those people I know them very well. Nowadays I don't go to that side because you cannot talk to the Governor. The moment you want to talk to Governor, he is already there with Abuki. He wants to know what you are talking about and wants record. You know, you are asking who this man is.

Why should I go to the Governor? I can go to the MP for EALA directly. I would call him if I have a problem in my Ward rather than go where I will not find help. Maybe he is the one who is in charge of operations in Nairobi County. I think that our Majority Leader here forgot to bring this name the day he was bringing names of CECs. Do the honorable thing by bringing that name here so that we can pass it. That will help us know his role in the County. It is very bad to threaten the life of somebody. I know how Warutere feels when somebody tells you that *usipokoma utaumia*. I know that he is talkative but a very cowardly man and that is the reason as to why we should protect him and protect ourselves. I know that tomorrow, all those who have talked today are going to be threatened. That is the reason as to why you can see the Chief Whip shaking his head. He does not want to talk. If you are man enough, talk today. Thank you Madam Speaker.

(Laughter)

Hon. Speaker: Hon. Members Order! Let us not discuss the Governor. The motion was not touching on him. So let us stick to the issues. When you want to discuss the Governor then bring a substantive motion and we will discuss him. We are on issues affecting the County and its operations. Majority Leader? Whip?

Hon. Abdi Hassan: I have not refused Madam Speaker

Hon. Speaker: No. No. Whip.

Hon. Abdi Hassan: I was intending to speak last

Hon. Speaker: Okay. Whip, are you man enough?

(Laughter)

Hon. Chege Mwaura: Madam Speaker, thank you for catching my eye. From where my good friend the Minority Leader seats then he cannot see my request. Having said that, I was torn between the issues. First and foremost, I can never deny that the Governor is my friend, Hon. Mbugua is my friend and Hon. Warutere is my friend. I was torn between catching the substantive issue that Hon. Kiragu was bringing forward. First and foremost, I asked my friend about this and he was clear to say that it is not a witch hunt. It is putting matters clear. Having said that Madam Speaker, what is of utmost importance is that Members be given the opportunity to execute their mandate. If Hon. Warutere feels insecure then it is an issue. Whether it is from any Member or person and must be accorded the importance that it deserves. Today it might be him and tomorrow someone else. We must be able to protect the honorable Members capacity to speak.

It is good to put matters clear. I came in the same car with the Governor and Hon. Mbugua to Ruiru. The meeting was being chaired by the Deputy Speaker and he is the one who gave Hon. Mbugua a chance to speak. He did not request for it but was recognized as an honorable member serving Kenyans and that was the capacity with which he was given a chance to speak. Let us separate issues here. What is important is that we clarify issues on what we are supposed to do and how we are going to deliver for the people of Nairobi. I find this motion important. We need to get an official communication on what the official capacity of the said gentleman is? What position does he occupy or whatever? We need an official communication from the office of the Governor. I like what the honorable member said. The issue is not about Hon. Mbugua but that of the Governor coming clear on this. Who is our business on the other end? The Governor and his Executives who have been given the mandate. If our friend tries to stop you from doing your mandate then we come in. I think it is therefore on you madam Speaker to send the majority and his counterpart to get a communication on what role the member in question occupies in the County Government of Nairobi. If he is just a friend then their friendship should not stop the county from running its own business. Every leader has their own way of running things and that cannot be challenged but the point where it stops the county Government to run is questionable. We have the media here and we do not want it to be thought that we are discussing the persona of the person. We want official communication from the office of the governor on the capacity of the Hon. Simon Mbugua. I rest my case. Thank you Madam Speaker.

Hon. Speaker: Majority Leader

Hon. Abdi Hassan: Thank you Madam Speaker. I heard my counterpart call me a coward. I don't know why he did that. He knows that I am not a coward. I face my accusers square and fairly. The motion by my good friend Hon. Anthony Karanja has raised very serious and substantive issues which need to be tackled very fast. As far as I am concerned, the said Mbugua, is a legislative member of East African Assembly whose role is to articulate issues pertaining to Kenyans. The sovereign will of the people belongs to this House. The 122 members in this House represent the sovereign will of the people and nobody should underrate that. We are people who speak on behalf of Nairobians because they have no avenue to speak for themselves. I want to assure members that I will see the governor to know why the said Mbugua issues arbitrary and illegal orders to the County employees. Under what mandate is he doing that? The assembly will get a substantive answer on the same Madam Speaker. I have also heard the Minority Whip say that there are illegal vehicles which are impounding vehicles which don't pay parking fees. We will also want to know from the Governor is the said vehicles have been contracted and by who and at what cost? Was it procured procedurally? This House will get the answers.

We will also want to know about the business space being allocated to people on Friday, Saturday and Sunday and on what capacity the said Mbugua is doing it? Where does he derive his mandate? I assure the House that they will find the answers very soon. Madam Speaker, Members also complained about the harassment of developers and contractors. I want to tell Members who love to take information to one Mbugua to stop. This House has the full mandate and cannot be intimidated by anyone. You can take that to the bank. I cannot allow any individual who has not been elected by Nairobians to give illegal orders to employees of this County and threaten members. We are not going to allow that.

One CEC for Health was abused in front of his junior officers by the said Mbugua. Such acts will not and cannot be condoned in Nairobi County. I will give the expressions of this House to the Governor and also to assure the Hon. Members and my good friend Mr. Warutere that this House takes his security very seriously. I know that that mandate is within you Madam Speaker, of ensuring that security of Members is taken seriously and we will ensure that one Hon. Peter Warutere is well protected and free from intimidation from goons of the said member of parliament of East Africa. Members from the previous Assembly know of this story. One good friend of mine Hon. Nyangwara brought an impeachment motion against Dr. Evans Odhiambo Kidero based on his constitutional mandate. That member could not walk inside and outside of this Assembly without feeling that his life was being threatened by goons. It is by the intervention of the Speaker and the now Governor His Excellency Mike Sonko Mbuvi that the said honorable Member was given security. Two land rovers were assigned to escort the Member to his House and back to the Assembly. It is a very sad affair which we will not allow to repeat. With those few remarks, I want to assure this House that we are not going to allow any illegal entity to be giving orders, threatening members and County staff not to execute their constitutional mandate. I ask my counterpart Hon. Otieno and the two chief whips to accompany me tomorrow morning to relay the resolution of the Assembly to the County Governor of Nairobi. Thank you.

ADJOURNMENT

Hon. Speaker: Hon. Members, this is a motion that we do not put a question to. So as I rise, kindly note that there will be a sitting at the Assembly Business committee today after the rise of Assembly. Let us rise to adjourn the House.

The House rose at 4:05 p.m.