



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Tuesday 10<sup>th</sup> March 2020

The House met at 2.30 p.m.

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

#### PRAYERS

**Hon. Speaker:** Walk in, Hon. Okello.

*(Hon. Okello took his seat)*

#### COMMUNICATION FROM THE CHAIR

##### INQUIRY INTO THE ALLEGATIONS OF BRIBERY

Hon. members, I have a communication to make:

Hon. members, you will vividly recall that on the 9<sup>th</sup> January 2020 during a special sitting, I conveyed a communication on allegations that officers from the Planning Department who were on suspension had raised money to bribe a section of members including the office of the Speaker in order to influence their return to office. The allegations were being peddled by Hon. Anthony Kiragu and I directed that any member with such information should direct it to the relevant state agencies and in particular, the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC).

Hon. Members, it has come to the notice of the Speaker that the member of Waithaka Ward has not informed either the office of the DCI or the EACC on the allegations of bribery as directed.

Hon. Members, Standing Order No 96 (1) provides for a member to be responsible for the accuracy on any facts which the member alleges to be true and is to substantiate them. Article 35 of the Constitution, 2010 provides that every citizen has the right of access to information held by any other person and requested for the exercise or protection of any right or fundamental freedom.

In addition, Honorable Members, Section 29 of the Leadership and Integrity Act, 2012 provides that a state officer shall not knowingly give false or misleading information to any person. Furthermore, Section 30 of the Act states that a state officer shall not falsely falsify any records or misrepresent information to the public.

Hon. Speaker, in the foregoing, Hon. Anthony Kiragu Karanja, MCA, Member of Waithaka Ward has repeatedly engaged in diffusing false information on allegation of bribery especially from the office of the Speaker.

Hon. Members, Standing Order No. 113 (1) (e) and (h) provides that a member's conduct is grossly disorderly if the member concerned persists in making serious allegations without the opinion of the Speaker, adequate substantiation and deliberately gives false information to the County Assembly.

Accordingly, Hon. Members, I therefore direct the Select Committee on Powers and Privileges to move with speed and inquire into the said allegations of bribery by Hon. Anthony Kiragu Karanja and report to the Assembly tomorrow, Wednesday 11<sup>th</sup> March 2020. The report should include matters already before the said committee regarding the member's conduct of threatening the Majority Whip. In the event that the committee will not table its report as directed, I will give further directions on this matter.

It is so directed.

## PAPER

**Hon. Speaker:** Chair, Powers and Privileges

**Hon. Naftaly Mathenge:** Thank you, Madam Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of the Assembly today, Tuesday 5<sup>th</sup> March 2020:

The report of the Select Committee on Powers and Privileges on the inquiry into allegations of absenteeism from plenary sittings by Hon. Members on the workshop held at Serena Hotel, Mombasa from 5<sup>th</sup> to 9<sup>th</sup> March 2020. Thank you.

*(The Paper was laid on the Table of the Assembly)*

## NOTICE OF MOTION

ADOPTION OF THE REPORT REGARDING ALLEGATIONS OF ABSENTEEISM BY HON. MEMBERS FROM  
PLENARY SITTINGS

**Hon. Naftaly Mathenge:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Powers and Privileges, laid on the Table of the County Assembly today, 10<sup>th</sup> March 2020 regarding the inquiry into allegations of absenteeism from plenary sittings.

## STATEMENTS

**Hon. Speaker:** Hon. Joseph Komu.

REQUEST FOR A STATEMENT ON RECRUITMENT OF COUNTY CONSTABLES, FIRE FIGHTERS AND ECDE CARE GIVERS

**Hon. Joseph Komu:** Thank you, Hon. Speaker. Pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the proposed recruitment of county constables, fire fighters and ECDE care givers in the County.

Hon. Speaker, the Nairobi County Government advertised for various positions on Wednesday 4<sup>th</sup> March 2020, whose implications could jeopardize provisions of general services.

Hon. Speaker, as we appreciate that Nairobi City County Government is an equal opportunity employer, amicable and rational decisions are needed to give capital programs the much needed focus.

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

- i. Whether the County Government has implemented the capacity assessment and rationalization of public service programs gaps, an initiative between the National and County Government to ensure functions were properly structured for efficiency and service delivery;
- ii. Whether the proposed recruitment of more than 1000 and precisely 800 county constables, 200 fire fighters and 498 ECDE care givers is priority vis-à-vis the recruitment of health workers;
- iii. Whether the intended employment has been budgeted for, cognizant of the fact that some key County functions have since been transferred to the National Government. We are aware of the deed of transfer where it has requested the Nairobi City County Public Service Board to partner with the Public Service Commission in restructuring the human resource; and
- iv. Whether this recruitment exercise will enhance service delivery to the residents, given the existing huge recurrent expenditure and swelling wage bill.

Hon. Speaker, it is clear that we are constrained in terms of budget and the much needed development budget will be eaten to buy the current expenditure. I therefore request the Chair of Labour to address this issue urgently as we undergo the process of the transfer of the functions. Thank you.

**Hon. Speaker:** Chair of Labour. Hon. Mbuthia, you are standing in for Hon. Wanyoike?

**Hon. Geoffrey Mbuthia:** Yes, Madam Speaker. We request for 10 days to give the report.

**Hon. Speaker:** Okay. As you take your ten days, I don't know whether they transferred the function of ECDE or it remained. I will request you follow up with the team that is doing so, so that you know how to handle.

**Hon. Geoffrey Mbuthia:** We will do that, Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Palapala. I would want Hansard to help us. Proceed with the next mic.

REQUEST FOR A STATEMENT REGARDING EXPENDITURE RELATING TO COMMISSION ON THE STATUS OF WOMEN 2018 CONFERENCE

**Hon. Alvin Palapala:** Thank you, Madam Speaker. pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations and the Select Committee on Public Accounts regarding expenditure relating to 62<sup>nd</sup> Session of the Commission on the Status of Women 2018 Conference held in New York from 12<sup>th</sup> to 23<sup>rd</sup> March 2018.

Hon. Speaker, Article 201 (d) of the Constitution of Kenya, 2010 on Principles of Public Finance, provides that public money shall be used in a prudent and responsible way.

Hon. Speaker, evidence on record shows that during the 62<sup>nd</sup> Commission on the status of women 2018 conference held in New York from 12<sup>th</sup> to 23<sup>rd</sup> March 2018, the County Executive fully sponsored Ms Saumu Agnes Mbuvi Sonko to attend the said conference, a person who is neither a public official nor employee of the County Government. This expenditure included; payment of flight, ticket hotel, accommodation and per diem allowances to a tune of Kshs. 800,000.

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

- i. Who authorized the expenditure;
- ii. Which vote was the fund for this expenditure drawn from, was there a budgetary allocation for this expenditure;
- iii. Was there value for tax payer's money in terms of benefit to Nairobi residents;
- iv. What efforts have been put in place to recover the money from the two persons and punish the authorizes of the expenditure for abuse of office; and
- v. What are the control measures put in place to avoid such illegal expenditure in future?

It is here and I have attached the documents.

*(Point of order)*

**Hon. Alvin Palapala:** Hon. Speaker, I rise on a point of order under Standing Order No 242.

Hon. Speaker, Standing Order No. 242 provides that in part as follows:

*(1) If, during any Session, a Member is absent from eight sittings of the County Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.*

*(4) If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from eight sittings of the County Assembly under paragraph 1, the Chairperson of the committee or a Member of the committee designated by the committee for that purpose, shall upon submit the report give a three days' notice of a motion that, "This County Assembly notes the report of the Committee on Privileges laid on the Table of the Assembly on--- regarding---" with other necessary modification.*

*(6) At the conclusion of the debate on a motion under paragraph (4), the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the office of the Member concerned has become vacant.*

Hon. Speaker, I want to bring to your attention that Hon. Habiba Ibrahim Hussein, a Jubilee Party Nominated Member---

**Hon. Speaker:** Order! I believe that part of the Report of Powers and Privileges has that matter. So, I request you to let us hear the report. As much as I will appreciate your statement, allow us to hear the report and see how the report as the members of Powers and Privileges have executed it. Are you in agreement with me on that?

**Hon. Alvin Palapala:** The seat is already vacant.

**Hon. Speaker:** Order!

**Hon. Alvin Palapala:** Hon. Speaker, I want to bring to your attention that Hon Habiba Ibrahim Hussein, a Jubilee Party Nominated Member, has on record both manually and electronically attendance register, missed two sessions on this Assembly i.e. during Second and Third Session.

Hon. Speaker, in a view of the above, I invite you to find the Member to be in breach of Article 103 (1) (b) of the Constitution, 2010, Standing Order No. 242 of the Nairobi City County Assembly Standing Orders and refer the matter to the Powers and Privilege Committee with a view of declaring the seat of Hon. Habiba Ibrahim Hussein vacant to pursuant Article 103 (1) (b) of the Constitution of Kenya. Thank You Madam Speaker.

*(Applause)*

**Hon. Speaker:** I hope the Hansard realizes we are having a challenge in terms of the microphones. I am hoping that they are trying to work on it properly. Hon. Palapala, you have one statement to the Chair of Budget. But I want to look at the particulars of your first statement. Can the Table give me what Hon. Palapala has presented here? He said that he has documents.

**Hon. Alvin Palapala:** Madam Speaker, I have copies of pay slips here with me.

**Hon. Speaker:** Pay slips? Okay, present them to the Table.

*(Loud consultations)*

Hon. Palapala I know you are in a mood of war

*(Laughter)*

Let me not ask much, but I think I will talk about this towards the end. You have presented your documentation and I will send you so that you prove that indeed it was a real trip. I want to see the boarding passes because you are saying it was in New York. You have the boarding passes?

**Hon. Alvin Palapala:** Madam Speaker, I have copies of the boarding pass and even how the money, Kshs. 2.4 million was drawn from Nairobi County to Saumu's account.

*(Loud consultations)*

**Hon. Speaker:** For purposes of not putting my Chairman into a lot of investigations, I think it is a matter that you must put it properly because it is an inquiry.

*(Hon. Member spoke off the record)*

No, you don't need an ad hoc committee on this one. Hon. Members, when Hon. Palapala was presenting the documents, at first I thought he was doing a bit of drama, but you know it is a serious matter. He has presented the documents and it implicates those who paid the money and how the vouchers were sent. He has attached the vouchers from the County Government, those who signed. So, it is a matter that I will write to the EACC and hand it over for them to do the inquiry. I don't think we want to do an inquiry on the matter.

*(Loud consultations)*

The money is from the Executive side, so I will hand it over to Public Accounts Committee (PAC) because they deal with audit and this was an expenditure of the Executive and not from our budget. Both PAC and Budget Committees can look at it jointly in three days then you will give us the findings.

*(Point of information)*

Yes, Hon. Catherine?

**Hon. Catherine Okoth:** I think that this letter comes from the office of the President. I have it and I can read.

**Hon. Speaker:** On the phone?

**Hon. Catherine Okoth:** Yes.

**Hon. Speaker:** No.

**Hon. Catherine Okoth:** I can bring copies, Madam Speaker.

**Hon. Speaker:** The letter is on what?

**Hon. Catherine Okoth:** Travelling from---

**Hon. Speaker:** Let me now help the Hon. Members. I don't want you to drag the Office of the President to this matter. When you go to the US Embassy or anywhere you will be asked who funding you. So, don't drag the Office of the President because I doubt whether it can tell you to go and spend money for the County.

*(Applause)*

We cannot do that to the Office of the President, Hon. Catherine. Since I will send it to the PAC, they will call somebody from the Office of the President and he will answer whether they allowed public resources to fund.

I want to be very clear, when you receive a letter from the Office of the President putting you in a government delegation, you come to the Assembly. Members of Parliament normally go to the Parliament. There is nowhere that the Office of the President will say it has allowed you to use public resources. Never again should you revoke the Office of the President when you know very well that the President is not part of the delegation. Never.

*(Applause)*

I have ordered the PAC and Budget Committees to sit. Chair, what is your indulgence for?

**Hon. Wilfred Odalo:** Public Accounts Committee is evidence based and we usually give a client a chance to be heard. I wish that you push it for the committee to table the report on Thursday next week. Thank you.

**Hon. Speaker:** The client is within Nairobi?

**Hon. Wilfred Odalo:** Yes.

**Hon. Speaker:** So, why should I give you two weeks?

**Hon. Wilfred Odalo:** Next week, Thursday. You had ruled three days.

**Hon. Speaker:** Thursday, we are going for recess and we have the report of the Transfer of Functions. I don't want to mix those two things. This is a very obvious thing and you are dealing with officers from the County Government across here, your brothers.

**Hon. Wilfred Odalo:** Issues of evidence, it is evidence based.

**Hon. Speaker:** It is up to Hon. Palapala, why are you bothered and he was the one who brought the matter?

**Hon. Wilfred Odalo:** Wednesday is the best.

**Hon. Speaker:** Wednesday.

**Hon. Wilfred Odalo:** Thank you.

**Hon. Speaker:** Proceed, Clerk.

### MOTION

**Hon. Speaker:** Chair Powers and Privileges, proceed.

*(Hon. Imwatok spoke off the record)*

**Hon. Speaker:** Order! The functions are now in the National Government, kindly follow it with Kenya Revenue Authority.

*(Loud consultations)*

**Hon. Speaker:** You need to move the motion, Chair.

### ADOPTION OF THE REPORT REGARDING ALLEGATIONS OF ABSENTEEISM BY HON. MEMBERS FROM PLENARY SITTINGS

**Hon. Naftaly Mathenge:** Hon. Members, I wish to acknowledge with gratitude the members of the Select Committee on Powers and Privileges for the dedication that--- Sorry for the mistake, Madam Speaker.

THAT, this Assembly adopts the report of the Select Committee on Powers and Privileges regarding the allegations of the absenteeism by Hon. Members from plenary sittings, laid on the table of the Assembly today, Tuesday 10<sup>th</sup> March 2020.

Hon. David Mberia MCA, the Leader of the Minority--- that aware that access to provision---

**Hon. Speaker:** Hon. Chair, just move your motion, the rest is for Hon. Mberia's motion.

**Hon. Naftaly Mathenge:** I request this House to adopt this motion, Hon. Speaker.

**Hon. Speaker:** Read the motion; THAT, this Assembly adopts the report of the Committee---

**Hon. Naftaly Mathenge:** THAT, this Assembly adopts the report of the Select Committee on Powers and Privileges regarding the allegations of the absenteeism by Hon. Members from plenary sittings, laid on the table of the Assembly today, Tuesday 10<sup>th</sup> March 2020.

Thank you, Madam Speaker.

**Hon. Speaker:** Proceed, speak on it Hon. Chair. This is your report.

**Hon. Naftaly Mathenge:** I beg to move this motion, Hon. Speaker.

**Hon. Speaker:** Who is seconding the motion?



**Hon. Naftaly Mathenge:** I request Hon. Mbote to second.

*(Point of Information)*

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker. I want to help our various chairmen, kindly let us adopt the culture of reading. The Standing Orders allows a committee motion does not need seconding. The Chair of Powers and Privilege, you can just move. Since it is a committee motion, you don't need a seconder. This applies to all other chairmen, thank you.

**Hon. Speaker:** Hon Naftaly, you need to read your motion. This is a report. Can you read for us our findings or recommendations of our report and proceed?

**Hon. Naftaly Mathenge:** Thank you, Hon Speaker. This is the investigation into allegations of absenteeism by Hon Members from the plenary.

*(Loud consultations)*

*(Hon. Members consulted with the Speaker)*

I am sorry, Hon Speaker for that mix-up

**Hon. Speaker:** Hon Member, let me first get your final report and we need the Clerk who did the report. It is signed but I don't know where there are the findings and other documents.

*(Hon. Kennedy Obuya spoke off the record)*

Hon. Obuya, nowadays I fear you. And when you hear the Speaker saying I fear you---

*(Hon. Members consulted with the Clerk)*

One of the things I don't joke with is the Powers and Privilege Committee. You must have the report that members signed and we agree that you read based on what you signed. That is why I had directed we hold. Now proceed to move that motion properly, Hon. Naftlly.

*(Point of order)*

What was the issue?

**Hon. Mary Mwami:** Madam Speaker, thank you. I stand on point of order under Standing Order No. 88. There was a time I was chased away and the work was done very quickly and meticulously. I am wondering what has happened today that the work is so badly done. What could be behind this? It is very important because what I saw on TV yesterday is presenting the members of this House as people who are hungry for the poor people's money. When we are bringing how the Executive side is doing is when things now go out of order. I am really wondering what has gone wrong with the Hon Chair because the other time when I was send home for three months or so, he did his work very meticulously. Thank you very much, Madam Speaker.

**Hon. Speaker:** Hon Mary, we ask God to forgive us and God has forgiven us, so pray for us that we may change our hearts. Proceed, Chair.

**Hon. Naftlly Mathenge:** I apologize for that mix-up of the document Hon Speaker.



THAT, this Assembly adopts the report of the Select Committee on Powers and Privileges regarding the allegations of the absenteeism by Hon. Members from plenary sittings, laid on the table of the Assembly today, Tuesday 10<sup>th</sup> March 2020.

Hon Speaker the mandate of Select Committee on Powers and Privileges is contained under Section 15 of the County Assembly Powers and Privileges Act, 2017 and it includes inquiring into the conduct of Members, issues of summon of witness, and to receive evidence on matters of privileges of members.

Hon Speaker. the Committee on Powers and Privileges exercises its mandate by investigating any matter pertaining to the conduct of Members and staff within the precincts of the Assembly.

Hon Speaker, pursuant to Standing Order No.183, the committee held sittings from 20<sup>th</sup> February 2020 to 10<sup>th</sup> March 2020 to deliberate on the allegations of absenteeism from plenary sittings by Hon Members.

The committee summoned three witnesses to appear before the committee in accordance with the Assembly ICT Committee meetings report for sitting held between 14<sup>th</sup> November 2019 and 13<sup>th</sup> February 2020.

To set light on investigation by adducing documentary evidence and giving evidence with the reason why they did not attend plenary sittings and if they sought for permission from the Speaker.

Hon Speaker, the committee observed that the named Members missed the plenary sittings in accordance with ICT Department report for clocking into the server.

However, whereas Hon Elias Otieno and Hon Faud Mohammed appeared before the committee, Hon. Habiba Hussein did not honour the invitation of the committee.

Hon Speaker, upon intense deliberations the committee made the following recommendations:

*(Hon Members spoke off-record)*

**Hon. Speaker:** Order! I just said I have the signed copy. If you want, you can come to the Speaker.

**Hon. Naftaly Mathenge:** Having received from summoned witnesses, having examined primary and secondary documentary evidence tabled before the committee, and having deliberated and made observations and findings, the Select Committee on Powers and Privileges made the following recommendations:

*Recommendation on the alleged absenteeism from plenary sittings by Hon Members*

Pursuant to Section 17 (3) (a) of the County Assembly Powers and Privileges Act, 2017 is hereby issued to Hon Elias Otieno, MCA and Hon Faud Mohamed, MCA. Noting the despite Hon Elias alluding to attendance of plenary sittings and without producing evidence to support this allegations of attending plenary on 4<sup>th</sup> December 2019, he had missed more than 11 sittings without permission in writing from the Hon Speaker as contemplated under Constitution of Kenya, 2010 as read together with Standing Order; and that Hon Faud Mohammed accepted having missed plenary sittings in violation of the constitution of Kenya, 2010 and the Standing Orders but attended Powers and Privileges meetings and also apologized for not attending the sittings.

Noting the role that Hon Elias Otieno MCA has played previously within the precincts of the Assembly and further noting the discretion of the committee under Standing Order No. 242(3) the committee resolved

not to invoke provisions of Article 194 (1)(b) but in alternative, the committee hereby suspend with immediate effect Hon Elias Otieno Okumu from the Assembly and its precincts for three calendar months pursuant to provisions of Standing Order No.114 (1) (g) and Section 17 (3) (g) of the County Assembly Powers and Privileges Act, 2017.

Noting that Hon. Faud Mohamed, MCA, accepted the committee invitations to a meeting, and during the meeting he accepted his mistake and apologized to the committee and further having produced documents in support to why he missed sitting, noting the discretion of the committee under Standing Order 242(3), the committee resolved not to invoke provisions of Article 194 (1) (b) but in alternative, the committee hereby suspend with immediate effect Hon Faud Mohamed from the Assembly and its precincts for three calendar months pursuant to provisions of Standing Order 114 (1) (g) and section 17 (3) (g) of the County Assembly Powers and Privileges Act, 2017.

The committee having noted that Hon. Habiba Hussein, MCA, has never been attending plenary nor committee sittings for the last two years since nomination into the County Assembly. Further, Hon. Habiba Mohamed neither attended sittings when invited nor did she write to the committee that she could not attend the said meeting. This is despite being away from the Assembly for the last two years. It was noted that this was gross misconduct against all provisions of representation of the electorates under the Constitution of Kenya 2010, the Leadership and Integrity Act, 2011 and even the Standing Orders.

Upon review of documented evidence and explanation of witness, the select Committee of Powers and Privileges made the following observations:

*(Point of order)*

**Hon. Moses Ogeto:** Hon. Speaker, I believe that the committee recommendations which anchors the full documents becomes the last, but in this one, the recommendations are coming first then findings. I need to understand the procedure. For example, he moves from page 14 then to page 13 and 12. That is my concern. I was taught in nursery that paginating of a document starts from 1,2,3 up to 100 or 1000. I am going against him reading the recommendations and going back to tell us what he found out. Even in court rulings, you can't go to a ruling and talk about the findings later. You can't talk about findings after a ruling. It becomes unprocedural to people like us who have gone to school.

**Hon. Speaker:** What is, Whip?

**Hon. June Ndegwa:** Hon. Speaker, I think Hon. Ogeto needs to calm down a bit. It is not the fault of the Hon. Member that the document has not been organized. Number two, we are all at different levels of learning capacity. If he is a fast learner and understands mathematics better than I am, he cannot purport to dress down the Chair of Powers and Privileges. I would appreciate if he just corrected him rather than trying to dress him down. Let him just finish his work and then that is it.

**Hon. Speaker:** Order! I think they mixed the papers when doing the photocopy. The signed one is properly in order.

**Hon. Moses Ogeto:** Hon. Speaker, it is not about defending. It doesn't matter how it has been arranged. You can't give a ruling and then tell us the findings of a ruling. I request Hon. Mathenge to call a seconder.

**Hon. Speaker:** That is what I was coming to. Do you see how a bad precedence distorts? People take advantage. That is why it is important to follow procedure whether you like someone or not. Follow the procedure. Don't take advantage because it will bite you one day. Hon. Mathenge, conclude and don't go to your findings because I also felt that you have done the opposite.

**Hon. Naftaly Mathenge:** Madam Speaker, in conclusion, the committee resolved to invoke provisions of Article 181 (b) of the Constitution of Kenya, 2010 as read together with the Standing Order No. 242 (1) of the Nairobi City County Assembly and 17 (3) of the County Assemblies Powers and Privileges Act, 2017 and advise the Hon. Speaker to declare the seat of Hon. Habiba Hussein vacant.

I request Hon. Gari to second.

*(The Hon. Maurice Gari bowed to second)*

**Hon. Speaker:** Hon. Members, that is why the Hon. Speaker finds it hard to sit in Powers and Privileges Committee because I won't be able to execute the job. That is why I never sit in that committee. I decided to let Mathenge sit there because the report ends on my Table. We need to ask for guidance from the Senate because it brings a lot of interest.

*(Question proposed)*

**Hon. Speaker:** Hon. Ariviza.

**Hon. Mary Mwami:** Madam Speaker, I stand to support the motion. I just wonder why everything is mixed up while in the past it has been meticulous. The way we take our responsibilities in this Assembly is not very serious. We come in and some of us go out after clocking in. This will be an example so that we are able to carry out the responsibilities that have been sent to do.

However, I feel that there needs to be something that you need to do. Take care of the person that did this write up because it made the Chairman to look like--- on a live television. I don't know if you are aware that we are live on TV. We would like to know which Clerk was helping our Chairman to do this work because it should have been done very well. But I agree with the findings.

The fact is that what goes round comes round. Somebody that supported me to go for three months has also gone out for three months. He is my elder. So, I am not really rejoicing, but I am saying is good for us to be good example as leaders. It is good for us to follow the rules without favor. I hope this goes on so that we can be able to take our work seriously. We have about one and half years. I think the Clerk that was in charge needs to be censored because that is very bad work for the Chairman to come here and look very odd on television. Thank you very much. I support.

**Hon Speaker:** Did you say old?

**Hon. Mary Mwami:** It is odd, but in the past, he was very meticulous when he did my work and what I mean by meticulous is---

**Hon Speaker:** *(Laughing)* Order!

**Hon. Antony Gatune:** Thank you, Madam Speaker, I rise to support the motion although I can say that the Committee has not done a good job. I have gone through the document and have not seen them recommending as what should happen to those Members that have missed the sittings.

Yesterday, I saw in the news that some MCAs pocketed poor people's money from the bursary. Why is it now very difficult for the Committee to perform such a simple task by saying the three Members--- Why is the Committee not saying that?

At least for Hon. Fuad, he has said that he apologized but for the others, they have not apologized and the committee has not mentioned what action should be taken. This is because these three public officers have been taking public money without giving back the services that they are supposed to provide. Thank you, Madam Speaker.

**Hon. Maurice Onyango:** Thank you, Madam Speaker, I rise to support the motion. We have done a very great work because we were given a timeline and when you look at the recommendation from the Chairperson, it is very categorical. They have been given three months and the other Hon. Member we have indicated from the recommendations that the seat becomes vacant.

However, to add on what we did, as a Committee we were very impartial and we were not witch hunting any Member. As a Committee of Powers and Privileges, we looked at the Constitution and the powers under the Power and Privilege Acts.

Hon. Fuad Mohamed in the findings, he accepted so he was guilty and when you are guilty there is a penalty, this penalty is not going on plenaries only. As a committee, most of the Members who do not attend the Committee sittings, this is a warning and the writing is on the wall. It's not only the plenaries that we are going to look at the absenteeism only but also in the committee, we shall look into it.

*(Applause)*

I rise to support.

**Hon. Margaret Mbote:** Thank you, Madam Speaker, I stand to support this motion, which we have done our best. Using the Constitution, we have come to the recommendation which our Chair has read very well and I believe it is good to listen because when we are not listening, we cannot know what is happening. Hon. Gatune has just gone out and I wanted to inform him since he was not listening. Our Chair explained the recommendation very well and he said exactly what we did. I stand to support this motion because we did our best. Thank you very much.

**Hon. Leah Supuko:** Thank you, Madam Speaker, I do not know if I am to support the motion or not, because the document was not well put down by the Committee. Again, we cannot have all the Members seated here presented a document that it's not signed and you have just communicated that if we want a copy that is signed we come to you. I do not think it is a good practice for all of us to flock there and get a document, which is supposed to be in the report.

Therefore, I think going forward, this committee and the rest of the other committees should be putting their paperwork right and we have a signed document. Thank you, Madam Speaker.

**Hon. Naftaly Mathenge:** Thank you, Hon. Speaker, I stand to congratulate Hon. Members for supporting this motion. I thank the Committee of Powers and Privileges for work well done, and I want to thank all the Members for participating. Thank you and God bless you.

**Hon. Speaker:** Hon. Members, before I put the question, I want to show you the page that the Hon. Members signed. If it is not in the report, I think it is the responsibility of the Clerk, but the Members signed their report and they had a quorum of nine Members who signed and present in that meeting.

Hon. Members, as I put the question, my question will be very different, as recommended by the Chair, I would want us to take it very seriously. I would like to repeat that when you do something to someone, remember there is rule of law that it is a sword which takes both sides.

Serjeant-at-Arms, immediately note that Hon. Elias Otieno and Hon. Faud Mohammed have been suspended for three months.

I hereby declare the seat for Hon. Habiba Hussein Ibrahim vacant.

*(Hon. Habiba Hussein Ibrahim's seat declared vacant)*

The Secretary Generals of their political parties are aware.

I have cleared the air. Even if I put the question, for Habiba it will be very difficult because it is an issue of two years. In fact, it was not supposed to go to Powers and Privileges. That is something that the Speaker needed to have done by law.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Mberia is not around, therefore I defer his motion to the House Business and the House Business seats after this.

Hon. Members we have Members who have come into my Office in term of security. Therefore, I would like the names to be written down and the President said that we forward the names to him.

*(Loud consultations)*

**Hon. Peter Imwatok:** Hon. Speaker, this is a very pertinent issue. Now that we do not have an agenda as my Leader of the Minority is not feeling well, allow us to speak our hearts out because it will be no reason that tomorrow we will not have Hon. Ogeto, Hon. Palapala or Hon. Imwatok in this Assembly. Allow these people to explain themselves before this Assembly because there is a problem in our County. Unless the Constitution envisaged that we were sworn in this Assembly to be clappers and singers. For me, as a Seventh-day Adventist, I sang for more than 15 years.

Madam Speaker, currently our lives are at risk. For some of us, were not in State House, The President explicitly said that those people's lives are in danger should put across. Hon. Chair and you know how our security is.

Kindly, Madam Speaker, Hon. Ogeto and Hon. Defao are not sleeping in their homes. Even Hon. Palapala is not sleeping at his home. We are in trouble.

**Hon. Speaker:** Okay, Hon. Minority Whip put down the names and I will forward them this very minute to the relevant authorities and to State House.

**Hon. Peter Imwatok:** Thank you.

## ADJOURNMENT

There, being no other business this House adjourns to tomorrow, 11<sup>th</sup> March 2020 at 2.30 p.m.

***House rose at 4.15 p.m.***

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