



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 6th October 2019

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have a communication to convey. As you may be aware, the Ministry through the directorate of Urban and metropolitan development within the state department of Housing and urban development is implementing the Nairobi Metropolitan service improvement project financed through the World Bank credit to the Government of Kenya.

The establishment of a physical addressing system for Nairobi City County is one of the projects under implementation through the aforementioned arrangement.

The objective of the project is to establish a physical addressing system comprising of a physical address, digital database and a directory that will lead to improved integrated, efficient and progressive approach in urban management within Nairobi City County. Consequently, Hon. Members, the chair is in receipt of a letter dated 5th November 2019 inviting members for a retreat on the establishment of a physical addressing system of the Nairobi City County organized by the state department of Housing and urban development.

The retreat is to be held from 7th – 9th November 2019 after the rise of the House at Lake Naivasha, Sawela Lodge in Nakuru County. The meeting starts on Friday 8th November at 8:30 a.m. Honorable Members kindly note that the state department of Housing and urban development will cater for all your per diem and transport allowances to facilitate you attend the workshop. Hon. Members, I, therefore,

urge you to spare ample time and attend this very crucial meeting for the benefit of this great County of Nairobi. Thank you.

STATEMENTS

REQUEST FOR A STATEMENT REGARDING DELAYED PAYMENTS OF CONTRACTORS WORKING ON COUNTY INFRASTRUCTURE

Hon. Speaker: Hon. Redson, Ngei

Hon. Speaker: Can you cue in?

Hon. Redson Otieno: Thank you, Hon. Speaker. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the chairperson of the select committee on County Finance Budget and Appropriations regarding delayed payments of contractors working on county infrastructure

Hon. Speaker: I ask the ICT to check on the microphones

Hon. Redson Otieno: Thank you, Hon. Speaker. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the chairperson of the select committee on County Finance Budget and Appropriations regarding delayed payments of contractors working on county infrastructure.

Hon. Speaker, infrastructure development is an important item in the economic development of this country and we recognize the various projects that are ongoing in various wards across the country. Of note are the roads and drainage works that have been ongoing but stalled midway.

However, Hon. Speaker in as much as County engages contractors and suppliers it deems competent to deliver in terms of raising certificates of works done or evidence of supplies made. The County Finance department takes longer than expected to pay these contractors and suppliers both on certification and on supply basis. For instance, a contractor working on the improvement of drainage at Metameta and Mbuthia as well as that working on rehabilitation of Kibichero road in Ngei ward have reportedly raised first certificates and that is yet to be paid despite the remarkable works being done on the ground

Hon. Speaker, in the statement the Chairperson should inquire into and report on;

1. Reasons why the payments for the said contractors and suppliers take longer than expected even after they deliver as per agreed terms?
2. Measures that the County has put in place to make the process expeditious in the wake of contractors abandoning sites and shying from doing businesses with the county
3. The steps the County has taken to ensure that the certificate for contractors, Santek contractors company working on drainage works in Ngei ward are paid to have the works completed seamlessly

Hon. Speaker, pursuant to Standing Order 45 (2c), I wish to request for a statement from the chairperson of the select committee on Environment and Natural resources regarding garbage collection in the County.

Hon. Speaker, article 43 (1b) of the constitution provides that every person has a right to a reasonable standard of sanitation whose purpose is to safeguard the communities against diseases and other health hazards. Fourth Schedule of the Constitution is specific that solid waste collection and

management shall be provided by the County Government. Hon. Speaker, Huruma, Ngei and Mabatini wards border one another.

Most garbage collection in the neighbourhood are dumped in Ngei ward and this exposes the residents to health hazards and it has allegedly been protested by the Kenya air force for attracting scavenger birds that are risky for flights in or out of the Eastleigh airbase. The situation is worsened by lack of discriminated waste collection points, therefore, litter is subsequently scattered by secondary agents and find their way in drinking water making residents unhealthy.

Hon. Speaker, in the statement the Chairperson should inquire into and report on;

1. Measures the County executive has put in place to ensure that solid waste is collected on a priority basis in the three wards for onward disposal to dumpsites
2. Steps the County Government is taking to provide adequate designated waste collection points in the wards to avert the imminent outbreak of diseases

Lastly Hon. Speaker. Pursuant to Standing Order 45 (2c), I wish to request a statement from the chairperson of the sectoral committee on Water and Sanitation regarding supply of water in the County and in particular Ngei ward.

Hon. Speaker, access to clean and safe water in adequate quantities by all citizens is a right that is provided for under Article 43 (1d) to paragraph 11 of the Fourth Schedule of the Constitution and it places this function on the County Government.

Hon. Speaker, it is important to know that the demand for water in Nairobi City County is higher than the supply. For instance, the latest reports indicate that the demand for water in Nairobi stands at 90,000 cubic meters against the supply capacity of 526,000 cubic meters. In view of the foregoing, Nairobi City Water and Sewerage company drew a rationing plan for the County. With this plan in place, it is expected therefore that Nairobi city must be faithful to the plan and be consistent with the supply of the commodity to the estate.

However, Hon. Speaker, this is not the case in most estates, for instance, Ngei ward and Mathare at large which has no water supply for the last three months.

Hon. Speaker, in the statement the chairperson should inquire into and report on;

1. Reasons why water supply to Ngei ward has been erratic for the last three months?
2. Measures that the County executive is putting in place to ensure that water supply in the County is undertaken as per the rationing plan and the supply in Ngei ward

Hon. Speaker: Hon. Chair, Budget.

Hon. Robert Mbatia: Thank you Madam Speaker. I undertake to give a comprehensive answer in the next nine plenary days

Hon. Speaker: Thank you Chair. Chair Water?

Hon. Paul Kados: Thank you, Speaker. Can I give the answer within two weeks?

Hon. Speaker: Yes. Sorry about the microphone. Chair, environment

Hon. John Kamau: Thank you Madam Speaker. Ten working days.

Hon. Speaker: Is the Chair for Transport in the House? Hon. Ngengi is in the House and I believe that he needs a response. Yes, Hon. Joyce.

Hon. Joyce Kamau: I have the response on behalf of the chairman

Hon. Speaker: Proceed. Have you shared it with Hon. Ngengi?

Hon. Joyce Kamau: Yes

Hon. Speaker: Then you can summarize some parts

Hon. Joyce Kamau: Okay

RESPONSE TO STATEMENT REGARDING NON FUNCTIONAL HIGH MAST AT LOWER KIRINYAGA ROAD

Hon. Joyce Kamau: Hon Speaker on 16th July Hon Ngengi rose on the floor of the assembly pursuant to Standing Order 45(2)(c) and requested the chairperson of sectoral committee on Transport for a statement regarding a non-functional high mast in the counties specifically two high mast at lower Kirinyaga road in the central business district posing security challenges in the area.

Hon. Speaker the committee wrote to the chief officer responsible for public works, road and transport on 18th July via a letter inviting him to a meeting of the committee that was held on Wednesday 31st July at the County Assembly pursuant to Standing Order 45.

The purpose of the meeting was to enable the chief officer to furnish the committee with the response to the statement requested by the member. The committee further wrote to Hon Ngengi inviting him to attend the meeting of the committee.

In this regard, I wish to report to the assembly as follows.

1. As regards to the measures put in place by the county executive to have the high masts in lower Kirinyaga road repaired.

The committee was informed that one 30-meter-high public light in the said area has since been repaired and is functional. Another 30-meter-high public light was burned in the course of vandalism by street children. In this regard, the sector had taken up the matter and took to intervene and have the light restored.

2. As regards the steps of the county executive is taking to ensure the high masts installed in the county are working conditions to curb cases of insecurity and promote business during night hours as the county transits towards a 24-hour economy.

The committee was informed that teams from the sector were on the ground and progressing with the repair of lights across the county. The sector acknowledges that shortage of materials for repair had been hampering the process of repairing streets and public lights but the process has since commenced with part of repair materials having been inspected and made available in stores.

In the short period after inspection of materials, the sector had been able to repair lights in Kariokor market and Machakos country bus, Masinde Muliro playground, and Kiamaiko ward railways bus station, lower Kirinyaga, Mathare North hospitals, Clay City, Hunters area, Kasarani, Santon area, and Roysambu Thome area.

During the meeting, the committee urged the chief officer and the head of electric sector to move with speed to repair the lights in the central business district as raised by Hon Ngengi and extend to other areas in the county since the problem cuts across all wards in the county.

Hon Speaker Hon Ngengi was satisfied with his response. A copy of the detailed response has been given to Hon Ngengi who requested a statement and a further copy is hereby attached to this report. Hon Speaker I beg to lay the statement. Thank you.

Hon. Speaker: Thank you very much. Hon Ngengi, do you have anything?

Hon. Ngengi: I am very satisfied Hon Speaker, thank you.

Hon. Speaker: Chair of Planning was to give the response to Hon. John Kamau. Is anyone there with a response? Hon. Ruth?

Hon. Ruth Ndumi: Thank you Madam Speaker, no response.

Hon. Speaker: Hon Kamau? I know your response is not there. I want to plead with you to give a response next week.

Hon. James Wamboi: I oblige Madam Speaker but I had requested that statement from last year but if it is two weeks okay.

Hon. Speaker: Hon Ndumi are you able to do it?

Hon. Ruth Ndumi: Thank you, Speaker. Yes.

Hon. Speaker: I want to request the Chairs. We have a short time remaining. Kindly let us finalize all business so that we don't pile so much. Proceed, Clerk. Hon. Imwatok, what is it?

NOTICE OF MOTION

MOTION OF PRIVILEGES PURSUANT TO STANDING ORDER 56(H)

Hon. Peter Imwatok: Hon Speaker allow me to move a motion of privileges. I beg to give the following notice pursuant to Standing Order 56 (h) of the Nairobi City County Assembly.

Aware that section 36 of the County Assembly Service Act 2019 provides that at end of each calendar year the County Assembly Service Board ought to table a report in the assembly concerning its operations for the year in question.

Noting that the key issues the board is supposed to highlight in its annual report include but not limited to:

1. Activities are undertaken in the year
2. Self-appraisal information on the services and attendant challenges

Acknowledging the challenges of the foregoing and bolstered by Article 10(2)(c) of the Constitution of Kenya 2010 which delineates the values of accountability and transparency which binds all state organs, state officers, public officers and all persons serving across the civil service spectrum.

Now therefore this assembly resolves that the Nairobi City County Assembly Service Board tables within five calendar days of adoption of this motion the said reports or any other material including the overall functioning and establishment of the office of the Clerk between the year 2013 and 2017 when the assembly was in *sine die* that the board might deem relevant in helping the assembly carry out its mandate.

Madam Speaker I have stood to move this motion on privileges as the Hon member of Makongeni/Kaloleni/Mbotela.

Madam Speaker you are aware that I am a privileged member who was elected in 2013 when I found the likes of senior Kados, senior Majority Leader *Mheshimiwa* Abdi Guyo, senior Minority Leader Elias Otieno, senior of this house *Mheshimiwa* Azangu and we were joined by a couple of members.

Having gone through the County Assembly Service Act I realize that our assembly might be in a situation it doesn't understand how organs operate. In particular, I stumbled a mitigation issue that was done when the assembly was in *sine die* when we were in the general election of 2017.

Therefore, Madam Speaker under your direction I want you to give us time so that I can expound more on this motion and why I deemed it necessary to bring it to this house. I beg to move.

Hon. Speaker: Hon Minority Whip I will allow Hon Ngengi to move his motion and after that, we will give you time to expound so that I can also understand the motion.

MOTION

ESTABLISHMENT OF PARKING FOR MOTORBIKES AND BICYCLES IN THE C.B.D

Hon. Daniel Ngengi: Hon Speaker first I would like to take this opportunity to welcome you back to the house and unlike Hon Matara, for me, it was not a bad stomach but I am here now. Thank you very much Hon Speaker. If it so pleases if you invite the member for the Central ward for high time and tee-a-tee, the member will accept.

I wish to move this motion: THAT, aware that Article 186 (1) of the Constitution of Kenya 2010, and paragraph 5 of the Fourth Schedule to the Constitution provide for the functions and powers of County Government on County transport including regulation of county roads, street lighting, public road transport traffic and parking; further aware that the Nairobi City County has designated preferential parking zones and bus termini throughout the City with parking restrictions for each zone; noting that recent years have witnessed a marked increase in the use of motorbikes and bicycles in the County; concerned that the Nairobi City County Government has no designated and cleared marked parking slots for motorbikes and bicycles in the County and especially in the Central Business District (C.B.D); noting that the available parkings are meant for vehicles only yet the County Government collect revenue from motorbikes in the C.B.D, this Assembly urges the County Executive to establish well-marked parking areas for motorbikes and bicycles in the Central Business District to ease the pressure on the available spaces, provide efficient parking services to motorists and boost revenue collection for the County.

hon speak it is very paramount that with the direction the world is taking of non-motorized transport installing parking spaces of bicycles will improve on exercises and wellness of people. We go to places like Denmark and other countries we have people like PM riding to work.

Well established parking spaces will reduce congestion. Kenyans are wasting time in traffic. On Mombasa road and Thika road people are stuck in jam.

Hon. Speaker, the people are stuck in *Matatus* and we also waste a lot of time in traffic. Pollution is double the recommended level. The air is unbreathable. We are now experiencing our children with chest infections, asthma, allergies which leads to short life. Hon. Speaker, there are many alternatives. Electric motorcycles are already in production. Hon. Speaker, the genesis of this motion is that a few months ago, we had an issue with inspection. The motorcycle riders were harassed. Since then it has ceased. We used to have few parking near New Stanley and GPO but they have been removed and cars have taken the spaces. Motorcycle riders have nowhere to put their bikes. With every street, there should be parking or two specifically reserved for bicycles and motorcycles.

Hon. Speaker, we have witnessed situations where a bike is found in a parking space and the car drivers remove it. In the process, the motorbike is damaged. Hon. Speaker, I request Hon. Emily Oduor to support the motion. Thank you.

(Hon. Speaker left the Chair)

(Hon. Temporary Deputy Speaker Anthony Kimemia took the Chair)

Hon. Emily Oduor: Thank you Mr. Speaker sir. Thank you Ngengi for giving me the honor. I stand here to second this motion. First, what he has raised is very pertinent. We have seen people getting stuck in traffic jam yet most of them have other means of transport. They have their moto bikes back at home. They have their bicycles at home. They can ride to work. But because they are not so sure of where they are going to put them and sometimes you park in certain areas and the inspectorate come and take them away or they are being stolen. So, they are forced to ride in *matatus* or private cars. And this is one of the reasons why we have a lot of traffic jam because we have a lot of cars on the road.

Secondly, on a lighter note, I think if we introduce cycling to work, some of us with excess weight would reduce quite a bit and this would reduce lifestyle diseases like heart conditions and diabetes. This would reduce the amount of money we spend in hospitals. I don't know why Hon. Obuya is laughing at me. Protect me, Speaker.

Hon. Temporary Deputy Speaker: Order Hon. Obuya.

Hon. Emily Oduor: So, if we can have specific spaces for cyclists and moto cycles, it would reduce a lot of things in the city. They need to have specific lines on the road where these motorcycle riders can use. We can give them parking spaces but we do not have lanes where they can ride. We are going to have many deaths, especially for *matatu* riders. So, as they do that, they should also complement it with the specific lanes where these motorcycles and bicycles should ride. With that, I beg to second.

(Question proposed)

Hon. Temporary Deputy Speaker: Members. Hon. Musili.

Hon. Patrick Lubangula: Thank you, Mr. Speaker. I thank Hon. Ngengi for this motion. I rise not to support, but with reasons. Mr. Speaker, Hon. Ngengi is my good friend and we have partnered in so many areas in developing the CBD. Nevertheless, when it comes to pointing out some issues that need to be corrected, I think it is better we cooperate in those areas. Creating extra parking spaces for motorcycles and motorbikes is a noble idea. But not within the CBD. We are aware that our youth need to be given a chance to grow themselves economically, but the interest in building our country and our CBD is very important. When I say CBD, it means the Central Business District where we need a lot of sanity, security and we cannot gamble by making our CBD be a hub for hosting motorcycles and motorbikes. This is a sector that is not properly regulated and controlled. So, the two issues that I have mentioned, the issue of insecurity and congestion cannot allow us to accept motorcycles and bicycles within the CBD. I would suggest that Mr. Ngengi goes back and redrafts this motion to say that we can create those extra parking spaces outside the CBD. Areas like Lungalunga, Luthuli Avenue. We will then support this motion. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Obuya.

Hon. Kennedy Obuya: Thank you, Hon. Speaker. I stand guided. I wanted this good motion to be done with an amendment. Hon. Ngengi, I want your attention. Hon. Speaker, Hon. Ngengi is my good friend. I have seconded four of his motions. But on this, I want to differ. Nairobi is the capital and economic hub of the east and central Africa. If you look at the structures of vision 2030, we cannot have another Kampala in East Africa within Nairobi CBD. We need to encourage a walking nation within the CBD. I was looking on social media and I saw one Prime Minister of a republic within Europe welcoming the president of France by riding a bike. Hon. Ngengi, we cannot help our Governor by encouraging our youth to have

motorcycles in the CBD. We must be serious with the vision that the president has in developing Nairobi to become the capital economic hub for Africa. I, therefore, encourage the Hon. Member that this should be done by an amendment. Thank you. I beg to oppose it.

Hon. Temporary Deputy Speaker: Thank you. Chairman, Transport. ICT?

James Wambui: *Asante Bw. Spika. Langu ni kuchangia hii hoja ambayo neza kuipingi kwa sababu tunalo janga kubwa la usafiri na foleni ambayo iko kwenye jiji hili la Nairobi, hususan kwa upande ya bodaboda. Wengi wao huendesha kwa dhurura sana. Mara kwa mara tunawaona wakipitia njia zisizofaa. Utapata mwingine anaenda kushoto, mwingine kulia na haswa hii mambo tungeifanya baada ya kupanga huu mji na tukapanga usafiri ambao bado tunashida nao wa matatu. Kwa hivyo, mimi ningeomba kuipinga na sipingi rafiki yangu kwa sababu ni rafiki yangu ... (Technical hitches) Itakuwa muhimu sana tukijaribu kuzuiya kwa wakati huu. Lakini huu musuanda ukienda upangwe vizuri nitakuwa tayari kusima nao. Asanteni.*

Hon. Temporary Deputy Speaker: Hon. Peter Imwatok!

Hon. Peter Imwatok: Hon. Speaker allow me to rise and advise the Hon. Member who moved this motion, that it will be prudent if he can withdraw this motion and do an amendment. As a great man, I know you represent the CBD it will be an honour for us to pass a motion that guides the interest of our people. If we decide that this terminus for motorcycles and bicycles can be done some distance away from CBD because with this am sure Hon. Ngengi it will not see the light of the day.

I understand that there are Counties that have developed this but they are the rural counties. But here in Nairobi County as a City, we cannot be an Assembly whereby we take this County into crises. As it is we have no regulations we have tried to avoid the menace of motorcycles. However, we have also said it is important to give business to these young men and women an opportunity within the precincts of CBD. For instance, when a motorist moves from Kawangware and we say we build these things around Uhuru Park, it will re-congest the town that anyone who wants to take a motorcycle will just walk across.

As walking is an exercise as we have many people who are obese including our own Member Obuya who tried to do all his best from a 166kgs to 55kgs that is an effort. *(Applause) (Laughter)* Therefore, walking a distance to take a motorcycle is healthy for our life.

Hon. Speaker, I still urge my brother Ngengi if possible to withdraw this motion, defer, and redraft it well so that it can have an aspiration of a capital city in East and Central Africa.

Hon. Temporary Deputy Speaker: Thank you senior that is why we are lucky to have your kind of brains in the House. Mover!

Hon. Daniel Ngengi: Thank you, very much Hon. Speaker and Members. Hon. Speaker, pursuant to Standing Order 55 (1) I beg to withdraw the motion. Thank you Very much, Hon. Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Imwatok do you have a motion you want to move. *Mweshimiwa Matara!*

Hon. Silas Matara: Thank you, Hon. Speaker, first I want to bring to your attention one of our senior members came into the House without bowing. Hon. Ndonji so I believe that it is prudent that all the Members of the House adhere to the rules and procedures of this House.

Secondly, Hon. Speaker, I know you pronounced yourself on the issue after Hon. Ngengi had withdrawn his motion. But I believe also that all the Members who had indicated on giving their views on the

same should have been given an opportunity, like myself, I wanted to support it with a different view which possibly would have informed the House to change their opinion on opposing because...

Hon. Temporary Deputy Speaker: It has already been overtaken by the event. The mover himself requested to withdraw.

Hon. Silas Matara: He had his rights but we also had our rights to give our views on the same. Thank you.

Hon. Temporary Deputy Speaker: Thank you. *Mweshimiwa* Ndonji I did not notice you coming in while bowing.

Hon. Joseph Ndonji: You could not notice because I bowed. I think *Mweshiwa* Shailo must have been asleep because I bowed.

(Laughter)

Hon. Temporary Deputy Speaker: Order! Thank you very much. Hon. Members, we should be respecting the House, not the individual who is seating before you but it is because of the respect that is in the House. Thank you very much. *Mweshimiwa* Imwatok Peter.

(Hon. Speaker resumed the Chair)

MOTION OF PRIVILEGES PURSUANT TO STANDING ORDER 56(H)

Hon. Peter Imwatok: Hon. Speaker, allow me to move a motion if granted by your able chair. Hon. Speaker, I beg to give the following Motion pursuant to Standing Order 56 (h) of the County Assembly of Nairobi.

Aware that, Section 36 of the County Assembly Service Act, 2017 provides that at the end of each calendar year, the County Assembly Service board ought to table a report in the Assembly concerning its operation for the year in question.

Noting, that the key issues that the Board is supposed to highlight in its annual report include but not limited to; activities undertaken in the year, self-appraisal information of the service and attendant challenges.

Acknowledging the strength of the forgoing and bolstered by article 10 (2) (c) of the Constitution of Kenya, 2010. Which delineates the values of accountability and transparency, which binds all State organs, State officers, Public officers and all personnel serving across the civil service spectrum.

Now, therefore, this Assembly resolves that the Nairobi City County Assembly Service Board under the Chairmanship of Hon. Speaker tables within the five (5) calendar days of adoption of this motion, the said report (s) and/or any other material facts including the overall functioning and establishment of the Office of the clerk, between the year 2013 and in particular, 2017 when the Assembly was in *sine die*, that the board might deem relevant in helping this Assembly carry out its mandates.

Madam Speaker, I want briefly to explain why. Madam Speaker, as I began I said that I am privileged to be a second time to this Assembly and I was privileged to be a Member of this Assembly on 26 November 2014.

On the Communication from the Chair on that day from the former Deputy Speaker Hon. Kennedy Ngondi and I quote this is on behalf of Nairobi Assembly Service Board and it is an issue regarding the Interim Clerk of Nairobi City County Assembly. "*Hon. Members the Board has established*" that was on 26 November 2014 and it was communication through the chair. "*The clerk is neither paid by the Assembly, so he is not a staff of County Assembly*".

Further, as you are aware the clerk went to court on Monday 24 November 2014, Madam Speaker, mark those words and the case is actively in court and it is a mention dated for 28 November 2014 hence, *subjudice*.

Hon. Members, I want to reiterate my earlier communication pursuant to 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 had been advised by the Clerk on the same*'. Looking at what is going on, the communication of the Speaker through the Chair was given on 26th November 2014. The Speaker himself through communication in this Hon. House which is under Article 95 of the Constitution is equivalent to the High Court. Therefore, the Chair was the Deputy Speaker who was the judge of this court.

Madam Speaker in my possession I have a document dated 10th June 2014. This is a document signed by the former Speaker of this County Assembly, it refers to a letter of confirmation of appointment. When we got the communication on 26th November 2014; that is four months later, the Chair was communicating this assembly advising that there is no Clerk for the County Assembly. Looking on the 21st of July 2017, this assembly is in possession of a consent court order which was signed between the board and the purported Clerk of the County Assembly of Nairobi.

Madam Speaker, you are aware that 2017 was a year of election. As privileged members of this House, we adjourned *sin die* on the 7th of December (I want to confirm that date) barely about four months before elections. Therefore, on the date, consent was given. Neither the assembly or the board was in session because by then the assembly had adjourned *sin die*. Therefore, for us to be able to resolve this impasse than come running, a ghost that is always trying to strangle this assembly, I would request that this board or the leadership table for the first time the report of the operation of the board in particular within that time. Because it is common knowledge if the Speaker as you are sitting here can communicate on 26th of November 2014, that there is no substantive Clerk in the Assembly of Nairobi, and then the same Office of the Speaker on 10th of June 2014 has a communication that is contrary on the same person that is the Clerk of County Assembly.

Therefore, Madam Speaker, reiterating the same with the County Assembly Service Act 2017 Section 18 (1) and (2), it is very clear what I am talking about. For me, as I speak as a Member of this County Assembly, I want this assembly to assist me to resolve under the powers vested on this assembly that the board under your chairmanship that you give us the information we need. I don't want to walk out of this door and find the members of the 4th estate asking me questions that are unsubstantiated Madam Speaker.

I, therefore, ask Hon. Obuya to second this motion.

Hon. Kennedy Obuya: Thank you, Hon. Speaker. I rise as a matter of obligation as a member of the opposition which is charged primarily by oversight. I rise to second this good motion. This is a House of rules and procedures. Hon. Speaker from where you sit and from your wisdom, the rulings that you make on guidance are properly archived for purposes of reference in future and guidance. It doesn't matter who will sit next to and how many years to come. But the decisions that are made by the Hon. Chair that you sit as the principal Madam Speaker, they guide the future members of this House, the nation and the residents of Nairobi.

Hon. Speaker, there was a precedent that was set by the first Deputy Speaker of this Hon. House. Madam Speaker is a seat of power, a seat of knowledge, and wisdom. I think it is good to be just, truthful, respectful to the rule of law to be respectful to the parliamentary practices of this assembly. I think it is

prudent enough that we must be courageous, and respect decisions set by the First Assembly. This is a replica of a similar scenario, it is only that it is recurring a few years later, Hon. Speaker.

Hon. Speaker, without taking much time, I want to encourage Hon. Members that if a similar scenario happened in 2014--- I want your attention, Hon. Speaker. This is a House of rules and procedures and also a House of debate. This is a political House formed by politicians. Through debate Hon. Speaker, politicians make policies that guide nations. I don't think that we should allow an outsider and outside institutions to make decisions for the people of Nairobi. The people who are sitting here were given the constitutional mandate by the citizens of this County to make proper and wise decisions on their behalf.

From the precedence that was set by the first Deputy Speaker of this assembly, please use your wisdom and I encourage Hon. Members to support this good motion. I beg to second, Hon. Speaker.

Hon. Speaker: Hon. Members, I want to repeat what I said yesterday, aware that there is a matter in court I don't want us to prejudice. Therefore, looking at the motion of Privilege brought by the Minority Whip, I think the question he is requesting is not part of what is in court. I will therefore read or propose the question.

(Question proposed)

Hon. Patrick Mbangula: Thank you Madam Speaker. Also, I want to thank the Minority Whip for this noble motion that he has brought before this House. There is one Scientist; David Brain who lived in America in the 1960s and he said; *'When it comes to privacy and accountability, people always demand the former for themselves, and the later for everyone else'*.

Madam Speaker, this usually comes when public office holders do not want to be accountable for their activities. It is prudent for everyone who owns a public office to be free to account for the actions while they are still in the office. This is premised within our Constitution under the national values and principles of governance is set out in Article 10 of our Constitution.

I rise to support this motion given that this assembly is entitled to get annual performance reports which include the operational and financial reports on the activities of that accounting period, this has not been done. It is a high time that this assembly rises to the occasion and we put every public office holder accountable. This does not only benefit one person, but it also benefits the people of this great city and the County of Nairobi.

Madam Speaker, as we get the operational report of that period, as highlighted in that motion, we need also to see the books and how our money has been spent. There have been allegations that some people; and I say allegations because I don't have the facts, that some people have gone for international trips for almost more than 10 times while there are Members who have not even gone outside this country even to Uganda.

Madam Speaker, in the interest of the able members who have been elected to this great Assembly, we need to be accountable and bring people who hold such offices to be accountable and make them exercise their mandate with prudence. I rise to support, thank you.

Hon. Speaker: Hon. Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Madam Speaker. The wise men said charity begins at home. I am not related to those wise men but they were very clear. For prudent utilization of resources, we have to make sure that we start from home. The home we know is the home that all these staff are under, the home that is called the Assembly Service Board. Madam Speaker, home is where your chair is.

That Board which consists of few members, that is the home we know. We want that very organ to provide a report, a report that will tell us this is how resources were utilized. This is how things were allocated for the performance of this organ called the Assembly.

It is clear that there are speculations that there are problems here and there within the Board, but the Board is intact. It is the main reason that within five days, this Assembly is seeking a report to make sure that assemblies that will come after this will be given a report. We have had several squabbles within and outside the Board.

The sitting president of this republic of Kenya provides to parliament 'The State of the Nation Address' every year. This is not too much to ask. In our Standing Orders, the Governor is expected to provide 'The State of Nairobi Address'. It is provided in many other places. We are just asking for accountability. It is not too much to ask. Provide us this report, and where there are questions, let us ask, and if there are no, let us be content. I support and I ask that this comes so quickly. Thank you.

Hon. Speaker: Hon. Herman Azangu.

Hon. Herman Azangu: Thank you, Madam Speaker for giving me this chance so that I can raise my voice. I support the motion. I have been in this Assembly since the First Assembly. I happened to be in the Budget Committee whereby we had been budgeting to the Assembly a lot of money but we are left with many problems. For example, each ward office was initially allocated KShs. 80,000 per month but it was then reduced to KShs. 58,000 without a memo or any communication on why it was reduced. We need to know how they utilized the budget.

We were also supposed to oversight the Board, but if you asked such a question, that was your end of being in any committee. So, it is a good time for us to say what is there. I request members to support the motion because this will bring light in the Assembly. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mary Ariviza.

Hon. Mary Ariviza: Thank you once again, Madam Speaker for this great opportunity to contribute to this noble motion. If our mandate here is to oversight the Executive, we are to start by oversighting ourselves. If we don't oversight what we are given by the National Government to run the Assembly, then we have no business oversighting the Executive. It is important for us to know what is happening with the Service Board and how much has been allocated there. I note that oversight has not been done for a long time. Going back to 2013, we will be able to access what has happened, correct where we can correct and know which mistakes were made so that we can be able to move forward. I also realize that there are things that were being changed without our knowledge. Therefore, it is important for us to get this motion moving so that we see the state of the County Assembly of Nairobi, where it is and how we can be able to make it better. I stand to support.

Hon. Speaker: Hon. Nicholas Okumu.

Hon. Nicholas Okumu: Thank you, Madam Speaker. Let me say for a very long time, I haven't been able to contribute anything to this House probably because of the leadership that was there before. They chose who to talk to and who was not supposed to talk.

Having said that, there is an incident that has just happened in this House before I walked in. apparently, a fellow member decided to attack me on the floor. Thank God I kept my cool. I didn't want to engage her.

Nevertheless, allow me to support this motion for the simple reason that for any public money, the prudent financial management states that, checks and balances have to be given to the public. Oversight is one of our roles, that is why we are elected. The House and the motion is not asking much. It is important to know how much has been spent so that in every financial year as we budget, we are able to know where we need to increase or reduce the money so that we know as a county whether we are putting our money in the best use. I beg to support, thank you.

Hon. Speaker: Hon. Oyugi.

Hon. Kennedy Oyugi: Thank you, Madam Speaker, I support the motion. Hon. Minority Whip has raised pertinent issues and questions. However, I wanted to seek your guidance on the same. We are in the process of forming ad hoc committees and some of the issues that have been raised through the motion are entailed in the said committees that we are just about to form. If we go with the motion, will it now jeopardize the findings of the ad hoc? Do we go the ad hoc way to get the same report or do we go by the motion? Otherwise, I have got no problem with the motion. Thank you.

Hon. Speaker: Hon. Oyugi, we will go with the motion. The ad hoc will come and will do its duty. We will proceed with this.

Hon. Kennedy Oyugi: I support, thank you.

Hon. Speaker: Hon. members, I will put the question---- I have not called the mover. I want him to just stand and bow. That is how he is going to reply.

(Hon. Maurice Gari stood and bowed as a reply to the motion)

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. members, there being no any other business, this Assembly adjourns to tomorrow, Thursday 7th November 2019.

(The House rose at 4:00 p.m.)