



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Thursday 27th June, 2019

The House met at 2.30 p.m.

(Hon. Deputy Speaker, Mr. John Kamangu, in the Chair)

PRAYERS

QUORUM

Hon. Deputy Speaker: Sergeant-at-Arms, please ring the bell for ten minutes. Hon. Jeremiah Themendu, please come forward.

(Quorum bell was rung for 10 minutes)

Clerk, proceed. We have quorum

NOTICES OF MOTION

Hon. Deputy Speaker: Hon. Members, before we start our business, I would like to take this opportunity to welcome students from St. Joseph Girls High school in our gallery who are here for an education tour and on behalf of Nairobi County Assembly, let me take this opportunity to welcome you to be part of us and enjoy the proceedings. Thank you and may God bless you all. Hon. Themendu

Hon. Jeremiah Themendu: Mr. Speaker, I beg to move the following Motion: Adjournment on definite matter of urgent county importance. Pursuant to Standing Order 34, Hon. Speaker, I beg to give notice of the following Motion: That aware that Article 43 (1) (f) of the Constitution of Kenya 2010 provides that every person has the right to education; further aware that the County Government has been funding students from informal settlements through bursaries issued through Members of the County Assembly each year since 2013. Concerned that the County Executive has delayed the issuance of bursaries for this year which has locked most students out of school due to lack of school fees. Acknowledging that most students from the informal settlements in the County depend on the bursaries issued by the County Government as school fees. This Assembly adjourns pursuant to Standing Order 34 to discuss the delay by the County Executive to issue bursaries to students who depend on them as a matter of dignity and urgent County importance. Thank you Hon. Speaker.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The issue before us is very critical because bursary is very important. We have students who pay a lot of money and as we speak now, parents from poor families have withdrawn their children from schools because they cannot afford to pay the school fee that is demanded by the school, and prefer to take their children to day schools where they pay less fees. Hon. Speaker, I beg that we discuss this and ask Hon. Gari to support the Motion

(Hon. Members stood to support the Motion)

Hon. Deputy Speaker: Hon. Gari, I have not yet given time to discuss the Motion. Hon. Members, Standing Order 34 (3) says that if the Speaker is satisfied with the terms of paragraph sub section 2 and not less than 20 other members rise in their feet in support, the Speaker shall nominate a time in the day at which such a Motion may be moved. A member speaking on a matter under Standing Order shall not speak for more than five minutes without the leave of the County Assembly except for the mover who may speak for ten minutes. I refer the matter to next week Tuesday

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Members! Let us agree and sit down

(Loud consultations)

Hon. Deputy Speaker: I am going to allocate time for this today. Please sit down

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, please sit down and let us agree. We are all aggrieved. Just give me time to make a ruling on this

(Loud consultations)

Hon. Moses Ogeto: Hon. Speaker, I want you to protect me from the Member from Woodley. During the morning session in the communication from the Chair--- I want to get your attention Hon. Speaker.

Hon. Deputy Speaker: Proceed my brother

Hon. Moses Ogeto: I do not wish to challenge your ruling Hon. Speaker but during the morning session, the Speaker made a ruling that matters bursaries will be discussed solely in the afternoon. Therefore, I humbly request that you change the business of this Assembly under Standing Order 42 so that Motion number eight be discussed next week. We respect your ruling Mr. Speaker and request that you respect the same ruling you made earlier on in the morning session, unless you want to tell us that you made a different ruling and you can't stand the same ruling this afternoon. We request that you change the proceedings of the House so that we discuss this issue which is of County importance. Thank you.

Hon. Deputy Speaker: I am in total agreement that we shall allocate time today after order number seven. I thought you were going to clap for me Hon. Members?

(Laughter)

Hon. Deputy Speaker: Clerk proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Mwangi Njehia

Hon. Mwangi Njehia: Hon. Speaker, in the interest of time, I wish to say that I am done with my statement and based on the mood of the House, I propose that we shelve all these statements---

Hon. Deputy Speaker: Hon. Mwangi, I have already ordered that after order number seven I am going to allocate time for that.

Hon. Mwangi Njehia: Most obliged Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Redson? Hon. Frederick Okeyo?

Hon. Frederick Okeyo: Thank you Mr. Speaker. From consultations with my colleague Hon. Member for Huruma Ward, I have decided to shelve the statement until next week Tuesday so that we can discuss issues of important matters.

Hon. Deputy Speaker: Hon. Kiragu, Chair Planning?

Hon. Anthony Kiragu: Hon. Speaker, just like my friend, I donate this time to deal with urgent County matters. Thank you

Hon. Deputy Speaker: Hon. Kiragu, do you wish to skip the two or just one?

Hon. Anthony Kiragu: I donate the two Hon. Speaker.

Hon. Deputy Speaker: Thank you Chairman Planning. In fact, you have three statements. Hon. Kados, Chairman Water? Hon. Leah, proceed.

Hon. Leah Supuko: Mr. Speaker sir, after consultations with Hon. Redson whose response we are to give, I request to donate time in solidarity with my colleagues. Thank you.

Hon. Deputy Speaker: Thank you Chair Water. Hon. Redson, do you have a request? Chair Health, Hon. Warutere? Vice Chairman or any member?

Hon. Naftaly Mathenge: I donate.

Hon. Deputy Speaker: No, there is no donation, say something.

Hon. Naftaly Mathenge: Tuesday, next week.

Hon. Deputy Speaker: Thank you.

MOTION

DEFINITE MATTER OF URGENT COUNTY IMPORTANCE

Hon. Deputy Speaker: Hon. members, Standing Order No. 34 is very clear as I had read before: *"If the Speaker is satisfied in terms of Paragraph 34(2) and not less than 20 other members rise in the precincts in support, the Speaker shall nominate a time on the same day as which such motion maybe moved"*

How many people are in support?

(Several members stood on their feet)

Okay, you may sit now. Mover, can you now proceed.

Hon. Jeremiah Themendu: Hon. Speaker, first and foremost let me thank Hon. members for being here on behalf of Nairobian and ready to defend Wanjiku in this Assembly.

I beg to move the following Motion pursuant to Section 34 of the Standing Orders on Adjournment on definite matter of urgent County importance. What I have seen today is very important for Nairobian. If we are united in this Assembly, we are going to fulfil the mandate that we were given by Nairobian. The issue concerning bursary is very weighty and nobody can wish it away. I ask Hon. Gari to second the Motion.

Hon. Maurice Gari: Mr. Speaker, as the Senator said, I rise to second this Motion. Each and every member here knows that this is a weighty matter. We have been talking about it and we should put it to rest once and for all. This matter has brought a lot of tension among members. To make matters worse, today I

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

didn't have time to speak in the House in the morning but this matter has been directed to the Powers and Privileges Committee because of one of the Executive members.

Mr. Speaker, a father who means well to his children must know how to conduct himself in the house. Before we went for long recess, we had some issues with our former Speaker and we agreed that we are going to elect a Speaker who will cater for our welfare. We are not seeing these things coming. Our welfare is being taken for granted. For heaven's sake, what is wrong with this County? We have been supporting this Government by passing Budgets and Appropriations Bills but is this how it is giving us in return by denying us bursaries?

As MCA for Nairobi West who is serving for second term, I won't allow myself to write my political obituary. Bursary will bring a lot of issues. I told members that if we don't get bursaries by the end of this week, that is tomorrow, we won't attend the sessions of this Assembly.

(Applause)

Mr. Speaker, we will leave you because I know you cannot go anywhere. We don't need much but just need the bursaries. If we have passed the supplementary budget and the Service Board is functioning, the little thing the Executive should give us is bursary. I beg to second.

Hon. Deputy Speaker: I want to give everyone a chance to ventilate on the Motion brought by Hon. Jeremiah so that we can give a general direction.

(Question proposed)

Hon. Kennedy Oyugi: Thank you, Mr. Speaker for the opportunity to support this Motion. Indeed, Nairobians are suffering. The reason why the Controller of Budget refused to give the County money meant for bursaries is very simple. Somebody somewhere has misappropriated money meant for bursaries amounting to Kh.90 million. I think we should not beat around the bush. Who is this person? Money cannot just disappear from the bank. It has been misappropriated by someone. I want to believe that we have investigative arms in this country that can help us unravel the whole saga. I used to say that here we are dealing with dogs and the dogs have their owner. If a whooping Ksh.90 million disappeared from the bursary kitty and the County has gone mum. I want to agree with the suggestion by the previous speakers that if action is not taken by tomorrow, Assembly's operations should be curtailed. By so doing, we will be sending a message.

Yesterday, when I was listening to some of the debates here, an issue arose that bursaries are privileges. I want to remind the House that Hon. Oyugi, the MCA for High-Rise has got three core mandates. Those are; representation, oversight and legislation. The people of High-Rise were given 700 forms amounting to Ksh.3.5 million in December last year. To date, they have not received their cheques or vouchers. As their representative, do you expect me to keep quiet? I must make noise because I am doing my constitutional mandate of representing my people.

This issue has been discussed and I am surprised that we got a communication from the Chair in the morning that some members of the Executive were harassed. When you walk across the Wards, have you ever met a member of the Executive in your Ward? The reason I am asking this is that whenever an MCA is passing across his or her Ward, out of the 30 people he/she will be meeting, 29 of them will ask about their bursaries. Last weekend, I had a meeting with the bodaboda riders in my Ward. I had to call Hon. Kiragu

on phone and put on a loudspeaker to say the truth about the bursaries so that they could believe me. I want to believe that this predicament that befell me also befalls other members. Hon. Themendu, I want to congratulate you for this.

As a House, this is a problem that cuts across irrespective of your party or loyalty. This is not a Motion against anyone. This is not a Motion against the Governor. It is a Motion geared towards helping the poor children or Nairobi. If we make a stern decision here, we shall have been helping even His Excellency the Governor to govern the great City of Nairobi. Wherever the Governor goes nowadays, the first question he is asked is about bursaries. It is a shame. Action has to be taken. I support.

Hon. Deputy Speaker: Thank you Hon. Oyugi. I can see almost the entire House wants to contribute. I will only give each one of you two minutes so that we can give everybody a chance to talk about this. Once given a chance, please take only two minutes and then we proceed. Hon. Kiragu.

Hon. Anthony Kiragu: Thank you Hon. Speaker. I want to congratulate and say thank you my colleague, Hon. Themendu for this Motion. It could not have come at a better time than when we are almost closing this year. Hon. Speaker, the options to deal with this matter is quickly closing. I would like to refer to the County Government Act, section 34, that the CEC shall exercise authority for the wellbeing and the benefit of the people. That is not what the CEC is doing. They are now trying to divert attention from the main issue of the bursaries to being harassed in the corridors of the County Assembly. You cannot blame a human being for slapping a mosquito for biting him.

Hon. Speaker, we cannot be blamed although it is not true. If any member harassed the CEC, I would not blame them for that. Hon. Speaker, I am one Member of this Assembly who leaves the House at 3 in the morning to run away from parents who throng my house in the morning waiting for bursaries. I can tell you I am not alone. We are many. We have tried with our meagre earnings to pay. We have written letters to schools telling them that the children are beneficiaries of bursaries. We are now tired.

Hon. Speaker, it is very unfortunate that we got here. There is something that I don't want us to forget. That the current CEC was the Chief Officer when Ksh 90 million disappeared from that ministry. We have every right, reason and everything under the sun to take action against her. Hon. Speaker, she is very sly. She answers questions very slyly that can even provoke Members to beat her up. I would like to say that I am known for being an impeaching MCA and that is the only path that we now have.

(Applause)

Hon. Speaker, I have looked at the law, section 40 of the County Government Act on the removal of the CEC. It is only the Governor who can do that. It can only be done when you use no. 40 (2) whereby any Member with the support of only 1/3 of Members of this Assembly can recommend to the Governor to remove a CEC. I have also looked on the grounds and I have concluded that we can use section 40 (1) (e) which is physical or mental incapacity which has rendered the CEC incapable of performing the duties of that office.

Hon. Speaker, if you were the accounting officer of such an important docket and you cannot account for 90 million shillings, there must be something wrong with the head. Not anything else. Hon. Speaker, this is not a matter that we need to joke with. We need to move with speed and we need to set this County on a path that is going to work for the people of Nairobi.

Hon. Speaker, yesterday, we read the first line of our political obituary which was the lack of development. This is the casket. If we cannot solve the issues of bursaries, we are done. And we need to do something ASAP [as soon as possible]. So, I would appeal to my colleagues. Somebody should rise and come up with a Motion which we will sign on our way out and only with the support of Members. She is supposed to go home so that she can be example to others who think we are here to clap for them. We need to do that ASAP. Hon. Speaker, thank you for your time and I believe that we will do what we are supposed to do as Members of this Assembly. We should paralyze any further business here until the issue of bursaries is sorted. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you Hon. Kiragu. Hon. Joseph Ouma.

Hon. Joseph Ouma: Thank you Mr. Speaker. I support the Motion because it is a very important one. Looking at the clip where some people are saying they were harassed, I didn't see any harassment. These are diversionary tactics that are meant to divert our attention from the main issue of bursary and the theft of 90 million shillings. I support the fact that we should paralyze any other activity in this House until the bursary is dispersed. Thank you.

Hon. Deputy Speaker: Hon. Kabiro.

Hon. Mubugua Kabiro: Thank you Mr. Speaker. The issue of bursary is an issue that keeps coming and going. I think we should settle this issue and get done with it once and for all. Mr. Speaker, there is inhumane treatment of Members of this Assembly, both elected and nominated. Mr. Speaker, I did not see anybody being roughed, but we hurriedly discussed things in the morning without according enough time for the bursary issue. If only we can prosecute things in the way we prosecuted things in the morning, then this House will move somewhere. The wheels of bursary move very slowly, but that of the pending bills in this Assembly and in the executive move so quickly.

Mr. Speaker, this is just 3.5 million Kenya shillings to each Ward. Other wards in other regions are getting 10 to 15 million shillings. Why are we prosecuting members to the extent that they are coming to say their political obituaries have been written? That is a total disregard. Let us make the Hon. Member an Honorable Member especially when they have a Ward and electorates that are following them.

It is high time we look at this thing and adjourn the Assembly every time to discuss this issue until the bursary issue is resolved. I am happy to have donated my time having been allocated to move a Motion. I can do that again and again until the bursary issue has been resolved. I support. Thank you.

Hon. Deputy Speaker: Hon. David Njilithia.

Hon. David Mberia: Thank you Mr. Chairman. The issue of bursary has become a problem with the current administration. It has never been a problem before. I was a councilor from 2007 to 2013. As councilors, we issued bursary from the council. There was no county government. Hon. Speaker, I can honestly say that the bursaries issued from 2007 to 2013 brought me back in 2013 after the new Constitution which created county governments. I can assure you that if the issue of bursaries is not resolved, none of these Members will get back in 2022.

The issue of the theft of Ksh. 90 million from the bursary kitty is not our problem. It has never been our problem because our duty here is to represent the people who elected us to this House, oversight and

legislate laws to govern this County. This County has an investigating organ which is supposed to have done its investigation and brought to book the people who stole 90 million shillings meant for poor children in this County.

Hon. Speaker, it is a pity that even women representatives have bursaries to issue. The other day, I was called and given 20 forms belonging to Nairobi County Women Representative, Hon. Esther Passaris. 20 forms against 700 forms issued by this County and brought back fully filled waiting for cheques to be given out to the poor children in our society. Mr. Speaker, there is no difference between a Member of Parliament and a Member of County Assembly. We are all legislators. It is only that they are in the national and we are in the County Assembly.

Mr. Speaker, during the administration of 2013 to 2017 there was no problem of issuing these bursaries. I would like to repeat that it is not a privilege; it is a right to the children of Nairobi County-the less privileged children of Nairobi County to access bursary fund and it is only Ksh. 5,000 for a Cheque.

Mr. Speaker, we have passed financial Bills and appropriation Bills for this Government to enable it to run its affairs. I believe even for this children to get the cheques is one of the affairs the County of Nairobi to take care of. Like the way my fellow Members have said here, we are going to paralyze the business of this House.

(Applause)

I would like to beg our nominated Members of this House to support this course because we are also praying for them to be elected in the general election of 2022. Let us all speak in one voice to ensure the money is released to the poor parents of Nairobi County. It is not a privilege; it is a right for the children to access education.

From Tuesday, if the cheque will not be released then tomorrow and Monday no Member especially the elected Member of this House will access this chamber. When we come for plenary here there are some allowances that we are paid and we will say that we do not want the money so that the money can be released for the poor Nairobians to access education. I beg to support. Thank you.

(Applause)

Hon. Charles Thuo: Good afternoon Hon. Members, Hon. Speaker this is a very powerful Assembly and we have intelligent Members and people who have been elected among many people. The House has to be a paper tiger because a real tiger does not announce its altitude but it bounces. This House is busy announcing to the world, the Governor and Executive that we are the tigers, why we are wasting our time; why don't we just bounce. This is because we have energy and tools with us, why are we giving stories here and wasting our time? We should act, if not so shut up forever. What we are doing here is nothing.

If the Majority Leader was here and the Minority Leader is there half of them will not speak. Therefore, it is either we agree or we decide if we want and it is not only bursaries. It is either we want things to be done your way or we shut up and sit and wait and watch people do things.

What we are doing here, Members, is that we are putting the up a show for nothing and there is nothing we are doing. How many people are willing to bring their children tomorrow so that we can go and ask the Minister why she has not paid? *(Applause)* Can we talk about actions and not preach? What should

be done is we should stop the debate and Members should hold a *Kamukuji* and agree on a way forward otherwise we cannot solve this in front of the Speaker and cameras.

Hon. Speaker, it is not only about the bursaries because the Committee has gone on retreats and Members have used their money including the members of staff and no one is paying them while the Executives are paying millions and millions to contractors every day. Even the money for bursaries has paid contractors, why are we not talking. The staff have not been paid their money and the year is ending when many contracts are lying on the desk of the CS and procurement office and nothing is happening.

We cannot continue performing actions to the gallery and pretending that we are happy which is not true. I know that the politicians are not happy but idle and not bored they will act. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Wambui Millicent! Chairperson of Education.

Hon. Millicent Mugadi: Thank you, Mr. Speaker, I would like to save Members from talking too much and let them hear it from me instead of them getting angry for what is their right. The bursaries are our right and we promised parents out there that we are going to pay school fees. Our main aim, Mr. Speaker, is not to be elected again but to change someone's life. When you change one person's life you change a whole generation life.

Mr. Speaker, we are not getting the bursaries. There is an audit query. The Executive side is not complying with us, and they are not giving us what we are asking them to do. They have decided not to do anything and will not provide what we are asking for, by doing so the Controller of the Budget has decided she is not going to give us money. The CEC, Chief Officer of Finance, the Director and the Accountant of Education have decided not to comply with what we are asking for.

Therefore, Hon. Speaker I am asking the relevant authorities to help us and reveal this mystery of the audit question because there is a limit of how far we can go. We have reached our limit because we have a complaint and I have run away from this Assembly, committees and Members to a point where I cannot run any more. I have also run away from my Ward and now I cannot run again.

Hon. Members, the Committee on Education and I have done our best and we have reached the end. We can't do anything anymore. We need your help and a way forward because we have complained to the extent whereby Members are being mistreated that they mishandled somebody, just because they were asking for their right. At this point, Mr. Speaker, I am representing the Committee on Education and we need help at the education sector whereby we need bursaries and the way forward. Thank you.

(Applause)

Hon. Deputy Speaker: Hon. Odhiambo Majiwa!

Hon. Geoffrey Majiwa: Thank you, Mr. Speaker, it is a sad day that we are here today discussing bursaries forms which we issued in December last year. One thing is clear and I would like to tell you that where I come from we believe that those who are fish eaters will know that when the fish gets rotten it starts from the head.

Mr. Speaker, we have two organs of the Nairobi County whereby we have the Executive and Assembly. Each of these organs have the heads and we have to come out clearly and say that there is a problem, and we cannot sit here every day discussing bursaries as if we are small children who do not follow-up what we say.

We have heard the Chairperson on Education giving up which is unfortunate for a chair to give up and he is the head of a Committee that is supposed to oversight. That means they have seen that there is nothing much they can do and they have reached the dead end. Reaching the dead end for a Committee that is supposed to oversight the issues of bursaries, it means that we are informing the people of Nairobi that they should forget the bursaries.

As the way Hon. Thuo has just said, we cannot lie to ourselves that it is only the bursaries that have a problem with. Problems are many but the truth is we have not been able to tackle or rather handle the bull by its horn. Hon. Speaker, we have to come out as elected leaders in this City who actually asked for votes with a clear intention that we need to change the lives of the people that we represent. That is the main reasons that we are here. Moreover, we cannot represent them by sitting back and watching while their welfare is being mishandled.

The Executive has officers and these people are letting down the Governor. Hon. Speaker even the bursary that belongs to the Governor is stuck as we speak and none has been given out. As leaders of this Assembly, we should sit with him and get to know where the problem is instead of going to a public meeting and saying that the bursaries money has been stolen. When you know a thief is somewhere you should report to a police station.

We cannot say the MCA's are going to sit here and discuss the theft of Ksh. 90million as if we expect thieves to react. We do not know how to detect when someone has stolen Ksh. 90million but we have people in this County who are earning a salary every day to investigate and take them to court if they have stolen the money.

I have seen in the past, Hon. Speaker in the Executive side when even Ksh 10 million has disappeared, the Governor fires the employees. Why have we not seen anybody being fired from Education because of 90 million? People have been going home and heads have been rolling, Mr. Speaker we cannot believe that it is because of money. I think it is a grand scheme to kill the bursary's interest for the people of Nairobi and he must come out and reject this scheme. If the officers think that they are going to kill this bursary issuance and it is something that has been in this city for over 20 years, we are not going to be in the Assembly that presided over killing the issuing of bursaries to the people that we represent.

These bursaries have been there Hon. Speaker and you know it as you have issued bursaries to your people many years back. You cannot be here as the Speaker now to preside over a meeting that it is seeing bursaries issuance being killed. We have to take a decision, whatever decision that we will take it as a House, and we have to stand with responsibility as overnighters and representative of the people of Nairobi.

Hon. Speaker, let us all come out even you as the Speaker you also represent a Ward. The other Speaker, who was here in the morning and promised us he is going to be here in the afternoon to help us get the solution and now he has send you to come and sit here today. In fact, we remember forcing you to accept, that we discuss this today. Mr. Speaker, the link is missing.

We want more between the leadership of this Assembly and the leadership of the Executive, who is not telling the truth? The truth is not coming out and the issue of 90 million cannot be the only issue, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Odhiambo! Hon. Wacira Samora.

Hon. Clarence Munga: Hon. Samora let me proceed. The Hon. Speaker will give you an opportunity to present. Thank you Mr. Speaker for giving me this opportunity to contribute to this noble Motion. I was elected to represent the interests of people of Kabiro and it is saddening that way back in December we issued out bursary forms to the needy students in our Wards and to date nothing has happened and as you can see all the elected members are complaining because the issue of bursary is thorny.

Mr. Speaker accountability is wanting. When the Executive fail to account for more than Ksh. 90 million it means we have a problem in the County. The reason as to why our students are not getting bursaries is because someone somewhere misappropriated funds meant for the poor students. If this County Executive is responsible they need to come out clearly and apologize to the needy students.

The students are at home and parents are not feeling good. The County needs to take up that responsibility and apologize to Nairobians for misappropriating their funds. When we talk about misappropriation of fund someone needs to step aside, if indeed we are fighting corruption in this County. If the CEC is the one responsible she needs to step aside. If it is the accountants who are responsible someone needs to step aside. Misappropriation of funds is a weighty matter.

Lastly time is of essence and parents need to be told the truth. If they are supposed to wait until the end of this week, let them be told. If they are going to wait until end of next month let them be told. Not beating around the bush and taking our people in circles. As members have said we may end up not attending the plenary to show our frustration and those of our parents whom we represent. Thank you.

Hon. Sylvia Moseiya: Thank you Mr. Speaker for this opportunity. I rise to support this Motion very strongly. I also rise to caution members that the debate on whether bursaries is a right or privilege will continue until we have a legal framework that guides bursaries. That framework is available in Narok, Laikipia, Kisii. There is County Bursary Act that guides. If we have it there is no problem of implementation.

Secondly, as a way forward we have the budget that we passed amounting to Kshs 3.7 billion where Ksh1.7 billion is for recurrent expenditure and the rest for development. I don't know if the Members will start thinking about having bursary being passed for the County Assembly and forming part of the development budget so that we can be able to oversight our money from the County Executive. That can become something like the CDF Act where members of Parliament have some say on how developmental budgets are implemented. There are committees at ground level to check on that. We might need to look at further debates on how this money for bursaries will be given to Members and implemented by the Executive. When they are remitting money to the County Assembly for use let them remit the bursary as part of our development money and the Members can be able to supervise the money going to the intended people. This issue of Ksh. 90 million has disappeared into thin air and the Auditor General is raising queries and yet there is no money for bursary.

All I am saying is that we need to explore. The way *Mheshimiwa* Thuo said we may need to have a *baraza* as members. We the nominated are strongly behind the elected. We understand the plight that you are in. We need to have a *baraza* outside the Chamber and see how best to implement. We are strongly in support of this Motion and we will help you not to attend to any debate in the House unless the matter is concluded. Thank you.

Hon. Abraham Njihia: Thank you Mr. Speaker for catching my eye. I want to echo the sentiments of most of the Members here on the issue of bursary. Hon Speaker I know you are very conversant with the chronology of the bursaries. I remember serving with you as councilors in 2007. If I can recall, we were the first ones to give bursaries whereby we were giving 50 bursaries and those 50 have now gone up to 700 bursaries.

Hon Speaker I think the bursary is among the backbone of an MCA. It is prudent that we get this money. Just the other day, after the Education Committee sitting, some of our members walked all the way to Controller of Budget Office and because this is our backbone. I feel that you as the leadership of this House are the one letting us down. You are the barrier. You are the communication. When you want to go to the Executive, you are the bridge. But you are not coming here to give us direction on what to do. Personally I put the blame on the leadership. In due course you might be coming here, the bell will ring but nobody will come to this Assembly, because of something very small which can be sorted by the leadership.

You Mr. Speaker, Majority Leader, Minority Leader can walk to the Executive, see the Governor, let the Governor call the CEC of Education then you come with a solution. I think it is high time a solution is found to the bursary issue. I want to echo the sentiments of Hon. Wakarindi that this is the high time we need a *kamkunji*, latest by Monday. If we don't have this Speaker's *kamkunji* I think we will have an empty Assembly on Tuesday. Education is a right of every child of this country, not Nairobi only. It is enshrined in our Constitution. It is my humble request that the only way to solve this is holding a Speaker's *kamkunji*.

Hon. Mark Ndung'u: Thank you very much Mr. Speaker. I want to support this Motion and then echo the sentiments of Hon. Thuo. We are doing a merry go round because how can the Governor whom we love so much turn a blind eye on the issue of bursaries. I have never seen the Governor speaking about it. If a CEC has not come to work, they are fired. Why can't the Governor fire the CEC of education?

Secondly now I want to talk in Kiswahili. *Ya pili sisi ni watu tumechaguliwa...*

Hon. Deputy Speaker: If you stated in English you have to continue with it.

Hon. Mark Ndung'u: I must continue in English. Okay and thank you very much Mr. Speaker. We are the most unpopular MCAs in Kenya today. We will not allow our political obituaries to be signed because we are from the ruling party or something like that. We must arrange ourselves – all the 85 elected Members- and go to that office and close it. We don't need to have a CEC of Education and we don't have bursaries. When I look at my sister Hon Millicent Mugadi when she was reelected she was beautiful but now she has wrinkles because of these pressure of bursaries. All the leadership is failing us. I heard in the morning that the Minority Leader stood up and said bursaries are privilege. No, no, no. bursaries are our right. We will mobilize Members and we will go to the Governor. The leadership please call a *kamkunji* as soon as possible, even tomorrow. We come here, we discuss and know the way forward. Thank you much Mr. Speaker.

Hon. David Okeyo: Thank you very much Mr. Speaker for giving me this opportunity to say a word on this. The money for bursary is taxpayer's money. It is not money coming from anyone's pocket. When we are talking about it we should be very serious. We were given a form 8 months ago. This is the unique County that has a lot of revenue and somebody want to tell us that we cannot get bursary because it has been misappropriated by somebody. We need them to go to the Controller of Budget and sort out their issues and

then they give us bursary by Monday. Today this House should resolve that, the Nairobianians are going to get bursary by Monday. I think whatever we will say here will act like a Judge in the Court of Appeal.

Mr. Speaker I want to add that in the morning session our Speaker who was there was very fast to come with the Communication from the Chair indicating that some Members misbehaved yesterday; the Members didn't misbehave. I want to call upon the Chair of the Committee of Powers and Privileges not to attempt to summon any Member because it will bring problems in this House.

Hon. Deputy Speaker: Hon. Okello please stick to the---

Hon. David Okeyo: What I am saying Mr. Speaker, I am not even ordering him but I am saying that-

Hon. Deputy Speaker: But that is malice. Just contribute. In fact, you have exhausted your time.

Hon. David Okeyo: Mr. Speaker, can I continue?

Hon. Deputy Speaker: Continue for only one minute because you have exhausted your time.

Hon. David Okeyo: I know I only have one minute.

Hon. Deputy Speaker: Proceed.

Hon. David Okeyo: The Speaker was very fast to come with this thing and whatever we did yesterday was not even harassment we only wanted to send a message that we need bursary for these poor kids who are unable to go to school because we have not given them the bursaries. I beg to support this Motion. Thank you.

Hon. Kennedy Obuya: Thank you Mr. Speaker. Hon. Patrick, I beg that you allow me to proceed. Hon. Speaker, I am rising to support this Motion as a son of a poor woman who grew up in an informal sector in this City, Mukuru slums who is also a beneficiary of the bursary scheme.

Hon. Speaker, it is sad that to note that from last year when the residents of this great City submitted dully filled bursary forms and we gave to the County government of Nairobi. I also stand guided but this is a bursary that was factored in a budget of the last financial year 2018-19. What happened to date because we allocated funds for this? What happened to the money that was allocated to this scheme?

If at all somebody somewhere took this money or diverted it, we have a history where money has somehow been channeled to an account overseas such as Maryland and I stand to be guided Hon. Speaker. The Nairobi County government is on record that we have a government that does not tolerate corruption, why is the bursary case becoming so special? That the vigor, speed and momentum that our government is applying to arrest corruption cases in other sectors, can we bring the same momentum and arrest this situation.

Hon. Speaker as the Member representing Imara Daima Ward, I was issued with letter heads by the government of Nairobi through this Assembly. I have been doing undertakings using the same letter heads giving a timeline begging for students to stay in school and those in boarding schools eating and being given other services in school. To date I have seen a situation where institutions will be taking not only me but other Members to court because we have not honored our pledges as representatives.

It is so sad as a son of a poor mother who grew up in the slums who knows that bursaries are important to the citizens. Hon. Speaker I beg to support and I register my displeasure. Hon. Speaker it is so sad, thank you.

(Applause)

Hon. Deputy Speaker: Thank you Member for Imara Daima.

Hon. Cecilia Ayot: Thank you Mr. Speaker for giving this opportunity to speak on this important Motion. It is evident that Members are disillusioned. Hon. Obuya, if people listened to you, you must also listen to them. I was saying that it is a big shame and disgrace that we paraded parents for the last six months and we have not been able to award them bursaries.

Hon. Speaker, there has been a concern whether it is a privilege or a right. I want to echo the sentiments of a few members, we all understand that all the implementation is done by the Governor through the Executive and money that is spent in all projects is from the Consolidated Fund which is tax payer's money. It is very important to note that it is the responsibility of any sitting government to take her children to school and mostly from needy families. When we ask for what is rightfully ours, we must never be confused that we are getting favours.

The other concern that I want to raise, is that I am really happy with the explanation that Hon. Mugadi gave and it has really saved us energy in terms of wondering which way to go. Let us be objective and know where the problem is and the way to pursue. I also love and admire the way women think, it is not about coming to this Assembly but being able to commit to the responsibilities that we undertook to support the needy children within our areas.

I also want to ask all Members as we address any concern in this Assembly, let us note that all the nominated members in this Assembly form part of this Assembly. It is a requirement that an Assembly is not complete without the nominated members. So any business that we are undertaking we are together with them let us not be forgetting and keep on talking about the elected members only. The Assembly cannot do business without the nominated members. Thank you Mr. Speaker, I beg to support.

Hon. Patrick Mbangula: Thank you Mr. Speaker. I think we have a serious problem in this House because these bursary forms were issued way back in 2018 and if I can remember very well in December. It is almost seven months down the line and yet we have not been issued with the cheques. I think we are sleeping on our oversight responsibilities and this is a high time as a House we rise and take our rightful positions.

One of my voters asked me; *Mheshimiwa* where is our bursary? And I said the Executive is handling the matter but he said six months down the line and we have not heard you guys talk about it, either in the media or in the House because these people are following up the proceedings in the House. Mr. Speaker there is a lapse in our overlooking and this is a high time we gave it serious thought. This will not only help us but also the Governor in his administration to make sure that when the Assembly passes a Motion or a Bill, it should be acted upon as soon as possible. We are ready for a *Kamkunji* as soon as tomorrow, as soon as Monday and as part of leadership we should convene a meeting and agree on the way forward as soon as possible. Thank you Mr. Speaker.

Hon. Silas Matara: Let me beg my fellow colleagues to give me a few minutes so that I can make--

Hon. Deputy Speaker: But we are only giving two minutes.

Hon. Silas Matara: Hon. Speaker I am rising to give my inputs in light with the discussion on the floor. Earlier in the day during the first session, we were discussing about what transpired yesterday in the corridors after the committee. But I believe that that was not the major conflict because by the end of the day

we were elected by Nairobian and it beats logic when we get to collect a lot of money and simple we cannot be able to dispense with a simple thing like bursary in good time regardless of the reasons.

Another thing that beats logic is that, there is no one who is willing to take responsibility and answering adequately to the concerns of the Members. Whatever happened yesterday we were supposed to ask ourselves as a House, what really made the events of yesterday come to pass. I believe it is the frustrations that we as Members get to face from our Wards. It is high time that Members get serious and do our part of overlooking the guys from the Executive so that a future occurrence of the same is not repeated. Because the biggest battle we are facing or we are expecting is from the people who put us here in this Assembly. Thank you Hon. Speaker.

Hon. Deputy Speaker: Finally, Hon. Wachira Samora.

Hon. Samora Mwaura: Thank you Mr. Speaker for giving me this opportunity to contribute to this very important Motion. First and foremost, as many of my colleagues have said, we are being fried on the ground by the people who sent us here simply because 8 months ago we gave them 700 forms but we have not been able to deliver cheques on.

These people don't know about what is happening on the Executive side, they don't know anybody else but the person who brought them the forms. As we speak right now in my backyard my opponents have started capitalizing saying that I gave fake bursaries and I wasted people's time when coming to my office to collect the forms. The only way we can kill such kind of talk, is by ensuring that we deliver these cheques and we get them now. We have been doing a lot of talking in this House, in the committees, I was actually there in the Committee of Education when the incidence happened. There is a lot of talk and as *Mheshimiwa Thuo* said, the talking should stop and we act and act fast.

We should get these bursaries now. I would like as a House we make a resolution on the way forward. What should we do to make sure that we get these bursaries by Monday? Either we don't come to this House as one Member said and we forgo those allowances until *Wanjiku* who sent us here gets her right. And as somebody said, I don't believe that it is a privilege for us to be given bursaries, it is a right. Because if it was a privilege, they should not have given us those forms. By giving us those forms and then coming here to tell us it is a privilege, it is setting us up against our electorates. Thank you Mr. Speaker, I support.

ADJOURNMENT

Hon. Deputy Speaker: Thank you very much Hon. Members for the contributions but I want to give a direction on the adjournment of this Motion. Hon. Members, naturally the Chair would provide no further direction than to leave the matters raised in this Motion of adjournment as they are pursuant to Standing Order No. 34. Hon. Members, the matters raised are weighty and there is nothing of a final conclusion and therefore, I direct that the Select Committee on Budget and Appropriation take up this matter and furnish the House with a response next week on Thursday.

We need this matter to be addressed. With those few remarks Hon. Members, having dealt with everything, the House stands adjourned till Tuesday 2nd July 2019 at 2.30 p.m. Thank you.

(The House rose at 4.24 p.m.)