



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 12th March 2020

[Hon. Temporary Deputy Speaker (Ms. Emily Oduor) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Seargent-at-Arms ring the bell for 10 minutes
(Quorum bell was rung)

Clerk, let us proceed.

(Loud consultations)

Order, order Members. Clerk proceed!

PAPERS

Hon. Charles Wakarindi: Hon Speaker pursuant to Standing Order 191(6) I beg to lay the following paper on the table of the assembly today Thursday 12th March 2020, the report of the ad-hoc committee on the Transfer of Functions from the county government to the national government on the consideration of the Deed of Transfer of Functions.

NOTICES OF MOTION

Hon. Charles Wakarindi: Hon Speaker I beg to give notice of the following motion: That this assembly adopts the report of the ad-hoc committee on the Transfer of Functions from the county government to the national government on the consideration of the Deed of Transfer of Functions laid on the table of the assembly today Thursday 12th March 2020.

STATEMENTS**REQUEST FOR STATEMENT REGARDING THE HANDOVER OF ECD CENTER TO MILIMANI SECONDARY SCHOOL**

Hon. Mary Mwami: Thank you Madam Speaker. Pursuant to Standing Order 45(2)(c) I wish to request for a statement from the chairperson of sectoral committee on Early Childhood Education and Vocational Training regarding the handover of early childhood development center to Nairobi Milimani secondary school.

Hon Speaker the above mentioned development center has been in operation since time immemorial under the Nairobi City County government. Recently the center received a vacate letter from the Nairobi Milimani secondary school dated 4th March 2020 and another one dated 5th March 2020 from the principal secondary school board of management compelling the ECD training center to vacate from the secondary block.

Madam Speaker in the statement the chairperson should inquire into and report on:

1. Who authorized the transfer
2. What led to the decision of handing over of the ECD training center which is the only one in Nairobi?
3. What plans has the county government put in place to ensure that the training center is in existence to provide the training service opportunities to the ECD teachers, thank you Madam Speaker.

Hon. Temporary Deputy Speaker: *Mheshimiwa* are you in the Education committee?

Hon. Mary Mwami: I am not in the Education committee. I was too frustrated to be there...

Hon. Temporary Deputy Speaker: That is enough. We just wanted to make that clarification. The chair of Education?

Hon. Member: Thank you Madam Speaker. I ask for two weeks.

Hon. Temporary Deputy Speaker: Members before you ask for two weeks remember we are going for a recess so ask for a reasonable time because from next week we are going for recess. If you ask for two weeks, by the tie you give a response you will actually be in recess.

Hon. Millicent Mugadi: Thank you Madam Speaker, I request to bring the report after the recess because the question she has asked is not the only question that needs an answer. We have an issue with the ECDs and privatization of schools so the executive has requested to do their time before they can give me the reports on all the schools that they feel needs to be communicated to the assembly. That will be after the recess.

Hon. Temporary Deputy Speaker: Hon Ariviza are you okay with that?

Hon. Mary Mwami: No. madam Speaker this is very urgent. This is the only ECD center in Nairobi. We know the national government took over all our education except early childhood. This ECD is the only one existing in Nairobi. For it to be handed over it is something they had thought about it. In fact, it should be something they can even bring to the house...

Hon. Temporary Deputy Speaker: Hon Mary I know it very urgent but then you need to understand she also has to consult the executive. She cannot do it next week because by the time she calls the executive

it will be seven days. You have to give them seven days' notice. The only time you can get your response is after the recess. Please bear with us. You know it is completely impossible.

Hon. Mary Mwami: Madam Speaker I do appreciate what you have said...

Hon. Temporary Deputy Speaker: Madam Mary kindly we agreed. We have so many things to discuss. We agreed it is after recess. She will not get time to get the executive to answer your question unless you want half-baked answers which I believe you cannot accept. Hon Mathenge?

PERSONAL STATEMENT BY HON. NAFTALLY MATHENGE PURSUANT TO STANDING ORDER 89

Hon. Naftally Mathenge: Thank you Madam Speaker. Pursuant to Standing Order 80 I wish to make a personal statement regarding a threat to my life issues by Hon Benson Mwangi.

Hon Speaker I was within the precincts of the assembly preparing to attend a committee sitting when all of a sudden I was confronted and verbally attacked by Hon Mwangi who went to threatening my life which was prompted by ongoing investigation of absenteeism of Hon Members.

He was quoted saying that '*wewe na Spika mtatoka hii assembly. Tunafukuza watu*' which when translated to English mean 'you and Hon Speaker will be out of this assembly because of chasing members away'.

Hon Speaker as a vice chair of Powers and Privileges I feel my life is in danger and this is not the first time I have been threatened. I bring to the attention of this house that I have received mysterious phone calls threatening me of dire consequences if I wrote against perceived orders.

Hon Speaker I kindly request you to look into this matter especially of the general security of me and as the vice chairman and the entire committee of Powers and Privileges. We still have ongoing investigations and going by the trend we request this house to look into my security and security of the staff and members of Powers and Privileges. Thank you Hon Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon Mathenge. Members this is a grave matter. As a chair I will look at it and give the final verdict later. Thank you.

REQUEST FOR A STATEMENT REGARDING CONSTRUCTION OF GARBAGE HOLDING GROUND AT MUTHURWA AND MARIKITI MARKETS

Hon. Daniel Ngengi: Thank you Hon Speaker. Pursuant to Standing Order 45(2)(c) I wish to request for a statement from the chairperson of sectoral committee on Environment and Natural Resources regarding the construction of a garbage holding ground at Muthurwa and Marikiti market.

Hon Speaker waste generation has been increasing in Kenya. The amount of solid waste generated per year is currently 4 million tonnes according to the policy paper 2016 on the governance and waste management. It is predicted to double by 2030.

Hon Speaker in view of this the incessant rise of waste has not been given the seriousness and commitment it deserves. In the county for instance about half i.e. 1500 tonnes per day of the solid waste produced is not collected.

Hon Speaker during the monthly clean up exercise in the city His Excellency the Governor Mike Mbuvi Sonko in August 2019 gave an executive order that task the county secretary and county executive

committee member responsible for roads, transport and public works to construct a three walled concrete floor garbage holding ground for the two markets namely Muthurwa market and Marikiti/Wakulima markets.

However, this executive order has neither been affected nor bared any fruit. Hon Speaker in the statement the chairperson should inquire and report on:

1. Reason for the delayed implementation of the Governor's executive order issued in 2019
2. Steps the county government is taking to ensure garbage is collected in a timely manner particularly in the above mentioned markets
3. Measures the county government has put in place to ensure consistency in garbage collection that has become both a health hazard to the lives of city residents and the huge environment polluted.

Hon Speaker if you may indulge me for just a second, the markets are in a very dire state. Garbage has not been collected and not only in the CBD but in other markets. Wakulima market and Marikiti is where most of the foods in the county comes from. Yet when you visit the market it is in a very pathetic state. As we speak now Muthurwa also is in dire state and whenever you go you are told there is no this and this. Further to this statement His Excellency the Governor of Nairobi did give an executive order. I have been very patient since 2019 but the person responsible for executing that order has totally ignored the order. It is about time that we seriously think about the health of Nairobians and especially where food is concerned. Thank you.

Hon. Temporary Deputy Speaker: The chair of Environment? Vice chair, Environment? Any member of the Environment committee?

Hon. Jeremiah Themdu: Hon Speaker, two weeks after recess.

Hon. Temporary Deputy Speaker: Hon Ngengi are you comfortable with two weeks after the recess?

Hon. Daniel Ngengi: Hon Speaker I don't know whether I have any choice really but in the meantime I think we need some first aid; we need the garbage to at least be collected while we wait. We don't want to be the, on a light note the Luhya community when you ask whether you drink tea or juice you say you will drink juice while waiting for tea. Hon. Speaker to think it is in order, while we wait for that the construction should move forward and actually collect garbage not only in the CBD but in the entire county. Thank you, I will wait.


Hon. Temporary Deputy Speaker: Thank you for understanding. Hon Mary Ariviza?

Hon. Moses Ogeto: Hon Speaker under your guidance I am on point of order 41 where you change the proceeding of the house. I am requesting Hon Speaker that we can move to motion 8 which is very weighty so that the Leader of Majority can move this motion so that other statements which may be requested may be transferred to Tuesday for the purpose of this motion. I request we move to motion 8 for the purpose of many factors which may arise, thank you.

Hon. Temporary Deputy Speaker: Thank you whip. Actually we had intended to do that because we have a very important motion to discuss today but I think the last statement I will give is for Mary Ariviza and after that we move to motion 8.

Hon. Mary Mwami: Thank you Madam Speaker. I stand on point of order 242 which provides in part as follows:

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.*



(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 Powers and Privileges for hearing and determination.

(4) In the report if the committee finds that the member has not offered a satisfactory explanation of the members 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 submitting the report, give three days' notice of a motion that, 'This county assembly note the report of the committee of Privileges laid on the table of the county assembly on ... regarding ...' with other necessary modifications.

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

Madam Speaker I want to bring to your notice and attention the Hon Ibrahim Abdi Hassan, Member of the Matopeni /Spring Valley ward has on record missed 11 consecutive sittings of this assembly during the Fourth Session of the Second Assembly. The period being January 9th 2020 to March 10 2020.

Madam Speaker in the view of the above I invite you to find the member to be in breach of Article 103(1)(b) of the constitution, Standing Order 242 of the Nairobi County Assembly and refer the matter to the Powers and Privileges committee with view of declaring the office of the member of the county assembly of Matopeni /Spring Valley ward vacant pursuant to Article 103(1)(b) of the constitution. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you for that information Madam Ariviza. I will refer that to the Powers and Privileges. Chair, Powers and Privileges please take over that.

(Point of order)

Hon. Temporary Deputy Speaker: Members excuse me. We have a very important matter to deal with right now that is motion 8. Which point of order?

Hon. Member: Point of order 85

Hon. Temporary Deputy Speaker: What does it say? Can you read it? Clerk, kindly proceed.

MOTION

ADOPTION OF REPORT ON TRANSFER OF FUNCTIONS FROM COUNTY GOVERNMENT TO NATIONAL GOVERNMENT

Hon. Charles Wakarindi: Thank you Hon Speaker. I beg to move that this assembly adopts the report of the ad-hoc committee on transfer of functions from the county government to the national government on consideration of the Deed of Transfer of Functions tabled in the assembly today Thursday 12th March 2020.

Hon. Speaker due to the nature of the matter before the house you will allow me to refer to the notes. Hon Speaker on 25th February 2020 the nation was informed through a press statement by office of the spokesperson of State House Nairobi that an agreement signed at State House on 25th February 2020 by the Governor and devolution cabinet secretary Eugene Wamalwa, with the concurrence of His Excellency the President, Uhuru Kenyatta, certain functions of Nairobi City County Government had been transferred to the National Government pursuant to Article 187 of the Constitution of Kenya. The Press Statement further

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.

indicated that the National Government would take over the following functions of the Nairobi City County Government: -

- a) *County health services;*
- b) *County transport services;*
- c) *County public works, utilities and ancillary services; and*
- d) *County Government planning and development.*

Hon. Speaker, The Press Statement went further to state that the intended transfer was to ensure that Nairobi City County residents received efficient services and that it came as a breakthrough in the running of County services that had ground to a halt. Consequently, Gazette Notice No. 1609 dated 25th February, 2020 was published seeking to give effect to the transfer of functions of the Nairobi City County Government to the National Government. A grace period of twenty-one (21) days before commencement of the agreement was provided

Hon. Speaker, on 27th February 2020 you informed this House that you had received a Message from the Attorney General of the Republic of Kenya transmitting the Deed of Transfer of Functions from the County Government to the National Government. You further directed that an *Ad-hoc* Committee be established to look into the said agreement. Consequently, on 3rd March, 2020, the House established the said *Ad-hoc* Committee to consider the deed and report within fourteen (14) days. The Committee was supposed to look into the following: -

- i) *Study the Deed of Transfer of Functions and un-pack its contents and implications;*
- ii) *The role of the County Assembly as far as implementation of the Deed is concerned;*
- iii) *The impact of the transfer of functions on the Budget making process for the FY 2020/2021; and*
- iv) *Propose areas that require legislation either by the Senate or the County Assembly.*

This report, Hon. Speaker, is a culmination of the Committee's work as directed. Hon. Speaker, in its consideration of the Deed of Transfer of Functions, the Committee aimed to unravel the following issues:

-

- i) Whether the transfer of functions was in accordance with the law particularly Article 187 of the Constitution and Part III of the Intergovernmental Relations Act, 2012;
- ii) The consequences of the transfer of functions to the County Government in terms of benefits or otherwise; and
- iii) What would be the implementation framework of the transferred functions and the role of the County Assembly with respect to its legislative and oversight mandate.

Hon. Speaker, in order to address the aforementioned issues, the Committee examined in-depth the Deed of Transfer of functions, the applicable legislations, views of the public, submissions of the County Executives whose functions had been transferred and advice from experts including the Office of the Solicitor General. As such, Hon. Speaker, the Committee observed as follows: -

1. There is a general consensus that the County Government of Nairobi City, particularly the Executive arm, has failed to deliver on its mandate specifically on the transferred functions. As such, the current transfer of functions despite having been done out of political convenience, it can still be sanitized

expos facto, in order to allow the implementation of the Deed for the benefit of Nairobians. This is the process the County Assembly has embarked on.

2. That despite transfer of the four functions of the County Government to the National Government, the County Assembly need to continue performing its constitutional role of oversight, representation, legislation and budget making with respect to the transferred functions. As such, a mechanism to operationalize this framework need to be developed by the multi-agency committee currently preparing a policy on implementation of the transferred functions.
3. That budgeting of the transferred functions should be in tandem with the provisions of the Public Finance Management Act, 2012. In particular, projects already proposed in the planning documents approved by the County Assembly should be implemented.
4. That pursuant to Article 176 of the Constitution, the County Government comprises of the County Assembly and the County Executive. As such, any decision made on behalf of the County Government, the County Assembly must be involved through its formal structures. For instance, in the case of preparation and execution of the present Deed of Transfer of Functions, the County Assembly was not involved at the preliminary stage. Thus, the County Assembly must be involved in preparation of future agreements including Service Level Agreements contemplated in the Deed.
5. Members of the Public were generally agreeable in the transfer of functions from the County Government to the National Government on account that these will improve efficiency and quality of service, However, they were cautious that the National Government has had its share of challenges and may also fail. The Public also were of the view the County Executive need to be properly constituted with the appointment of the Deputy Governor being a priority to them. Equally, the appealed that in future, they should be fully involved prior to decisions being made by Government Officials.

In view of the above, Hon. Speaker, the Committee recommended the following: -

1. That the Nairobi City County Assembly adopts the Deed of Transfer of Functions from the Nairobi City County Government to the National Government with the following amendments: -
 - i) That in accordance with the provisions of Article 176, 185 and 187 (2) (b) of the Constitution, the oversight, representation, legislative and budget making functions remain with the Nairobi City County Assembly on the transferred functions;
 - ii) That pursuant to Article 195 of the Constitution, the County Assembly shall have the power to summon the head of Joint committees or joint committees collectively contemplated under Article 4.3 of the Deed of Transfer of Functions or any other person involved in the implementation of the deed;
 - iii) That the Joint Committees contemplated in Article 4.3 of the Deed of Transfer of Functions shall be approved by the Nairobi City County Assembly;
 - iv) That the Memoranda of Understanding and Service Level Agreements contemplated in Article 4.4 of the Deed of Transfer of Functions shall be approved by the Nairobi City County Assembly;

- v) That pursuant to provisions of Section 104 of the County Governments Act 2012 and Section 126 of the Public Finance Management Act 2012, the approved County Integrated Development Plan for the period 2018 to 2022 and the Annual Development Plans shall be the baseline document for the implementation of the transferred functions;
 - vi) That in accordance with the provisions of Article 229 of the Constitution, the Auditor General shall be required to prepare separate audit reports for the transferred functions and that the same be submitted to the Nairobi City County Assembly for consideration;
 - vii) That reporting contemplated in Article 4.2. of the Deed of Transfer of Functions should be done quarterly in accordance Section 166 of the Public Finance Management Act, 2012; and
 - viii) That in the event of a dispute as contemplated under Article 11.2 of the Deed of Transfer of Functions; both arms of the County Government as envisioned under Article 176 of the Constitution shall be involved in its resolution.
2. That the County Assembly shall establish a Standing Committee to oversight the implementation of the agreement. For avoidance of doubt, the said Standing Committee shall be restricted to ensuring that the spirit and the letter of the agreement is conformed to while the respective Sectoral Committees shall continue overseeing the transferred functions.
 3. THAT at the end of the term of the agreement, parties shall prepare an exit report, which shall be tabled before the County Assembly and Parliament.

Hon. Speaker, the Committee wishes to take this opportunity to thank your office and that of the Clerk for supporting its work. I also I wish to register my appreciation to fellow Honorable Members of the Committee for their commitment to deliver on the task despite the short period granted. The Committee also thanks Members of the Public who presented their views and the Office of the Solicitor General and consultants who digested for their sound advice. Finally, the Committee appreciates the support of the Secretariat for their immense support in preparing this report.

Hon. Speaker, it is our belief that our recommendations if adopted will be fully implemented, equally, just to inform the House, this Committee shall be meeting the Cabinet Secretary for Devolution Hon. Eugene Wamalwa to communicate to him the concerns and decisions of this House on this matter.

Hon. Speaker, I urge members to support this report and as I move I call upon Hon. Imwatok to second. I thank you.

Hon. Peter Imwatok: Madam Speaker I rise to second the report by virtue of a Member of this report and an ad-hoc Committee by life span it is coming to an end immediately the article of transfer comes to effect on Tuesday next week.

Madam Speaker, I am privileged as a Member of this ad-hoc Committee to go through for the first time in depth the article of transfers. That indeed the National Government through the presidency has Nairobians at heart and more importantly the elected leaders of this County Assembly.

Madam Speaker, be it on Tuesday 17th of this month no Member of the County Assembly elected will have to a tag along with loyal meter on his neck for his ward to get development agenda. What it is required of you is a qualification that you are an elected leader who has people to represent.

Therefore, Madam Speaker as you adopt this report we want also in the spirit of duty relationship between the County Assembly and the National Government. Looking at the article of transfer it tells you clearly that the County Executive accepted that they have failed critical roles. As legislature, history will judge us right that on the onset we will be on the top of the game requesting the County Executive side to do their mandate.

I am also happy that acceptance of inadequacy is also part of accepting indeed that the county is bigger than all of us. Therefore, I want to urge the Member as we pass this report that from Tuesday I believe fuel from our car will be reserved because we will only wait to pass the ADP and to represent to relevant Joint Committee and henceforth our wards will be developed uniformly without asking the Majority Leader or the Minority Leader or the Minority whip to ask for a favour from a CEC or a chief officer.

Madam Speaker as we support this I want also to request that the Hon. Members who are elected as we are aware that next week we will be having a Kamukoji as elected leaders of this County Assembly so that we develop a frame work upon which all our 85 wards are part of this journey as we go forward.

I believe the Standing Committee the Hon. Leadership will form will only concentrate to make sure that the article of transfers is adhered to by both parties therefore I want to thank the Majority and Minority Leader and the Speaker in absentia the Chair and the Vice chair and the Second vice chair together for leading us in Windsor for all these days. We sat there the whole morning and afternoon and Hon. Ogeto who was mostly there to always shut us down when the heat was too high because he is small in body but the brains are too big he could shut all of us to conform the article of transfers.

Madam Speaker, I want to urge this House to pass this article of transfers as we support His Excellency the President of Kenya and the right Hon. Raila Omollo Odinga to bring sanity in Nairobi. I believe from Wednesday sanity will be in Nairobi especially for the elected leader and for the special elect we believe you have a part to play even in the standing committees. More as elected leaders see somewhere to seat and discuss the plan of their wards.

I also ask the leadership of the Assembly to make sure the special elect sit somewhere else to reflect on why the parties accepted them in this House so that we work together toward to the common agenda of the County. Therefore, I beg to second and I ask the Hon. House to support the Majority Leader and the entire leaderships on this thank you.

(Question Proposed)

Hon. David Mberia: Thank you Madam Speaker, for giving me this opportunity to support this report. I happen to be one of the Members of ad-hoc Committee, which burned midnight oil until we had this complete report that we are tabling today by my Colleague Majority Leader so that we can approve it.

It is a reality that the County Executive it has been partially dissolved by the actions of the Governor when he decided to surrender core vital functions of this Government.

Madam Speaker, as elected Member of this County you will hear that functions of roads, public works, health and planning and development forms the back bone of each Member re-election in 2022 and we are happy as elected Members. I want to support my colleague here that measurement will never be applied to ensure there is uniformity of development across the 85 wards.

Madam Speaker the County Assembly of Nairobi is the only functional Arm of Nairobi City County Government with all our three functions left without any interference. The functions of representation, legislation and the vital one, the function of full oversight authority over the left functions of licensing of dog and control of photography. The vital functions which have been transferred to the National Government this House has full over sight authority over the transferred functions to the National Government.

Madam Speaker, we must as a House supports the National Government in conjunction with County Government in ensuring full implementation of the functions which have been transferred to the National Government.

Madam Speaker, you know the money that was used to fund projects will be drawn from the County Revenue Fund Account. It is Nairobians money which will be used for these functions. Therefore, we have a duty as a house to ensure through the Standing Committee which will be formed to oversight those functions which will be added over on Tuesday, so that our wards get the development that they deserve.

Therefore, madam Speaker, I rise support and after our retreat as elected Members we shall come back here and ensure we pass our Motion of one ward one vote moving forward. Thank you Madam Speaker and I beg to support.

Hon. Patrick Musili: Thank you, Madam Speaker, let me first take this opportunity to appreciate the Members of the ad-hoc Committee who seat and did a very good job of coming up with a detailed report on the transfer of the four functions to the National Government.

Madam Speaker, there is a commitment from this House to ensure Nairobi moves forwards. For those also who had opportunity to be in State House I think you can recall His Excellency the President promised that he will be meeting the Members of this House every month to review the progress of implementation of this important document transferring the four key functions to the National Government.

Madam Speaker, I have gone through this report and I would like to draw the Members to page 30 Clause 2; it is an opinion that I have and I rise to support this report, however, I would not want to have a duplication of roles and responsibilities. The report is proposing that we form a special standing committee to oversee the implementation of what has been agreed upon.

Madam Speaker, I suggest we have got an Implementation Committee whose role is to ensure whatever goes through the House is properly implemented by the Executive. I would suggest that we adopt this report with an amendment and we add this responsibility to the Implementation committee, whereby my boss the Minority Leader sits to ensure that everything goes forward. Whenever we have two Committees with almost similar mandate it will have conflict. Thank you.

Hon. Mbugua Kabiro: Thank you very much Madam Speaker, I will also add my voice to support this report and I do so mindfully that this is a product that I was involved in and I am happy to actually relay that this is a very detailed and proper report that has been tabled.

Madam Speaker, I am happy to acknowledge my friend Hon. Imwatok who is always bashing me that I do not have a ward but the product of his impeachment motion gave two babies.

(Loud consultation)

Hon. Peter Imwatok: That is an issue in court; now we should not quote here let us allow lawyers and judges to deal with it, just stick to the Motion.

Hon. Speaker: Hon. Kabiro, please continue and do not bring something that is not in the document that we are discussing.

Hon. Mbugua Kabiro: Madam Speaker am saying two babies were born and according to the Third Schedule in this report, one baby has 28 functions and the other has 20 functions. The County Government has 48 functions and 20 of them have been handed over to the National Government. The four sectors that have been taken are the most lucrative because we messed with them. They are the ones that bring the most trouble because that is where all the services lie. That is where we should be careful to make sure that everything is done well.

Madam Speaker, the report suggests and proposes good amendments and among them that the baseline documents that will be used for the implementation of all these functions will be the CIDP and the ADP which passes through this House. So, we are in complete control. The budget passes through this, there is nothing that is barring us from supporting this Transfer of Deed of Functions because this is something that promotes the elected leaders of this House to a level that too many developments will be happening in their wards. The structure that will be drawn will provide that we all have access to those specific functions in the same level that we have always had access to this Executive.

Madam Speaker, I wish to support and say that this is a good thing and we should progress with it without fail. Thank you.

Hon. June Ndegwa: Thank you, Madam Speaker. First, I rise to support this motion. The reasons as to why the functions were transferred from the County Government to the National Government are not new to us. We know that the County Government has failed and it continues to fail if these particular functions are not transferred. The reports from the Sub Counties tell it all because we not only felt the pinch in this House, but Nairobian felt as well. The reports from all the 17 Sub Counties were very clearly indicated and captured.

One, they felt that they wanted a push for a substantive deputy governor. I think we have discussed in the floor of this House about getting a substantive deputy governor. We have had names including that of Miguna Miguna being brought to the floor of this House, knowing well that he does not cut it to become a deputy governor. National Government has to move with speed to deliver services to Nairobian now that they have taken the heart and soul of Nairobi.

Madam Speaker, Nairobi has shown that it has confidence with the President and the MCAs in executing and implementing these functions. Our President is visionary for this County. He gave us a very sweet thing that was called Nairobi Regeneration Committee, but somebody somewhere or some people were not comfortable with that committee. Whatever that has just happened is similar with Nairobi Regeneration. Basically, instead of bringing money to Nairobi County we have taken it for the National Government to use it and show us how to use it.

Madam Speaker, I want to say without fear of contradiction that the 85 elected MCAs of this House are now free to oversight without fear or favour. I therefore support this motion because it is a fact that Nairobi will enjoy stability and live up to its good name of 'Green City under the Sun' that is both security wise and aesthetic beauty. The elected MCAs now have a second chance. They can go back to their people and tell what they have done for them.

Finally, basic rights such as roads, health facilities and water, will no longer be a pre-election promise but a reality on the ground. Revenue collection has been well captured in this report. Revenue will not end up in a few people's pockets but will do projects for Nairobians. People will not look for the office of the MCA or the Office of the Governor to come and spend revenue collection. The revenue will go towards supporting Nairobians.

Madam Speaker, before I sit down, I want to put the National Government on notice that this is not a chance to come and misappropriate County funds and repeat what the County Executive has failed to do. This is a chance to support the President and give Nairobians services. It is a chance for the National Government and Nairobi City County Assembly to show that we can actually do the work that we sought. We are in business of serving the people, and therefore the business of God will continue in this House. I beg to support.

Hon. Temporary Deputy Speaker: Hon. Members, this is a very important motion, so, I think we need to be patient so that we can hear everyone's views.

Hon. Moses Ogeto: Hon. Speaker, thank you for giving me this opportunity and ensuring that Hon Obuya has been given the same opportunity to also talk on the same.

Hon. Speaker, when you go to the Transfer of Deed, the only time we would have interacted with Assembly would have been twice till 2020. The Governor wanted to go home with those who are close with him. That notwithstanding, the report in page 16 says Kshs.16.7 billion has been transferred to the National Government. I congratulate members of this committee because they saw it wise that objects of devolution have been respected under Section 176 and Article 195 of the Constitution.

The President told us to support him 150%. We will support him on the conditions which we have given in this report. He promised that he will work closely with the elected members by ensuring they will have an opportunity to say the projects that their people desire. People from the National Government have a higher appetite, they think there is money in City Hall. I believe the Hon Members will ensure that their oversight role will be geared towards transparency and ensure that Nairobians get services which they deserve.

The Majority Leader should make sure that whatever has been proposed by this Ad Hoc Committee will be implemented to the latter. In part two, the sectoral committees will have powers to oversight as it has been given under Article 174 and 195 of the Constitution. Under Article 206, the Attorney General will ensure that even if the transferred money has gone to the National Government, they will be audited. That clause was not part of it.

In page two of the deed, the Governor accepted that he has failed. We will assist him in moving forward and ensuring that Nairobi get better services.

As I sit down, the friends of the Governor should give him the document which he signed to go through it. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Hon. Obuya.

Hon. Kennedy Obuya: I rise and undertake the privilege to be a good friend of Governor Sonko. I support this motion. I want to commend the Leader of Government Business, my good friend and age mate, Hon. Thuo.

As a representative of Imara Daima, which lies in the great Mukuru Kwa Njenga, I strongly believe I am a direct beneficiary to this program. This is a blessing in disguise. As much as I have not read the content of the report that we have just been served now, I trust that the committee was competent enough to come up with solutions that are going to represent the interests of my party leader, Raila Odinga, my president, Uhuru Kenyatta, and the citizens that gave me to be in Second Assembly of Nairobi City County.

In the interest of time, I want it to go on record, just like my brother had said, that we do not take shame in being friends of Governor Sonko. We support him fully in this document that he signed by consent through an arrangement with the President of the republic of Kenya and the blessings of Raila Amolo Odinga. I fully support. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Jeremiah Karani.

Hon. Jeremiah Themndu: Thank you, Hon. Speaker for giving me this chance to say something about the report. God comes in many ways. In our wards, we were worried because nothing was forthcoming. In Mama Lucy, patients go there but don't get drugs, only aspirin is there. If we come to County Public Works, in my ward, we don't even have a single kilometer as a capital project. They were distributed by someone who was biased.

I am happy because I am not going to kneel to somebody to get some projects in my ward. I will now be heading straight to the Devolution Ministry to bargain for my ward. I am a proud member of this Assembly. Someone in the Bible said that a baby should be split into two because the baby was not hers. With us, God came to our rescue. I support the Deed of Transfer.

(Applause)

Hon. Temporary Deputy Speaker: Mover to reply.

Hon. Charles Thuo: Thank you, Hon. Speaker. Without further ado, I wish to thank the House and the Members. I am happy because it seems to have sunk in the minds of the Members the benefit of the Deed of Transfer and how it is going to affect service delivery and how to make work easier for us. I remember when we were in the State House, I told the President the blame is no longer just on us. At least we are now going to share the blame with the President. I am sure he doesn't want a blame.

Hon. Speaker, I ask Members to support the motion. Thank you, Madam Speaker.

(Question put and agreed to)

(Point of order)

Hon. Temporary Deputy Speaker: Hon Osman.

Hon Osman Khalif: Thank you, Hon. Speaker, I am rising under Standing Order 115 (1). I wish to request you to name the Member for Mowlem Ward for grossly disorderly conduct.

Hon. Speaker, today, a Member of County Assembly of Nairobi has threatened the substantive Speaker, which is a breach of privilege of a member.

The Office of the Speaker has also received complaints from various members on the intimidation by the same Member. Thank you.

(Applause)

Hon. Temporary Deputy Speaker: Hon Speaker, pursuant to Standing Order No. 115 (1), I hereby name the Hon. Benson Macharia Mwangi, Member for Mowlem Ward for grossly disorderly conduct.

MOTION**SUSPENSION OF HON. BENSON MWANGI FOR THREE CALENDAR MONTHS FOR GROSS DISORDERLY CONDUCT**

Hon Osman Khalif: Thank you. Hon. Speaker, pursuant to Standing Order 115 (2) (a), I beg to move the following motion:

THAT, the Hon. Benson Macharia Mwangi, Member for Mowlem Ward, be suspended from the service of the County Assembly for a period of three calendar months.

(Applause)

I will ask the Majority Whip to second this motion. Thank you

Hon. June Ndegwa: I second, Hon. Speaker.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon Maurice Gari.

Hon Maurice Gari: Thank you, Madam Speaker. I think we are not heading to a right direction because we came here to work. After all these fights, the President called us to State House for us to reconcile, forgive each other and to work boldly as one Assembly. If we cannot still give the President respect, coming up to Assembly with abusive messages and words, aiming and pointing fingers at each other--- We won't allow this House to sink

(Applause)

Madam Speaker, I was voted in Nairobi West in 2017 and I will leave in August 2022. I won't allow Members coming here and planning evil for this Assembly to fall before my time ends in 2022. I am here to serve my ward, Nairobi West, Langata Constituency. I was overwhelmingly voted to come and articulate issues of this great County of Nairobi. You find here Members don't want to do what brought them here. We are doing people's job, which we were not elected to do.

Madam Speaker, these wrangles made the National Government to auction our beautiful County. Still, we want to continue like this. The President may wake up one day and invoke Article 192 of the Constitution.

I am not ready to earn half of my salary while waiting for a commission to be formed to investigate what is going on in this assembly. We won't allow tear gas in this assembly again and hooliganism. Today this, tomorrow that. Meetings are being held all over in hotels planning how to execute.

Madam Speaker we will punish them the way they used to punish us so that we can get order in this assembly. This house has rules and procedures and you can come and abuse Hon. Gari but the office of the Speaker is an institution. The second in command of the county government, it is a shame! If this mace is before you, you can take me home and can call for a by election, you have the power. Anybody should not abuse you. If one has differences with the Speaker, he should call the leadership of the coalition and they iron out the issues but not abusing the Speaker in front of the Serjeant-at-Arms and the members of the public who were at the lobby.

We won't allow that; the members must be punished. We want to tell the leadership of this assembly, crack the whip, for your offices to be respected now. For the ad-hoc Committee to be formed and work with

the national government, you must crack the whip. If you don't I am foreseeing something in two weeks' time, this assembly must have sanity. Thank you Madam Speaker.

Hon. June Ndegwa: Madam Speaker, I think I have so much anger because I had brought a similar motion to the floor of this house by another member of the Jubilee Coalition. Being the Whip of Jubilee Coalition I want to say that this is the President's party and we will not entertain gross misconduct. The President of the Republic of Kenya will work even if there are two willing Jubilee members, I just want to clarify that.

Number two, it is unfortunate how elected men in this assembly feel like it is okay to abuse a woman. A few of these men – I am not talking about all.

Hon. Temporary Deputy Speaker: Excuse me Hon. June Ndegwa, kindly withdraw the statement. Not all men in this assembly intimidate others. Name the person who is intimidating you but not all men are intimidating.

Hon. June Ndegwa: Madam Speaker, I withdraw the stereotyping but I want to say there are a few men who were not brought up well. Jateso my Minority Whip, I know you were brought up well. There are men who were not brought up properly and they feel that it is okay to abuse a woman just because of gender disparity. It is not acceptable. We are among the few women who have said that we will be the last in this Hon. House where there are some people have mental conditions or have not been brought up well will come and step on women.

The Speaker of this assembly Beatrice Elachi has always said that it is the year 2020 and we are not playing combative politics. If people cannot sit and have intellectual conversations or argue out ideas, then the best we are not playing. For somebody to say that the Speaker is going, that is treason. I think we need to have a standing order for that. Politics is a double edged sword. Who knew that Hon. Mary Ariviza would be seated here today after being suspended for 6 months. For doing what? For being a woman, we will not accept that. Whatever punishment you give my Jubilee member, we will take it and communicate to the party. We will tell the party exactly why we are doing this.

Lastly, the leadership of this House has brought by the President Uhuru Muigai Kenyatta and the Rt. Hon. Raila Amolo Odinga. They are not stupid; they knew what they were doing, they know why the other members had to go. Let not anyone who is disgruntled for six months to bring it here. We are not doing those politics on the floor of this house, take it out there may be to your ward. I support, Madam Speaker.

Hon. Clarence Munga: Thank you Madam Speaker. I am surprised that a member can raise his voice and condemn our Speaker in such a manner without following the rules and procedures of this House. I wonder how the member had the audacity to stand in front of the public and the staff to demean the position of the Speaker of this County Assembly. This is unacceptable and we will not tolerate such nonsense in this House.

(Applause)

I want to echo the sentiments of Mheshimiwa Gari, that is it time that the leadership of this House stamps its authority and cracks the whip. Because it is like members were used to be ruled by---(laughs) If so, let it be. Our leaders should take up their responsibility and crack the whip. We will not accept this. I condemn this act with the strongest terms possible. Thank you, I support the motion.

Hon. Temporary Deputy Speaker: Hon. David Ayoi! I have Hon. Ayoi, I have not seen your request Hon. Ayot. Let me give Hon. Ayoi first.

Hon. David Ayoi: Thank you Madam Speaker for catching my eye. First and foremost, it is disrespectful for an Hon. Member who has been elected and is a leader and one day through the grace of God he may find himself in another position where he deserves such respect.

The office of the Speaker is an institution which deserves respect. It is very wrong for the member to accost the Speaker and in fact he hurled insults to the Speaker and almost was going physical. That is why I request this Hon. House to allow the Speaker to be given more security because I am very sure evil is being planned on our Speaker. We will not allow this to happen in Nairobi. We must condemn this act strongly.

People are moving round in corridors to planning on how they are going to come back. I am very sure that when the former leadership was ruling us with the iron fist, we really respected them. But they have forgotten and think that they are going to come back and rule us. Go and tell them that they will never come back, we are tired being ruled by such people. They are sending these small boys to come and insult our Speaker. We will also give you Madam Speaker the maximum respect that you deserve. This is a house of rules and procedures and we need not to take these things for granted. These people are planning evil on our Speaker and we will not allow this to happen.

The other thing Hon. Speaker is that, I was given an opportunity to go to Mombasa to attend the Powers and Privileges Committee meeting. I went to represent the interests of all members. Unfortunately, I got a distress call yesterday of somebody threatening me that I went to Mombasa to take him home, that is bad. We will exercise our mandate as elected members of this county, we are here to legislate. Soon I will name that person because I think I need security also.

To finalize on this, I beg your office to ensure that this member who insulted and threatened the Speaker is given enough punishment so that *yule mwingine mwenye anapambana na hiyo maneno apatikane*. God bless you.

Hon. Millicent Mugadi: Madam Speaker it is the Majority Leader who wants to speak and his mike is not functioning, he is using my card. I beg to support.

Hon. Charles Thuo: Thank you Madam Speaker. It is a sad afternoon for me and I am very disappointed that all members who have been accused of behaving in a disorderly manner and being violent are members of my party. It is a sad day for the Jubilee Coalition in this assembly. We are not doing very well and I want to assure you that as a party we do not take those matters lightly now that even my Whip has complained about the same. I am having another member from my coalition being accused for threatening to harm the Speaker. It is very serious and I do not take it lightly and I assure you as a party we are going to do something about it. I wish it come to my notice before this because I am hearing it for the first time on the floor of the house. I would have wished that we could had gotten time to deal with it as a party but now that it is here, it is the property of the assembly.

Once the decision of the assembly is complete and the suspension is over, my coalition and are going to take up the matter, not just to punish the members, but also to talk to them and make them understand the importance of having harmony and respect of diversity that the nation has given to all of us. We cannot speak the same because as politicians we have divergent views. We should deal with them with

love and as people who have been elected to serve Nairobians. I would not wish to see my members been punished on this floor because of gross misconduct, I am not happy about that.

I can assure you and I have my members support, we are going to sit as Jubilee family and talk about this. We will not continue being punished on this floor. Once you are done with the process Hon. Speaker, I can assure you that as a party we are going to deal with it. No other Jubilee member will be punished on this floor because of being disorderly.

(Applause)

Thank you so much Hon. Speaker.

Hon. Cecilia Ayot: Thank you Madam Speaker for giving me an opportunity to share on this great concern of a house with crook members who do not respect women. I salute all men of integrity who support women. On the same breath, I request a few of them who do not believe on capacity of women to lead, to withdraw their gender lenses and judge us with the capacity fit for the job.

We celebrated Women's' Day just the other day, I would like to bring to attention of this house that most of the world's great leaders are women who took care of their children without their fathers. We have a good example of H.E the President of this great country who lost the father at a very tender age. But in the hands of a woman, she was able to nurture a leader who rules us today. Other examples of great leaders are; Mahatma Gandhi, Barack Obama, so it is very disappointing for men who hold public offices to disrespect women. We want to put them on notice that we will not take that crap moving forward as women. We will not also leave any slight intention of a man who is disrespectful.

Hon. Speaker, I also want to confirm to a few people who are doubting that one Hon. Beatrice Elachi will finish her term with respect and dignity. *(Applause)* They need to take that to the nearest bank so that we deal with other issues. Stop mobilizing and caucusing because it will not see the light of the day. You better put your effort on other important things. As we live together in this great assembly, we ask for forgiveness and intervention of the Holy Spirit because we all know very well that unforgiveness does more great damage in the vessel it is stored than where it is poured. For us to accept the reality and terms, we must have a forgiving heart so that we accept that things have changed forever and this house will continue to spire to higher heights with the great leadership of women. Thank you.

Hon. David Mberia: Thank you Madam Speaker for another opportunity. I rise to welcome the punishment meted on the disorderly member, Hon. Mwangi. It is now the second time that a Jubilee party member has been named with disrespecting women. The other day the Majority Whip was crying on the floor of this house that she had been threatened by one of her members. We men, love women and that is why we cannot leave without them.

(Applause)

They form part of our lives. Therefore, Madam Speaker, if you see a man insulting a leader of this house, the authority of this house is bestowed upon the Speaker of this assembly. The County Government has two arms; the County Executive which is headed by the Governor and the County Assembly headed by the Speaker who happens to be a woman. Let the three calendar months serve as an example moving forward to ensure there is sanity in this house.

I want to assure the house that we will take the challenge from the board member Hon. Gari and ensure that we crack the whip against members who behave badly in this house. Moving forward, I want to assure the house that as leadership, myself, the Majority Leader and the Whips and all members of like minds will bring this house to sanity in the two years remaining. Madam Speaker, I rise to support.

Hon. Geoffrey Majiwa; Thank you Madam Speaker. As I rise to support, I want to remind members that it was not for nothing the nice words that we found in this world; that, *behind every successful man, there is a woman*. Any man who does not believe in women is never a man. Because you wake up in the morning and come to town and leave a woman behind you, even if she not coming with you, she has to make sure you leave first.

Men who live with working women, she will always make sure that unless you are using the same vehicle, she will make sure you first and then she will follow you later. That tells you how women make who you are. There are those men who believe that they can approach women like they approach fellow men. These are men who are not brought up properly and we need some sort of induction on how to live in this world. Madam Speaker, we have a leadership syndrome in this assembly. We have a group who believes that if it is not them in leadership, then there is no leadership. We need to face the reality and accept that unless you accept to be led, you cannot be a leader.

(Applause)

We all know that when we came here immediately after elections, a lot of things were happening up and down. People were running from one restaurant to another, from one party office to another looking for short cuts on how to take leadership. That went on for a period of time and other leaders were to take these positions from within and amongst us and we had to accept that leadership is something that with you today, and tomorrow with another person. If you don't accept what is with another person, don't expect them to accept what is with you.

So, I know there are sympathizers of the old regime. They must accept the reality that leadership changed and unless we accept the change, change will change us. We hear people talking of our former Clerk. We were in this Assembly and we made a resolution here that we no longer have him. We still have people drinking tea in restaurants planning on how to bring him back against all the things we have done here. It means we don't reason together when we are here. We must be leader both here and outside. We don't have to be leaders who want to be recognized yet we don't recognize others. We should heed the statement of the president when we went to visit him. He said we need to live in harmony as a house. We have lost so much time. He has come to help us fulfil on our mandate. We cannot fulfil on our mandate if we still give room to those who want to make sure we keep fighting every day as if we don't know why we came here.

I am surprised with the special elect. Some of them do not know that they have a golden opportunity. Some of us were here and came thought that route. We took advantage of that and you can see us here again. You will be surprised to us here even for longer. Some of you are here. Opportunities do not come twice. Make good use of what you have now so that you have a better tomorrow.

Madam Speaker, we have leadership in this House. It doesn't matter how you got into leadership. We must believe that leadership is given by God. Once you are there, you have a responsibility to make sure you exercise your leadership to the fullest. Leaders, I beg you, you have your friends, relatives and fellow tribesmen and women, you have your colleagues in the same party. Where we are now, we don't need those. We don't need them. What we need now is our single unity because we don't know what tomorrow holds. If you still live in those cocoons, then you are the one selling us here. You need to sit down as leaders and plan for us. We believe in you and that is why you call for meetings and we come because we believe in you. Why don't you believe in us. When you cry that some of us are not doing the right things, you sit and drink tea with them, you forget to tell them that they are doing the wrong thing. It is not wrong to drink tea with someone doing the wrong things. But you drink tea and tell them they are doing the wrong things so that tomorrow they will find an opportunity to change. When you go to the level of attacking a Speaker of an assembly that you serve, more so a Speaker of an opposite gender. As a man, can't you ask yourself what you are doing? And yet you want to be respected out there. Some of them can't even step into their elected wards. Some of these people go there at night with *pikipiki*. They can't go during the day. And when they come here, they are men enough to face respected offices. I am shocked. My plea goes to the leadership of this House. You do not need a brother here. You do not need a party colleague here. All you need here is your leadership. We cannot move forward if you are still seated with somebody who is making our life difficult and you think we are going to respect you.

Madam Speaker, as I sit down, I want to remind your office that you also have certain powers you have not discovered. If it was some of us seated in that office, by now someone would be resting in a police cell waiting for other things to follow. You are so lenient. You must stand up and lead from the front. It doesn't matter even if you are a woman. Leadership has been given to you. You exercise it to the fullest. When you behave like a woman, they will look at you like a woman. When you are a leader, you are a leader. It doesn't matter whether you are of any gender. Don't fear they are going to do certain things because you are a woman. We believe that leadership is for all of us and when you have it, it is your time, you exercise it. Thank you.

Hon. Peter Imwatok: I have listened to our former Mayor and I am consulting with my leader. I am reliably informed that when he was the Mayor, such a thing could not be entertained. Thank you Majiwa and we respect your experience. Indeed, we must accept that since 2013, we have gone through a transformation that some of the assembly Members are not ready to accept. Just because Thuo is not combative does not make him less of a leader. Just because the Leader of Minority does not want to put any member into a predicament does not make him less of a leader. Indeed, what Hon. Majiwa is saying is the truth. Let us face it. We are all politicians. When we are within these precincts, we are all equal as MCAs. But God endowed Thuo to be Leader of Majority. The same with the Leader of Minority. Let us just have that respect. You may not like their heights but you have to acknowledge that they are your leaders. I am seated next to a tiny man here, but he challenges me ideologically. But in the past, I used to be challenged in terms of discipline. I remember Hon. Kwamboka in the first Assembly. There is a time they could not attend even the committees. Even the Sergeant-at-arms must be prepared to enforce them. We cannot be an assembly where I don't

respect Mellab, but I am quick to respect the person who abuses the Leader of Majority. It is wrong. We are not here for the business of punishing people. We are all Hon. Members. Can we live by that name? If we don't respect ourselves, do we expect the outside world to respect us? There is a word in this assembly; *kuchorea*. Today, Mberia *anachorewa*. Tomorrow, Thuo *anachorewa*. The following day, Immapet *anachorewa*. The next day, board member *anachorewa*. Why are we wasting our time? We should always talk about our welfare. Despite being the Hon. Member for Makongeni, I have children. I have a family that looks upon me as a father. I agree that my member was punished a day before yesterday and I had a chat with my deputy on why he was punished. We had to make him understand that the punishment was less than what the constitution envisaged. I want to put it clear that we are not in the business of punishing people. But that does not give us the right to abuse the Speaker or the staff of the county assembly. It is upon me to respect the Clerk of the assembly for him or her to respect me. The way some honorable members speak to the staff is not a dignified way to speak with them. Even though they are staff, we should remember that they are fathers, mothers. When they go home, their self-esteem remains with them. There is a way our colleague speak to a staff until the self-esteem is no longer there. That is what we undergo as leaders in this county assembly.

There are Members who believe that you cannot even correct them. It is wrong. My leader doesn't need to be reminded that he comes from Meru neither am I requesting anyone to remind me that I am a Teso. Let us give each other respect. Maybe a day after tomorrow, I may not be the Chief Whip again. Someone else may be the Chief Whip. How do I look at him? He deserves the respect I needed. You may not like Thuo's tribe, but you must respect him as the Leader of Majority. You may not respect where Elachi comes from. You may not like her second name. But you have to respect the Speaker's office. The former leaders have failed to accept that they are no longer the leader of this county assembly. They even intimidate the executive that they still in charge of the assembly. If you don't do this, we will deal with you. This assembly must be lead. There must be a leader. We have the Speaker. If I don't respect Thuo, the Speaker will call and tell me I don't respect the Leader of Majority. The Speaker's panel is there.

I can't confirm to the Hon. members that this is the worst assembly where the leaders have no say. This is the only Speaker where the Speaker listens to the members but has no say. This where a former leader has powers beyond the current leader. As Members, let us exercise what the constitution requires of us. If is to name members, we need only a quorum of 42. So, history will judge us well that indeed, this Assembly conformed to the law. If I am wrong, let me be named.

Madam Speaker, it does not mean that you are tall and big, you can beat a short person. We should also define the dress code of this assembly. When do we come with a jeans to the county assembly? When the committee is working, it is a working day for the Members. You can't come to the assembly with jeans from Tuesday to Thursday. It is okay to wear jeans on Mondays and Fridays. It makes sense. You need to communicate with the sergeant-at-arms on this. Leader of Majority, I feel for you. As much as we are punishing your side, but I want you to punish our side too. In this Assembly, we must assist each other. Don't look at ODM or Jubilee. Let us assist each other as the president had said. Let us work together. Unfortunately, *kuna wale wa kuchorea. Hii mambo ya kuchorea na kipindiree imeharibu hii county. Choreo*

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.*

huyu, chorea ule. Tulimweak, Thuo, tumtoe. Somebody told Gari thatn he changed his walking style since he became a board member.

How did you memorize ho Gari walks? That is natural. I remember how the former Leader of Majority used to walk. He used to walk with two phones and one hand just flies. Is that because he is the Leader of Majority? I have never seen Thuo having a flying hand. So, let us respect each other. Let us all be equal. Let us correct each other. I have a record in this Assembly of being thrown out. I was thrown out by the Speaker Magelo almost on a weekly basis. I had to change that attitude.

(Pouint of order)

Hon. Doris Kanario: Thank you Madam Speaker. It is not about the Whip or anyone. But especially when you talk about dressing, it should apply both ways. Right now, I can see an honorable member, Mary Ariviza, wearing a sleeveless dress. I don't think we should be exposing ourselves like that. So, if it is about decorum, it should be both ways. Thank you.

Hon. Peter Imwatok: Thank you. I will confirm with the Speaker's rules whether Ariviza is in English parliamentary dress code or African traditional attire which is allowed in our assembly.

Hon. June Ndegwa: [Hon. Member spoke off the mic]...exposing our arms. The men in this House should not be provoked by the dressing of the women. Hon. Ariviza has very beautiful arms.

Hon. Temporary Deputy Speaker: Hon. Members, can we let the Minority Whip finish so that we can finish this topic? Order!

Hon. Peter Imwatok: I think the Speaker's rules should have a look at that. As I end, I want to urge my colleagues to respect each other. Let us love each other. Some of us don't know what to do as leaders. Do we punish Ogeto because he refused to smile with me? There is a time you could be punished on this side of the coalition just because you didn't smile. There is a time the level of your smile would matter on which committee you sit. Nowadays, the leadership is ready to accept and listen to everyone. We need to define what leadership is. I beg to support.

Hon. Temporary Deputy Speaker: Mover.

Hon. Osman Khalif: Hon. Speaker, I beg to reply. Thank you.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Sergeant-at-arms, kindly take note of that and effect it immediately. Secondly, I order the Sergeant-at-arms not to allow any Members who is not well dressed according to our standing orders to access the Assembly and if they do, delete their names from the register so that they don't receive the payment for the day. Please check the dress code. We should not discuss it in the Assembly anymore. Thank you.

I also understand that there are people who walk into the Assembly with firearms. Let them not even access the Assembly. The firearm should be left outside at the entrance. Should anything happen to any member, you shall be held responsible. So, please take note of dressing code and firearms. People can even come with knives. Check their bags. There is so much tension in this Assembly and we should therefore keep our members safe.

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the Assembly stands adjourned until Tuesday 17th March at 2.30 PM.

The House rose at 4:45 PM.