



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 26th November, 2014

The House met at 2.30 p.m.

(Mr. Deputy Speaker in the Chair)

PRAYERS

Hon. Deputy Speaker (Mr. Kenneth Ngondi): Hon. Members, I have a communication to make.

COMMUNICATION FROM THE CHAIR

This is on behalf of the Nairobi Assembly Service Board and it is on the issue regarding the Interim Clerk of Nairobi Assembly. Hon. Members, the Board has established that the name of the Clerk is not in the list of the employees of the County Assembly of Nairobi. The Clerk is neither paid by the Assembly so he is not a staff of the County Assembly. Further, as you are aware, the Clerk went to court on Monday 24th November, 2014 and the case is actively in court and it has a mention date for 28th November, 2014 hence *sub judice*. Hon. Members, I wanted to reiterate my earlier communication pursuant Section 71 of the County Government Act, 2012 and state that the said section of the Act does not apply on the issue of the Clerk. This is after I have been advised by the Clerk on the same.

I now direct that a Notice of Motion on confirmation of the name of the Clerk of the Assembly to be given tomorrow, Thursday 27th November, 2014 as it was approved by the County Assembly Service Board. Hon. Members, the communication from the Department of Human Resource Management of the Nairobi City Assembly and addressed to the Chair, County Assembly Service Board on the pay roll of the County Assembly. I read, *"The above matter refers. Following your request I wish to inform you that the*

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Clerk to the County Assembly is not in the Nairobi City County IPPD system. Therefore, his pay slip cannot be generated.” It is signed by Catherine Mwikali Muya, Interim County Pay Roll Master. Thank you.

Hon. Member for Ngara Ward (Mr. James Chege): I thank you, Mr. Speaker, for that explicit information that you have given us. I think that is the way to go because after a lot of pressure, you realize that we are not talking from hot air. Mr. Speaker, tomorrow, God willing, we will be waiting with bated breath to see that Notice of Motion being brought so that we do what is supposed to be done. County Assemblies Services and County Government Act number 12 spells out the work of the County Service Board is supposed to do that is to approve or disapprove. So, tomorrow we will be waiting and please ensure that the Notice of Motion sees the light of the day so that we can now discharge our duty accordingly. Thank you, Mr. Speaker.

Hon. Member for Njiiru (Hon. Karen Wanjiku): Mr. Speaker Sir, thank you for giving me this opportunity. It is good to learn that our Clerk has been a volunteer in this house. It is unfortunate and we are not going to take that lightly, whether he goes to court or not. What we are not accepting is what the first lady Mumo has said that the matter be discussed tomorrow because since I am going to Nakuru right now for education.

Hon. Speaker: Order Member! Let me jog your mind a bit, I have talked of the notice of Motion which is coming up tomorrow.

Hon. Karen Wanjiku: What is the difference? Without quorum there is no notice of Motion Mr. Speaker.

Hon. Speaker: Let's believe that tomorrow we have an Assembly. Hon Petronilla.

Hon. Member for Dagoretti North (Hon. Petronilla Achieng): Thank you Mr. Speaker. Wait! I need the attention of the chair.

(Loud consultations)

Hon. Speaker: Order Members! Proceed Honorable Member.

Hon. Petronilla Achieng: It is indeed a sad day. After we have sat for two years and passed the budget for the Clerk of Nairobi County Assembly, we have confirmed he is not an employee of this Assembly. He has travelled far and wide to the best countries in this world such as Britain, America, Denver and New York. He does not like china because the allowance is not a lot. It is sad to note that while the Honorable Members cannot get their mortgage, Ngwele can afford to move to all the countries.

According to the statement of travels we saw in this Assembly, the money spent was quite frightening. I feel that for us to be able to continue with this House, I support the Members to adjourn and discuss Ngwele. We also need to check the accounts on how he has been spending because I saw in the

budget he has set aside Kshs1.5 million for washing his suits. I don't know who gave him this permission. I would like to know if he is going to pay back this money because you cannot misappropriate Government funds like that. Thank you.

Hon. Speaker: Order Member! I think the standing order allows only reaction from the communication of the chair. Let's get two and then we close.

Hon. Member for Mwiki (Hon. Isaac Ngige): Thank you Mr. Speaker. I want to want to be slightly unpopular like my good friend Mheshimiwa did yesterday by trying to inform Members. This is the communication that Members are being taken for granted. For sure we are also now aware that Ngwele is not an employee of this Assembly and I am sure he is neither an employee of the Executive. I am privy to information from the National Assembly that the Clerk of the County Assembly of Nairobi Clerk is an employee of the National Assembly.

Through the communication you have rightly put it that the matter is in court. As Members we may not even discuss the name of the Clerk by the fact that it is in court. We have not been served but this is based on your communication that the Clerk has gone to court. I request Mr. Speaker that if you have the powers to petition the National Assembly of the Republic of Kenya to recall Jacob Ngwele then do it immediately.

Hon. Member for Mwiki Ward (Mr. Isaac Ngugi): The fact that the Clerk has gone to court. I think you have the power to petition the National Assembly of the Republic of Kenya to recall Mr. Jacob Ngwele. This matter can even be debated tomorrow in the National Assembly and even the Speaker of the National Assembly can recall him with immediate effect. Otherwise we'll be cheated by telling us that the name will come on the floor, this guy is in court, they will extend and extend and extend.

(Loud consultations)

Hon. Isaac Ngugi: Yes, I think that was my contribution at least to inform Members and if possible even after this Assembly we sit down as a kamukunji and expedite this issue and have it debated in the National Assembly tomorrow and have this guy recalled to the National Assembly, thank you Mr. Speaker.

Hon. Deputy Speaker: Final one.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker sir, for according me this opportunity to at least make my contribution. I do understand that you made a communication. In your communication you are talked about a motion being brought tomorrow with the name of one Jacob Ngwele. I stand before you first, to kindly ask you for an adjournment of the House because the House is still hostile and we need to come back tomorrow and probably discuss this issue tomorrow though I have a special request.

You are aware that a very senior Member of this Country Senator Hon. Gerald Otieno Kajwang' passed away and that is why I am in black attire because we are still mourning. He will be laid to rest on Friday and I believe most members including you may travel tomorrow to attend the burial of this statesman. With your indulgence I suggest that you defer this Motion to Tuesday.

I am also suggesting to Members because the Assembly has also been accused in this court order, we would like to have at least 5 or 10 lawyers representing us in this matter. Some of the things that are coming out in this matter are very weighty. I know you are not aware somebody sits in an office there that he is the Chief Procurement Officer with qualifications of a diploma yet, according to the advertisement that was published in the newspapers in black and white, the requirement was strictly for a degree holder.

We are aware one of the Principal Clerks was not qualified at the time she was given the job. The Administrator of this Assembly holds does not have qualifications for that position. We do not even have the form four certificate of this Mr. Ngwele. Hon. Members when I went to school, those who went to India were failures. I will just request you to consider this knowing that there's Hon. Otieno Kajwang's burial and there are weighty matters that we are going to pursue on each and every individual employed in this Assembly to the letter. If you are qualified I have no issues with you. If you know you are sitting in these offices and you were brought through the back door and you had no qualifications tender your resignation immediately.

The river has started flowing and you know when the river flows and it reaches a blockage, the river always finds its way. I therefore kindly request you to defer the Motion and as much as the mention of this case comes on Friday, let us also sit with Members and at least give suggestions because myself I am even willing to pay for two or three lawyers. My take is that we have ten lawyers representing us in this case and please defer this thing, thank you.

Hon. Deputy Speaker: Thank you Hon. Member, Clerk can we move forward?

Hon. Deputy Speaker: Thank you Hon. Member. Clerk, can we move forward. Members can you allow the House to dispense the business of today?

(Consultation)

Hon. Deputy Speaker: You just want us to adjourn immediately?

(Consultation)

Hon. Deputy Speaker: Which Motion? Okay, Hon. Nancy Luchiri. Order Members!

Hon. Nancy Luchili: Thank you Mr. Speaker sir, I am concerned.

Hon. Deputy Speaker: Order! The Hansard guys.

Hon. Nancy Luchili: It is off.

(Consultation)

Hon. Deputy Speaker: Order Members! Can you take your seat, that one has been handled.

(Consultation)

Hon. Nancy Lunchili: Thank you Mr. Speaker sir,

Hon. Deputy Speaker: Can you talk the national language?

Hon. Nancy Lunchili: Thank you Mr. Speaker sir for giving me this opportunity. I would wish to second the adjournment, but I am really concerned and worried because this is a new Constitution and it is Supreme. I don't really understand this Computer era that does not even have a pay slip. How has he existing in this House for the last two years?

Mr. Speaker sir, this is threatening news that you have just given us. I really don't understand how Jacob Ngwele, the Clerk of this Assembly.

Hon. Deputy Speaker: Order Member! Are you supporting the Motion on adjournment?

Hon. Nancy Lunchili: Mr. Speaker sir I am supporting but this-----.

Hon. Deputy Speaker Thank you, you have seconded the motion. Hon Nyangwala what is it?

(Loud Consultation)

Hon Nyangwala: Mr. Speaker with due respect we are about----.

(Loud Consultation)

Hon. Deputy Speaker: Order Member! You must allow the Member to talk please. Order Member!.Order! Hon.Imwatok, Please take your seat. Hon. Mumo please I will send you out!

(Loud Consultation)

Hon Nyangwala: Mr. Speaker as the majority have their way, the minority should have their say. Number one, I want to plead with Members that we are about to make an illegality in this house. If there is an important motion that they are trying to say, no Motion has been moved on the floor of this house.

(Loud Consultation)

Hon. Deputy Speaker: Order Members! Allow the Hon. Member to contribute. Please Members!

(Loud Consultation)

Hon. Deputy Speaker: Hon. Owera can you sit down, Hon. Members please!

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Mr. Speaker, my fears have been confirmed concerning the issue that you have made about the payroll. He has not been an employee of this County. We need to get the communications in regards to that particular issue so that we can know whether he is in the list of ghost workers in this Assembly.

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Not granted.

Hon. Chege Ngaruiya: If the details are made available to us, it will be of great help to this House because after we dismiss the self-proclaimed Clerk of this Assembly, we will have issues of the law to handle. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Owera.

Hon. Member for Huruma Ward (Mr. Peter Owera): Thank you Mr. Speaker. Allow me to say this; enough is enough. Yesterday we were here---

Hon. Deputy Speaker: Hon. Member what is enough?

Hon. Peter Owera: Mr. Speaker I support adjournment Mr. Speaker, enough is enough. Allow me to continue.

Hon. Deputy Speaker: Proceed.

Hon. Peter Owera: Mr. Speaker I request to speak in Kiswahili.

Hon. Deputy Speaker: It is allowed.

Hon. Peter Owera: Bwana Spika jana tuliongea na tukakubaliana tunataka jina la Ngwele kwa hii meza. Ukakaa ukaamua Ngwele hayuko kwa 'payroll' yetu, hiyo hata hukusema jana. Tunataka jina la Ngwele likuje hapa tuamue vile tunataka. Sio watu watatu wanakaa kule wanaamua kile kitu Assembly inataka kufanya. Mr Spika tunakuomba, jina la Ngwele likuje, kesho tukishatatua bado tutawapatia nafasi.

Hon. Deputy Speaker: Order Hon. Member! Proceed.

Hon. Peter Owera: Kesho tukiongea bado mtakuwa na nafasi juu mnajua tunaenda wikendi. Wale watu wanakaa nje, tutajuaje kama wataenda kujadiliana na Ngwele? Ngwele hayuko kwa 'pay roll'. Tunataka Nwele aje hapa. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Order Hon. Member! Gender respected, may the First lady proceed.

Hon. Mumo: Thank you Mr. Speaker for recognizing me as the First Lady, I wish to stand here, I am so sad. I can see people have been taking us for a ride. Why did the Speaker write a suspension letter to a person who is not an employee of this House? We are not fools! I want to inform you that there is a

committee which will be going to Nakuru today, and also people who are going for the burial. I think it is a scheme that we don't have a quorum. We need that name now.

Hon. Deputy Speaker: Thank you. Hon. Karen.

Hon. Karen Wanjiku Githaiga (Nominated Member for Njiru): Thank you very much sir. Attention please! Protect me!

Hon. Deputy Speaker: Proceed. Order Members! Whip order! Order Hon. Chairman! Whip please we are in the Assembly.

Hon. Karen Wanjiku Githaiga: Mr. Speaker sir, Thank you for giving me this opportunity, I don't have much to say but it is good to learn that our Clerk has been a volunteer in this House. It is unfortunate and we are not going to take that lightly whether he goes to court or not. But what we are not agreeing with, like what the First Lady Mumo has said, we are not going to discuss that Motion tomorrow because I have my bag and I am going to Nakuru.

(Loud consultations)

Hon. Member for Viwandani Ward (Samuel Nyangwara): Mr. Speaker if you can allow me, I request the Members who want an adjournment motion to move that particular adjournment motion so that it can be seconded. Under which standing order? We cannot be making illegalities on the floor of this house and pretending we are doing anything right. Let us move a motion of adjournment.

(Loud consultations)

Hon. Deputy Speaker: Order! Hon. Members we are in the Assembly please. You need to carry yourselves with a lot of decorum. Unless you want to throw this Assembly to the dogs, then let it be. Why don't you allow Hon. Nyangwara to contribute? Hon. Members, it is provided for that each and every Member has a right whether he is against or not. Can you give a listening ear. One minute for Hon. Nyangwara. Please! Sergeant- at-arms, identify one person and I will throw him or her out.

Hon. Mr. Speaker. The same standing order says after the seconding of the motion, you put the question.

Hon. Samuel Nyangwara: Thank you Mr. Speaker. I stood on a point of order and said that we were about to make an illegality on the floor of this house because we have not moved any motion here on any other standing order. I really wanted to know the motion of adjournment.

Hon. Deputy Speaker: Order! Sergeant-At-Arms. Hon. Mumo this is final please!

Hon. Samuel Nyangwara: Mr. Speaker I am perturbed by the way we are transacting business of this house. We are about to make an illegality on the floor of this house. There is no motion of adjournment that has been moved. That's why I was requesting, if a motion of adjournment can be moved. Order! Members can you sit. Clerk proceed to the next agenda.

Clerk: Order number three; Messages.

Hon. Deputy Speaker: Hon. Imwatok can you please sit down. Hon. Members you should be aware if you don't conduct the business of the day today, let it be clear to you that there are no allowances. We have to dispense the business of the day as required. Can you sit down Hon. Imwatok! We are here to serve the interests of our residents. Please Hon. Members, it is evident that you need an adjournment. We also have crucial business to dispense today and we have a timeline.

Hon Members, we have nominees here who are supposed to be confirmed as employees of this County. There is a timeline. We have Committees who are supposed to be working. We need to give them a nod to go on with their work. Kindly let's proceed with the business of the day. The issue of Jacob Ngwele should not distract us from carrying on with the businesses of the Assembly in totality. I know it is an important and weighty matter. We have just communicated here that the notice of motion will be brought to this house tomorrow. Hon. Member can you take your seat. Thank you. Honourable Members the House adjourns sine die.

The House rose at 4:03 pm.