



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Third Session

Tuesday 12<sup>th</sup> February, 2019

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Acting Speaker:** Clerk, confirm if we have a quorum.

*(The Clerk-at-the-Table confirmed there was quorum)*

We have attained the requisite quorum. We can proceed.

#### COMMUNICATION FROM THE CHAIR

##### WELCOMING OF MEMBERS TO THE THIRD SESSION OF THE SECOND ASSEMBLY

**Hon. Acting Speaker:** Hon. Members, I have the following communication to convey:

Hon. Members, as you are all aware, today, we commence the Third Session of the Second Assembly pursuant to the provisions of Standing Order No. 28 (1) of the Assembly Standing Orders.

Accordingly Honourable Members, I take this opportunity to welcome you all back from the long recess and festive season. I trust you all had a wonderful and fruitful break together with your families and electorates. It is good to see you all back and rejuvenated, ready for the third Session. You are most welcome.

Additionally, Hon. Members, we started off with a prayer breakfast this morning and I am happy that it happened because of your presence. Thank you so much.

Before us, this session, we acknowledge that there will be a number of businesses that is going to take place and I know that you are equally able to the task. We hope that this time round, responses are

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going to be much faster and we are able to get the responses that we require without delays, especially with the statement requests. With that, I wish you have a good time and expedite your work in the best of your ability. God bless you. Thank you so much and *karibuni sana!*

### MOTION

#### APPROVAL OF APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON ASSEMBLY BUSINESS

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

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I want to take this opportunity to welcome back Members to this Third Session of the Second County Assembly of Nairobi. I know they are rejuvenated and elected members have gone through their wards and I hope they will bring issues pertaining their wards to the floor of this House.

THAT, pursuant to the provision of Standing Order 163 (1), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business: -

1. The Hon. Chege Mwaura, MCA – Speaker & Chairperson
2. The Hon. John Kamangu, MCA – Chairperson of Committees
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. Waithera Chege, MCA – Majority Party Whip
6. The Hon. Peter Imwatok, MCA – Minority Party Whip
7. The Hon. James K. Kariuki, MCA
8. The Hon. Millicent Mugadi, MCA
9. The Hon. Patricia Musyimi, MCA
10. The Hon. Anthony Kiragu, MCA
11. The Hon. Peter Warutere, MCA
12. The Hon. John Kamau, MCA
13. The Hon. Rose Adhiambo Ogonda, MCA
14. The Hon. Moses Ogeto Nyangaresi, MCA
15. The Hon. Esther K Munayi Nyangweso, MCA
16. The Hon. Wilfred Oluoch Odalo, MCA
17. The Hon. David Njilithia Mberia, MCA
18. The Hon. Osman Khalif, MCA

Mr. Speaker sir, we need to approve this list for the business of this Assembly to be transacted and I urge the Members to support the said list. I want to ask the Minority Leader to second the motion. Thank you.

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

**Hon. Elias Otieno:** Mr. Speaker, I rise to second the motion and note some errors that I want you to put into consideration. I don't think that under number 16 Hon. Wilfred Odalo is a doctor. We just gave him

a title because he's been calling himself that and soon you will hear Hon. Kiriba call himself engineer. So let everybody stick to his or her line and Mr. Speaker, I support.

*(Hon. Abdi Hassan spoke off-record)*

**Hon. Acting Speaker:** Order Hon. Majority Leader, you are not on record. Let them turn on your microphone so that your withdrawal can be captured

**Hon. Abdi Hassan:** Mr. Speaker sir with all humility, I withdraw the name doctor

**Hon. Acting Speaker:** Thank you. Proceed leader of Minority

**Hon. Elias Otieno:** Mr. Speaker, as I was talking to my whip, I told him that if I was to find my wife with a boy who resembles you then I will kill him. I second Mr. Speaker.

*(Laughter)*

**Hon. Acting Speaker:** Are you insinuating that you are a murderer leader of Minority? I hope it's on a light touch.

*(Question proposed)*

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

**Hon. Peter Imwatok:** Allow me to say a happy New Year to every member of this County Assembly and to thank God for the gracious period he allowed us to celebrate Christmas and the New Year and more importantly for a good life granted to us. It is not by our faith or might but by his grace that we owe him life. I was just sharing with the Leader of Minority that it is high time we shared a prayer in our hearts because this is the most blessed county. No one is in hospital or incapacitated and pray that the New Year can come to an end peacefully.

Secondly Speaker allow me also to rally my call to the Majority or Minority leader by saying these are competent members that will set the tempo this year in this county assembly in terms of making decisions on the order of proceedings in this assembly.

I would like to tell the members of this committee nominated by respective parties to adhere to the rules of the parties, the rules of the house and to make sure we have a proper agenda in the new session. Thank you.

**Hon. Acting Speaker:** Thank you Minority Whip. The Hon. Millicent Jagero?

**Hon. Millicent Jagero:** Thank you Mr. Speaker. First and foremost I would like to say a Happy New Year to each and every member who is present here and to thank God for seeing us through that previous year and we also pray that this year should be good and smooth. I rise to support the motion. The names that have been proposed here are people who are knowledgeable and who will be able to take this house top a further step and again they are people who will articulate the issues that goes on in this house. I therefore rise to support this motion.

**Hon. Acting Speaker:** Thank you Hon. Millicent. The Hon. Jeremiah Themndu?

**Hon. Jeremiah Themndu:** Thank you Mr. Speaker. First I say Happy New year to every member in this house and also to support this hon members of the House Business Committee. They are competent and I think the work of this assembly shall be easy for us. I support the motion without any amendment.

**Hon. Acting Speaker:** Thank you Hon. Jeremiah. Since there is no one requesting to speak ... I can see the Hon. Mbugua Kabiro.

**Hon. Mbugua Kabiro:** Thank you very much Mr. Speaker. I also wish everybody a happy year 2019 and I want to support this motion. The names which are listed here are people who are capable to make sure the business of this house goes on as planned. I however want to highlight that they forgot to put my name. Normally all select committees always have 19 members but I see they are 18 and my name was omitted by mistake. I wish that I be put. However I would like to congratulate the team that has been appointed to head the business of this house, thank you.

**Hon. Acting Speaker:** Thank you. You can raise your concerns with the whip because we don't know if it was a mistake. The hon. Maurice Gari.

**Hon. Maurice Gari:** Thank you Mr. Speaker and Happy New year to all members. I rise to support this motion but I wanted to make some observations. I didn't see but I have seen them now – the two gentlemen, our leaders of opposition. I can see you are there. I didn't see them in the breakfast meeting. They were so disturbed and that is the reason they were not there but I think it is well known to them.

Mr. Speaker, I rise to support this motion. I think the....  
(Point of order)

**Hon. Acting Speaker:** The Minority Whip Order! Hon. Gari has returned the mike to you. The Hon. Whip has an interjection.

**Hon. Peter Imwatok:** Hon. Speaker, allow me to say that this morning we had a prayer meeting, it was not a consultative meeting. Prayers are voluntary and people change their denominations when they sleep or when they wake up. That should not be the best reason to question where the leadership of opposition was. The Leader of Minority was out of town and he has just jetted back in the country. Personally I was sorting some other issues when I got stuck in the jam. Thank you.

**Hon. Acting Speaker:** Fair enough. Hon. Gari proceed.

**Hon. Maurice Gari:** Mr. Speaker I think it was by design! Anyway it is well known to them. Mr. Speaker I rise to support this motion. The members who are here last served well in the said committee. I have not seen a big difference; they are the same people, let them make us proud and let them bring business in this House. They should not hide some motions below the table; we trust you will bring everything that a Member feels it fit to him or her. Please we beg you to bring it if it serves we will just kill it here.

Mr. Speaker, I beg to support.

**Hon. Acting Speaker:** Thank you. The Hon. Lawi, do you have anything? I can see your request.

**Hon. Lawrence Odhiambo:** Thank you Mr. Speaker sir and a Happy New Year to all of us. I would like to support this motion simply because I can see my able leader Elias Otieno and Hon. Imwatok are going to represent us there. The only thing that I would like to say is that this year should be the year for commitment, the year for unity and the year for prosperity. So I urge my colleagues to join hands together so that we can do something that can help our people. Thank you, I support it.

**Hon. Acting Speaker:** Thank you. I can see there is a general trend that is in acceptance with the motion so I therefore call the Majority Leader to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I don't understand what Hon. Gari was saying but I want to say as follows; that each and every Member of this County Assembly is entitled to be in any committee. No Member is superior to the other. If you served as a Transport Committee member and now you have been removed and taken to Culture, does it mean now that you can't serve in Culture because you were in the Transport Committee? Are you superior to the other MCA who was serving at the same level as a member of Culture or a member of Rules and House Procedures? No one is important than the other. If the other MCA can serve in the other committees, you can also serve in that committee.

I think the prerogative of doing that is rested upon the Selection Committee which I chair and I can assure you we are going to do that and it will pass. You can take that to the bank. And because I am representing the majority side and anything that we bring there will pass no matter the opposition. We agreed you can oppose; it is not a big issue but you cannot hinder that one from passing. Thank you.

Mr. Speaker sir, I also want to tell members of staff of the County Assembly of Nairobi that you either become a staff - assisting the County Assembly Member to discharge their mandate - or become a politician. You cannot be a politician and at the same time a member of staff, you chose where you want to be. Staffs who want to become politicians should resign and wait for 2022 and vie for a seat so that you can have time and chance to do politics. But if you want to remain a staff, you must be neutral, non-aligned to any party regardless whether it is Jubilee or NASA, you serve this Assembly without being a politician.

For few staffs who want to become politicians, I assure you, we will sack you. As the Vice Chair of the County Assembly Service Board, we will sack you regardless of whoever wants to support you in this Assembly. We will take you home. *Utakuwa huko nje ukipiga mdomo* and the Assembly will still continue with its mandate. We are not going to victimize any staff regardless of whether you were working with Elachi or whoever you were working with but you must distance yourself from politics. If you are not going to do that, I can assure you that we will sack you and you can take that to the bank. *Hakuna mtu atakutetea urudi*. Nothing will change. Because hutaki members of staff becoming politicians, this Assembly will not work.

*(Loud consultations)*

I am very sorry for that. Any bank regardless it is Equity, KCB or whatever bank you want to deposit it. We are not going to allow members of staff to become politicians. As long as I am serving in that County Assembly Service Board--- I represent Jubilee Members here in the County Service Board. I heard someone say that Majority Leader is not supposed to be there. Who are you to say that?

*(Hon Gari spoke off the record)*

Protect me from that guy, Mr. Speaker. Who are you to say that I am not supposed to be serving in the County Public Service Board and you are not a Member of Jubilee?

*(Point of order)*

**Hon. Acting Speaker:** Order, Leader of Majority! There is an intervention. What is your point of Order, Hon. Gari?

**Hon. Maurice Gari:** Mr. Speaker, I think the Motion before us was not about the staff. We have opened a new year in a very jovial mood without intimidation. We want to work as one team but if Majority Leader can come here and tell us the issues of staff, he has an avenue to go and talk about the issues of staff---

**Hon. Acting Speaker:** Order! I have heard your---- please sit. The Majority Leader is replying---

**Hon. Maurice Gari:** He must apologize for calling me a guy---

**Hon. Acting Speaker:** Order!

*(Hon Maurice Gari spoke off-record)*

**Hon. Acting Speaker:** You are not on record, have your seat, Hon. Gari. As you are aware with the procedural Standing Orders, the Majority Leader has 15 minutes to reply. May be he is setting his agenda for the County Assembly as the Majority Leader and also as the Vice Chair of the County Assembly Service Board. He is putting his point across as part of reply. So I do not see your point of order holding water. Proceed, Leader of Majority.

**Hon. Abdi Hassan:** Thank you Mr. Speaker Sir for protecting me from that guy...

**Hon. Acting Speaker:** Order! Hon. Abdi Hassan, Hon. Maurice Gari is the member for Nairobi West.

**Hon. Abdi Hassan:** There is nothing to apologize for there.

**Hon. Acting Speaker:** Proceed.

*(Hon. Maurice Gari spoke off-record)*

**Hon. Abdi Hassan:** I have not seen you for the last month and I have even forgotten your name, so thank you for reminding me that you are called Hon. Gari, MCA for Nairobi West. Mr. Speaker sir, I did not know that Hon. Gari is now a member of staff, I did not know that. Now I know that he is a member of the County Assembly staff. So, Mr. Speaker...

**Hon. Maurice Gari:** Point of Order.

**Hon. Acting Speaker:** Order. There is a point of order and I gave you a chance. You are not on record so please let us have some order. Let him have his say and then you will have a chance. So let him proceed, he is right here on the floor.

**Hon. Abdi Hassan:** Mr. Speaker sir – and I want to repeat it again as the Vice Chair of the County Assembly Service Board - any staff who engages himself or herself in politics, we are going to sack him or her and I am not going to apologize for that. Thank you Mr. Speaker sir and I thank the members for supporting this Motion. I also want to prepare their minds that we are going to do reshuffles and it will pass. Thank you.

**Hon. Acting Speaker:** Hon. Members, I am alive to the discussion that is ensuing and before I put the question I think it is important to alert members that the County Assembly Service Board is the one that is in charge of the staff. If you have any specific issues the Board has a secretariat of which the Secretary is the Clerk. So other than politicizing the issues and bringing them out of that armpit it is not going to help. So, also as the Chairman of the Board I also want to assure you that we will deal with the staff in the fairest of ways and within the law.

Trying to politicize it is not going to help because this is 2019 and we are not going to relent to bring discipline to the members of staff. Also in terms of how we are going to proceed in 2019 Hon. Members, I expect that we will cooperate with decorum. If you feel that an issue has not been raised then you raise it and you will be given a chance to respond but unruliness will not be tolerated and I am not threatening anyone. I am just saying that we will try to abide with the law and maintain your dignity as Hon. Members and please do not politicize the staff and do not politicize issues of the staff. I now want to put the question.

*(Question put and agreed to)*

We do not have business because business is allocated by the House Business Committee.

### ADJOURNMENT

**Hon. Acting Speaker:** The House Business Committee shall be meeting at the rise of the Assembly so that we now start the business proper. Hon. Members we rise until 2.30 p.m. tomorrow.

**The House rose at 4.30 p.m.**