



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Thursday 15<sup>th</sup> October, 2020

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Benson Mutura) in the Chair]*

#### PRAYERS

**Hon. Speaker:** Clerk, confirm if we have quorum.

*(The Speaker consulted the Clerk-at-the Table)*

I am told we quorum, proceed Clerk.

#### PAPERS

**Hon. Michael Ogada:** Thank you Mr. Speaker sir. Pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of the assembly today Thursday 15<sup>th</sup> October 2020: The report of the select committee on Selection on the reconstitution of assembly committees. I beg to lay, thank you.

**Hon. Speaker:** Thank you, next Order!

*(The Paper was laid)*

#### NOTICE OF MOTION

**Hon. Speaker:** I understand that the Member has not signed the Motion, the Motion is deferred to the next sitting.

*(Notice of Motion deferred)*

#### STATEMENTS

**Hon. Speaker:** Statement by Hon. Doris Kanario. Is she in the House or on Zoom? The next statement is by Hon. Benson Mwangi.

REQUEST FOR STATEMENT REGARDING THE DISREGARD OF THE GOVERNMENT'S COVID 19  
CONTAINMENT MEASURES AT QUIVERS LODGE ALONG THIKA ROAD

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**Hon. Benson Mwangi:** I wish to request from a statement from the Chairperson of the Sectoral Committee on Culture and Community Services and the Sectoral Committee on Health Services regarding the disregard of the government's Covid-19 containment measures at Quivers Lodge along Thika Road.

Hon. Speaker, Covid-19 pandemic has had adverse effect on social-economic lives of people globally. This led to global agencies, for instance, the World Health Organization (WHO) to issue standards guidelines towards mitigating the effects and containing the spread of the virus. The government of Kenya has made tremendous efforts towards flattening the curve of the then surging infections.

Hon. Speaker, it should therefore concern everybody when businesses, especially social places fail to adhere to these guidelines and expose many people from this disease given that countries now fear a second wave. It is particularly perturbing to see that Quivers Lounge openly play into the recklessness by allowing unregulated congestion without enforcing social distancing.

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

1. Reasons why the Lounge has been allowed to operate with the foregoing circumstances and whether they are operating on a valid license; and
2. Steps being taken by the Nairobi Metropolitan Services in ensuring that social places such as bars strictly adhere to the Covid 19 containment measures.

Thank you Hon. Speaker.

**Hon. Speaker:** The statement by Hon. Benson Mwangi goes to the chairperson of Culture Committee. Is she in, or is he on Zoom?

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. We will give a response after two weeks, that is after recess.

**Hon. Speaker:** Hon. Member, are you content with the response.

**Hon. Benson Mwangi:** Yes, Hon. Speaker.

**Hon. Speaker:** Hon. Anita, I understand that you have a statement for Hon. Doris Kanario?

#### RESPONSE TO STATEMENT REGARDING THE INCIDENCE OF NEGLIGENCE OF AN EXPECTANT MOTHER AT PUMWANI MATERNITY HOSPITAL

**Hon. Anita Thumbi:** Thank you so much Mr. Speaker sir. I am responding to Hon. Doris Kanario, statement on health. Hon. Speaker on 22<sup>nd</sup> September 2020, Hon. Doris Kanario rose on the floor of the assembly pursuant to Standing Order No. 45 (2) (c), and requested the chairperson of the sectoral committee on Health Services regarding the incidence of negligence of an expectant mother at Pumwani Maternity Hospital.

In the statement, the Member requested that the Chairperson should inquire into and report on the following:

1. Reasons why the patient was allegedly turned away by the security guard at the hospital;
2. Measures the County Executive and NMS were putting in place to ensure attainment of conducive environment and sustainable working environment for the county health workers that shall ensure continuity in provision of equity services; and

- Measures that County Executive and NMS were taking to particularly enhance the maternal health services at all the county hospitals.

Hon. Speaker, the committee wrote to the NMS on 24<sup>th</sup> September 2020 seeking for the response of the statement requested by the Hon. Member. The committee was furnished with the response on the issues raised by the said Member and upon considering via its virtual meeting held on Monday 12<sup>th</sup> October 2020, it was found to be satisfactory.

The committee invited Hon. Doris Kanario to attend the meeting on Wednesday 14<sup>th</sup> October 2020 pursuant to Standing Order 45 (2) (e) to gather the view of the Hon. Member regarding the said response to the statement which was expressed as satisfactory.

However, it was agreed that inspection to assess the status of Pumwani Maternity Hospital and other NMS facilities be organized in the near future to ensure seamless provision of health care services to the residents.

Hon. Speaker, I wish to report to the assembly as the following:

#### Reasons the patient was turned away by the guard at the hospital

That on Sunday 13<sup>th</sup> September 2020, 25-year-old Ms. Jackline Talim was brought by a taxi accompanied by her husband Mr. Talim. They were denied entry at the gate by the security guards namely Mr. James Oduor, Mr. Kepha Mutai and Mr. Patrick Wambugu on allegation that nurses were on go slow. The three guards are employees of Hatari Security Guards Limited, a private firm outsourced in 2017 by the Nairobi City County Government to provide security to four hospitals namely; Pumwani, Mutuini, Mama Lucy and Mbagathi.

The NMS has since established that the mother was admitted at third stage of labour at the hospital. The mother and child were discharged on 28<sup>th</sup> September 2020 in good condition. The NMS team visited the husband, mother and the baby on 28<sup>th</sup> September 2020 in a follow up to the status and issuance of birth notification. There was no reason why the guards opted to turn away the patient since other patients had been admitted and there were staff on duty to take care of the patients.

#### Measures NMS is taking to ensure conducive and sustainable working environment for the county health workers that shall guarantee continuity provision of quality services

Hon. Speaker, doctors, nurses and other health workers were promoted in the return- to- work formula (copy attached) as noted in the changes of the pay slips, the copy is also attached. NMs is also in the process of increasing the work force through increment of staff under Universal Health Care (UHC) a programme that is also short term contract to ease the work load and burn out.

The Public Service Commission has been notified of the discrepancies existing between the workers inherited from the Nairobi County Council, the devolved staff from the Ministry of Health in 2013 and workers employed by the Nairobi City County Public Service Board from 2014. The County Public Service Board is yet to submit a detailed report to the NMS for onward transmission to the Public Service Commission.

Mr. Speaker, as a committee we agreed we will visit Pumwani Maternity Hospital because we also realized there could be go slows but it was not right to turn the patients away especially mothers who are especially on the second stage of delivery. Mheshimiwa Kanario was satisfied with the report but as a committee we are planning to visit Pumwani Hospital on the same. Thank you.

**Hon. Speaker:** Is Hon. Doris Kanario on Zoom? Do we have any member who has a concern with the response? I believe silence means we are content.

**Hon. Mary Mwami:** I am on the floor. Thank you Mr. Speaker sir. It is a report that is of social interest to Nairobians and I think that the response is not very satisfactory, in that, they are planning to go. You are supposed to have gone there before you bring a report to us, it is a half-baked report. It is not good for a committee of this House to bring us a half-baked report on a matter that was – and you know when a baby wants to come, it must come – a mother that was helped by people to get a baby on the streets. Why didn't you go before that now you are planning to go now that it is an emergency? I do not know whether Hon. Kanario agreed but I think it is not very satisfactory. You should have gone so that we get a very comprehensive report on what happened.

Secondly, I would like to propose that this report is withheld and the committee visit and give us a very comprehensive report including the strikes by our health workers every time. In fact, it is true that at that time they were on strike but we know there are some people who are always faithful and there could be staff who were still in the hospital. I can see the report want to put the blame squarely on the security guards. Those security guards were being instructed and they cannot go against their superiors.

We needed a very comprehensive report that shows who gave the orders to the security guards to turn away the mothers. I have not heard about anybody who was in charge so this is a half-baked report and it is not a good report. We need also to know what is causing strikes in our hospitals because they are ever dancing here at our square instead of treating people. Thank you Mr. Speaker sir.

**Hon. Speaker:** Any other Member who has a concern? Hon. Anita it is being alleged that your baking skills are not up to standard!

**Hon. Anita Thumbi:** To respond to Hon. Mary, I agree with her that there were challenges with nurses and health workers but the main issue was on salaries. In our report we had a meeting and agreed on a return- to- work formula and right now the nurses are being paid and the formula seems to be working. We decide to work on the main challenge as a committee and NMS. Thank you.

**Hon. Speaker:** Hon. Member, are you content?

**Hon. Mary Mwami:** Thank you Mr. Speaker. I wanted your ear before I can go on. The main contention was that a mother who was pregnant was chased away and gave birth on the streets; it was an uproar in the whole of Nairobi and not only in Nairobi but countrywide and even went all over the world people were wondering what kind of a callous city, and a country that treat pregnant mothers in such a manner.

The report does not give us who in-charge ordered the pregnant mother to be chased away; it was alleged that it was the security guards. I still believe that it was wrong for you to bring us a half-baked report because we needed to know who chased the mother away. If we do not take things like these seriously, it will be replicated in every other part of this country and our mother would be dishonoured especially

pregnant mothers. It is only in this country that such things happen. People take care of their women because they are so delicate at that time because of their lives and the baby's.

While I appreciate the fact that you went out to sort the long term problem of salaries, I think the main reason why Hon. Kanario requested for the statement was not only for the salaries - but it was good you sorted it out – it was because of the bad behavior that should not be allowed to be replicated. We wanted to know what disciplinary measures has been taken on those people who handled that woman in that manner? I didn't hear any disciplinary measures whether to the security officer – I know security people cannot chase away a pregnant mother, many of them have their sisters and their mothers and they know how delicate it is. I am sure they did this on an order of somebody. I still feel that we need a more comprehensive report where somebody takes responsibility for negligence and bad behavior putting us in repute as a city, and that Kenya as a country is callous to its women. Thank you Mr. Speaker sir.

**Hon Speaker:** Hon. Anita and your committee, when are you intending to bring a comprehensive report?

**Hon. Anita Thumbi:** Thank you Mr. Speaker sir again. As I had said before, we will be visiting the hospital, may be after two weeks we will be able to bring another report.

**Hon Speaker:** Two weeks?

**Hon. Anita Thumbi:** Yes.

**Hon Speaker:** The next statement is from Hon. Millicent Jagero. ICT, have you been able to locate her?

REQUEST FOR STATEMENT REGARDING ENCROACHMENT OF PUBLIC LAND IN THE COUNTY  
ESPECIALLY IN KITCHEN, EASTLEIGH NORTH WARD

**Hon. Millicent Jagero:** Thank you Mr. Speaker. Pursuant to Standing Order No 45 (2) (c), I wish to request from a statement from the chairperson of the sectoral committee on Planning and Housing regarding encroachment of public land in the county especially in Kitchen, Eastleigh North Ward.

Hon. Speaker, in planning law, a provision is made for guidelines (masterplans) on availing public places for settlements and communities as a means of ensuring quality life for the residents. For instance, Nairobi's 1948 masterplan and other subsequent plans had sufficient provisions for public spaces. In these spaces, communities can propose development of social amenities for use by the residents.

Hon. Speaker, Kitchen in Eastleigh North Ward is a source of controversy between residents and private developers and lack of clarity on the same.

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

1. Present a report on the current ownership of Kitchen in Eastleigh North Ward and copy of ownership documents; and
2. Measures that the county has put in place to map out and protect public spaces across the county from encroachment and grabbing.

Thank you Mr. Speaker.

**Hon Speaker:** The chair, Planning [committee] Hon. Anthony Kiragu, is he on line? Do we have any Member from Planning committee? Leader of Majority?

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. We will respond back in two weeks' time.

**Hon Speaker:** You are not on mic.

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. I am saying that we will respond two weeks after recess.

**Hon Speaker:** Hon. Member, are you contented with two weeks?

**Hon. Millicent Jagero:** This matter is very weighty and the residents are fighting with the private developer, and in fact police officers are there right now controlling them.

**Hon Speaker:** Hon. Member, I think two weeks is okay taking cognizance that we will be taking a two weeks break for recess.

### MOTION

#### APPROVAL OF A NOMINEE TO THE POSITION OF A MEMBER OF THE COUNTY PUBLIC SERVICE BOARD

**Hon. Antony Mburu:** Thank you Hon. Speaker. Pursuant to Section 58 (1) (c) of the County Government Act 2012 and Section 58 of the Public Appointments (County Assemblies Approval) Act 2017, H.E Mike Mbuvi Sonko forwarded vide a letter dated 11<sup>th</sup> September 2020 to the Speaker of the Nairobi City County Assembly Mr. Philip Pollard George Kaingu's name as a nominee to the position of secretary to the County Public Service Board and Mr. Jack Babji Owino as a nominee of the position of a member to the same Board for vetting by the Sectoral Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as secretary and member of the County Public Service Board.

Hon. Speaker, the Speaker conveyed the message to the assembly and directed the relevant committee to take up the vetting process. The Assembly subsequently placed an advertisement in the local dailies especially the Daily Nation inviting the nominees for vetting before the assembly's Sectoral Committee on Labour and Social Welfare on Monday 5<sup>th</sup> October 2020 at 10.00 a.m. and 11.00 a.m. respectfully at the assembly precincts.

The nominee to the position of the secretary to the County Public Service Board, Mr. Mr. Philip Pollard George Kaingu did not appear before the committee on Monday 5<sup>th</sup> October 2020 as invited. However, vide a letter dated 1<sup>st</sup> October 2020, the nominee for the position of the secretary to the Board declined to appear before the committee for vetting.

Hon. Speaker, the committee having considered Jack Babji Owino's filled questionnaire, his CV and other documents and having heard his oral submissions during the vetting exercise, it made the following general observations:

That, the nominee satisfied the requirements of Chapter Six of the Constitution of Kenya on Leadership and Integrity which is a requirement under Section 35 (3)(c) of the County Government Act 2012 in that; the nominee has been cleared by the Ethics and Anti-Corruption Commission(EACC), the Director of Criminal Investigation (DCI), Kenya Revenue Authority (KRA), Higher Education Loans Board and the Credit and Reference Bureau (CRB).

The Nominee has not been charged in a court of law, and does not exhibit a potential conflict of interest. The nominee met the requirements of Section 35 (3) (d) since he exhibited impressive knowledge



of topical and legal issues touching on the respective docket and has requisite abilities, qualifications and experience.

Pursuant to Section 45 (a) and (b) of the County Government Act 2012, Section 9 of the Public Appointments (County Assemblies Approval) Act 2017 and Standing Order No. 203 (6) (f) of the Nairobi County Assembly Standing Orders, the committee recommends that;

1. The assembly approve the following nominee for appointment by H. E. the Governor Mike Mbuvi Sonko as a member of the County Public Service Board, as follows:  
Name of the nominee: Mr. Jack Babji Owino, Member, Nairobi County Public Service Board
2. That the approval of Mr. Philip Polland George Kaingu for the appointment to the position of the Secretary to the Nairobi County Public Service Board be pended until the provision of Section 10 (2) of the Public Appointments (County Assemblies Approval) Act 2017 are demonstrated to have been complied with.

I call upon Hon. Fredrick Okeyo, to second.

**Hon. Fredrick Okeyo:** Thank you Mr. Speaker. As I second my chair, as a committee we did thorough work. We looked at the papers, the experience and the determination and passion of the nominee. If you look at the report, the nominee did quite well and we can say that he surpassed our expectations. The committee saw it fit to recommend Babji Owino for the position.

If you look at some few issues that regards to the understanding of the position applied for - I remember the last time that we were here there was a nominee who did not understand what he was applying for – but for Owino he understands that a member of the service board should hold the office for a term of six years. He understands the key objectives of the Board is hiring and firing of employees and with the recent strikes, people yearning for promotion within the staff; it is key. Having a work experience of over 15 years; nine years as employed and six years as self-employed. We saw it fit that he is qualified for the position.

I therefore, second my Chair. Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Members who are on Zoom, kindly click the 'raised hand' icon so that you can be given a chance to debate.

**Hon. Peter Wanyoike:** Thank you very much Mr. Speaker. I rise to second this Motion. The nominee of a member of the Nairobi County Public Service Board came before the committee on 5<sup>th</sup> October and he was interrogated. He had all the requirements that were needed. With respect to self-introduction, knowledge, experience and qualification, he was quite okay.

Mr. Speaker the committee found that Babji Owino he understands the objectives of the Board and he knows and understands the term of being a member of the Board is six years. He said that he is willing to work till the end of his term. This House is aware that Mr. Owino Babji was invited for vetting before but he did not turn up. He informed the committee that it is not that he absconded but it was due to family problems whereby he lost his father and brother.

We therefore found Owino as suitable for the position. I beg to support the Motion. Thank you.

**Hon. Michael Ogada:** Thank you Mr. Speaker. I rise to support the nominee having received the report from the Labour Committee. It clearly indicates that they did a thorough work and were able to come up with the name of Babji. If you look at their report, there is another person because they were supposed to vet two people but the other one did not qualify for the position of the secretary to the Board. He did not meet the committee's requirements. That is a clear indicator that the committee was very thorough when they were doing this business.

The other thing, Mr. Speaker, is that we really applaud this committee and the Executive who have forwarded this name because there have been strikes in Nairobi and some of their grievances were lack of promotion. When some of us raised those issues with the service Board, they said they lacked quorum to constitute a Board. This meant a lot of delays in terms of promotions and there are decisions which cannot be made without a quorum in the service Board. So the committee coming with this name of a qualified and competent person to fill that position, we will have assisted the County Government to ensure that matters of the Board are done according to the law.

Mr. Speaker, Members of this County Assembly also have been going around in circles for about three or four years talking about employment of marshals. It is bad for a County to invite people for interviews, they are interviewed, and start waiting for letters for appointment. But all of a sudden they are cancelled simply because of some technicalities. So, I thought it is not wise. The Service Board said that sometimes it was as result of lack of constitution of the Service Board to be complete. With the coming of this guy to join the Board, then I think the Service Board is now complete and they will not be able to give us further excuses as to why they are not really able to execute their mandate. It is upon this House, through the Committee to ensure that they push the Service Board to execute their mandate without any further excuses because we are able to assist them to ensure that they are operational. Thank you, Mr. Speaker. I support the name.

**Hon. Jared Akama:** Thank you, Mr. Speaker for giving me this opportunity. I rise to support this report. I belong to this Committee and I want to assure you due diligence was done. When this candidate appeared before the Committee, he was properly vetted. Whenever a candidate appears before this Committee and he is not qualified, we have rightly stated that. The candidate was qualified by virtue of experience and the qualification. When I went through the papers, there is something which attracted my attention, the candidate did Conflict Management. We have seen of late that our staff always go for strike and has given a bad impression in this city. This is an international city and we don't want a situation whereby when our quests come, they find that our staff are striking. It gives a bad impression. We want to ensure that this Board is properly constituted. That they have the quorum to dispense their mandate. This Board is cornerstone to over 14,000 staff of Nairobi City County.

Mr. Speaker, I want to ensure this House that this is a very qualified candidate. Someone can have the qualification, but if you don't have that passion to bring values to the Board, it cannot help. We have also noticed he has passion in ensuring the welfare and also the mandate of the Board is executed. I urge the House to support this Motion. We have a serious exercise going on in terms of recruiting constables. Minority leader, we call them constables and not marshals. With the Board having a quorum, I think it is a high time this matter is dispensed. We also have a serious exercise of ensuring we have enough ECDE



teachers in this County so that our children can have access to teachers who are crucial in giving them that base in their lives.

Therefore, Mr. Speaker, this is just an assurance to the whole House that this is a serious candidate and we believe that, if endorsed by this House, he will bring a lot of value. I support, thank you very much.

**Hon. Rose Ogonda:** Thank you, Mr. Speaker. I rise to support the nominee. As a Member of Labour Committee, we interviewed the nominee and he is suitable to be a member of the Public Service Board. Advertisement has been done three times, but by the fact that there was no quorum in the Board, nothing has been done. Recently, recruitment was done but they could do nothing without a quorum. So, if this House supports the nominee, it will give us an easy way for poor children to be recruited to be constables of this great city.

Mr. Speaker, as I take you back, the first recruitment was done and two members left the Board. We hear they that they are in the NMS. So, the quorum was not there and that made the Board's work difficult. I urge the House to support. Thank you.

**Hon. Joyce Muthoni:** Thank you, Mr. Speaker. I also rise to support this report. I was privileged to be among the people who vetted Mr. Owino. As per his credentials, he is qualified for the position. Just to highlight something that caught my eye, Mr. Owino has a clean criminal record. In such a position whereby he is supposed to make major decisions concerning the public and the public funds, he is the best person in that position as we help our President in the fight against corruption.

Finally, I want to urge all the Members to support this report because at the moment the Board is doing nothing because of lack of quorum. Thank you.

**Hon. Anita Thumbi:** Thank you, Mr. Speaker. I want to take this chance to first congratulate the Labour Committee for doing a very good job. The Bible Says that "*God fulfils our heart desires.*" The nominee was vying for Senate position in 2017 and he desired to always represent Nairobians. So, I think this is God's time that has come. Now he will have a chance to represent the Nairobians as a Board Member. I support him, he is a man of integrity. You all know that when a person is vying for any position in election, you must be cleared by the EACC and many other processes. It is a position well deserved. Thank you, I support.

**Hon. Speaker:** May I now call the mover to rely because there are no any other requests.

**Hon. Anthony Mburu:** Thank you, Mr. Speaker. first and foremost, I thank Member of this Assembly for supporting the report, and also the leaders of the Assembly for the cooperation they have shown. The backbone of the cooperation is because of the unity which emerged immediately you become the Speaker of this Assembly. I also thank the Members of the Labour Committee for always being present whenever they are needed. I beg to reply.

*(Question put and agreed to)*

## STATEMENTS

**Hon. Speaker:** I understand there was a response by the Chairperson of the Budget Committee on a statement by Hon. Mwangi Njihia.

RESPONSE TO A STATEMENT REGARDING THE RATES AND RENT WAIVERS GRANTED BY COUNTY EXECUTIVE THROUGH ADVERTISEMENTS AND INFORMAL DECLARATIONS BY THE GOVERNOR

**Hon. Frederick Okeyo:** Thank you, Mr. Speaker. Hon. Speaker, on Tuesday 29<sup>th</sup> September 2020, the Hon. Mwangi Njihia, MCA, rose on the floor of the Assembly and requested for a statement from the Chairperson of Select Committee Finance, Budget and Appropriations regarding rates and rents waivers granted by the County Executive, both formally through advertisement----

**Hon. Speaker:** A minute. I know we have changed the sequence, so, I invoke Standing Order 41 (2) that gives permission to change the sequence so that you can proceed.

**Hon. Frederick Okeyo:** Thank you, Mr. Speaker. it is good to follow the Standing Orders. Mr. Speaker. Hon. Speaker, on Tuesday 29<sup>th</sup> September 2020, the Hon. Mwangi Njihia, MCA, rose on the floor of the Assembly and requested for a statement from the Chairperson of Select Committee Finance, Budget and Appropriations regarding rates and rents waivers granted by the County Executive, both formally through advertisement and informally through declaration by the Governor

In the statement, the Member requested that the Chairperson should inquire into and report on:

1. Status on both formal and informal waivers made by way of declaration by the Governor and their enforcements;
2. Measures taken by officers of the planning department to enforce the Governor's declaration and if not, reasons for failure to do so; and
3. Actions taken against officials who continue to harass and intimidate tenants on the waived rent arrears despite the directive by the Governor.

Hon. Speaker, the Committee wrote to the County Treasury and held a meeting to seek answers on the issue raised and receive responses. The Committee has viewed the submission and wish to report to the Assembly as follows;

Status on both formal and informal waivers made by way of declaration by the Governor and their enforcements;

The process to write off rent arrears owned by tenants in the County rental houses is ongoing in accordance with the Public Finance Management Act of 2012, Section 1589 (a) (c) and Nairobi County Tax Waiver Administration Act of 2013. The Waiver has been approved by the County Executive Committee through a Memo No. 8 of 2019 and a record of the beneficiaries has been compiled waiting publishing in the gazette as per Section 6 and 8 of Nairobi City County Tax Waiver Administration Act of 2013. The waiver will be written off the County books once the above process is complete as it is now in the final stages.

Measures taken by officers of the planning department to enforce the Governor's declaration and if not, reasons for failure to do so;

The waiver has been approved by the County Executive Committee through Memo No. 8 of 2019 and a record of the beneficiaries has been compiled waiting publishing in the gazette as per Section 6 and 8 of Nairobi City County Tax Waiver Administration Act of 2013. The waiver will be written off the County books once the above process is complete as it is now in the final stages.

Action taken against officials who continue to harass and intimidate tenants on the waived rent arrears despite the directive by the Governor

Once the process of the waiver is complete as mentioned above the reported harassment due to follow up on the rent defaulters will cease as only those with arrears from 1<sup>st</sup> May 2019 will be subjected to demand notices.

Hon Speaker, the Members have been provided with a more comprehensive response as received from the County Executive. Hon. Speaker I beg to lay this response.

**Hon. Speaker:** Thank you. Hon. Njihia? Any other Member who has a concern as we try to see whether we can get hold of Hon. Njihia. Hon. Mary you made a request? Ogada? I think they have an issue with their gadgets here. Any other Member who has a concern on the report? I believe silence means they are okay with the report.

There was a request for statement for Hon. Peter Warutere and he's not in the House neither is he online, but I am informed that Anita was to read the statement but I had not been informed. So I take it upon me to defer the statement to the next sitting, because we are supposed to be informed before the sitting of the House. Is that in order?

### MOTION

#### APPOINTMENT OF MEMBERS TO COMMITTEES

**Hon. Speaker:** Chairperson, Select Committee on Selection.

**Hon. Michael Ogada:** Thanks a lot Mr. Speaker Sir. Pursuant to the provisions of the Standing Order 164, this Assembly approves the appointment of the following Members to the Committees as under listed.

- a) Hon. Eunice Marimbi MCA be appointed to the following committees: -
  - Sectoral Committee on Children, Early Childhood Education & Vocational Training
  - Sectoral Committee on Implementation, and
  - Sectoral Committee on Environment and Natural Resources.
- b) Hon. Juliet Ndegwa, MCA be removed from the Sectoral Committee on Energy and Information, Communications & Technology and be appointed to the Sectoral Committee on Agriculture, Livestock and Fisheries.
- c) Hon. Peter Wahinya, MCA be appointed to the Sectoral Committee on Environment and Natural Resources.
- d) Hon. Mary Njambi, MCA be appointed to the sectoral Committee on Energy and Information, Communications & Technology Committee.

e) Hon. James Kiriba, MCA be appointed to the Sectoral Committee on Agriculture, Livestock and Fisheries.

I. Select Committees

(a) Select Committee on Implementation: - Hon. Peter Imwatok be replaced by Hon. Eve Malenya, MCA

(b) Select Committee on Delegated County Legislation: -Hon. Rose Masistsa be replaced by Hon. Eve Malenya, MCA

(c) Select Committee on Wards Development Fund: -Hon. Alvin Palapala be replaced by Hon. Cecilia Ayot, MCA

(d) Select Committee on Loans Management - Hon. Mary Ariviza be replaced by Hon. Wilfred Odalo, MCA

(e) Select Committee on Powers and Privileges: -Hon. Moses Ogeto be replaced by Hon. Osman Khalif, MCA

II. Sectoral Committees as listed in the Third Schedule to the Standing Orders: -

(a) Sectoral Committee on Environment & Natural Resources -Hon. Caroline Mayunzu be replaced by Hon. Redson Otieno Onyango, MCA

(b) Sectoral Committee on Culture & Community Services - Hon. Michael Ogada be replaced by Hon. Jared Okode, MCA

(c) Sectoral Committee on Labour & Social Welfare- Hon. Mellab Atema be replaced by Hon. Eve Malenya, MCA

(d) Sectoral Committee on Agriculture, Livestock & Fisheries- Hon. Husni Halawi be replaced by Hon. Eve Malenya, MCA

(e) Sectoral Committee on Health Services- Hon. Caroline Mayunzu be replaced by Hon. Catherine Okoth, MCA

(f) Sectoral Committee on Children, Early Childhood Education & Vocational Training - Hon. Caroline Mayunzu, MCA be nominated to the Committee.

Hon. Speaker as you are all aware that we did nominate people to various committees, both sectoral and select, but you see this is a huge House, sometimes when we work through these documents there are omissions, and we learn with time that omissions were made, whereby some few Members like two were not included in any committees.

And also we realized that having thought we have balanced the committees we only learnt later that there are Members who have got five committees others four and others three. So it was only in order as a House to make sure that at least people have an average of four committees each. That made it

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possible for us as leadership of the House to really look into that so that we do reduce complaints from Members because basically we need to allow Members to execute their businesses within committees.

So Mr. Speaker we are also aware that there is one of us who had been out of the Assembly for about a year. When she came back, it was only in order that some reorganization be done in the committees in order to accommodate her. If you go through the re-arrangement you realize that the leadership of this House, most of them have been affected. We made a decision that we have to sacrifice some of our committees so that at least everybody can fit and be comfortable.

So basically that is what made us try to re-arrange. But always in a family you will learn that not everybody will be satisfied. What I can promise is that the leadership of this House is trying to make sure that everyone is at least not crying. So whoever is going to be affected in one way or the other, please do not shy away from approaching any of us as the leadership of this House, we are going to try to make all of us comfortable. We will try our best with the few available chances. I wish to call upon the Deputy Majority Leader to second this Motion.

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. Let me take this opportunity to thank the leadership of this House and also the Selection Committee for the good work they have done. I can see a Member who used to be my Member in Labour Committee Hon. Eve Malenya who has just come back to this House. They have done a good job because I can see already she has three committees, at the same time I can see also I have lost a Member who was very committed in my committee, that is Hon. Ariviza.

Mr. Speaker, let me second this Motion. Thank you.

*(Question proposed)*

**Hon. Fredrick Okeyo:** Hon. Speaker I rise to support the Motion and my reason for supporting this Motion is that the leadership, once you are in leadership position you learn to sacrifice, and if you see the people who have been removed are part and parcel of leadership. When you see our leaders here, Hon. Ogada, Hon. Imwato, Hon. Ogeto, being removed and replaced by, it shows that being in leadership is not about being selfish, it's about giving up and making sure your followers are as satisfied as you are. I support.

**Hon. Speaker:** Hon. Rose, and kindly please try to be audible, people who are on Zoom are complaining that they are not able to get what we are deliberating here. Be a bit louder.

**Hon. Rose Ogonda:** Thank you Mr. Speaker. I rise to support the changes and thanks for the leaders for sacrificing for the Members to get the committees. I stand to support on one ground of Eve Malenya. She has been out one full year; she has babies and no earnings at all. Now that she is back and getting the committee as we are starting to go for retreats for our committees, I think it will help her in some difficulties she was facing outside while not in the Assembly. I stand to support.

**Hon. Speaker:** I can see there are no other people who are requesting. Mover.

**Hon. Michael Ogada:** Mr. Speaker thank you very much. As I stand to reply, I am happy that all Members of this County Assembly has seen the sense as to why the leadership thought it wise that we have to make some minor adjustments within our committees. And just as we promised, we are still going to make some further consultations, at least if any of us is still not very satisfied in one way or the other, we

will try to make sure that we really look into it and take care of that. Otherwise Mr. Speaker, I thank every Member for supporting this Motion.

*(Question put and agreed to)*

### MOTION

ADJOURNMENT OF HOUSE PURSUANT TO STANDING ORDER 29(3)

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. I beg to move that pursuant to the provisions of Standing Order 29(3), this Assembly adjourns today, Thursday, 15<sup>th</sup> October, 2020 until Tuesday, 3<sup>rd</sup> November, 2020 at 9.30 a.m. in accordance with the calendar of the County Assembly. Thank you Mr. Speaker, I beg to move.

I wish my counterpart, Minority Leader to second.

**Hon. Michael Ogada:** Thank you Mr. Speaker Sir. You know it is normal within our calendars that once in a while we take a break and as it stands today we will be going for a short break for two weeks, I think it is just prudent that we allow Members to proceed for two weeks break. It is good for them that since there are a lot of confusions like children going to school and what have you. So it will be easier for parents, particularly the parents from within the Assembly to at least pay some special attention to the children and when we come back we will come back rejuvenated and we will be able to really continue with the business of this House for the remainder of the time before we break for long recess.

So Mr. Speaker, I beg to second it.

*(Question Proposed)*

**Hon. Peter Wanyoike:** Thank you Mr. Speaker, let me take this opportunity to thank each and every Member for the support because keeping silent means that they have seconded and supported the Motion, Mr. Speaker. I wish each and every Member good time for those two weeks when they go and mingle with their electorates in their wards, and also noting that these two weeks most of the committees are retreating to Mombasa so that is extending this House to committee level so that the committees can execute their mandate at committee level. So Mr. Speaker, I beg to move. Thank you.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business, the House stands adjourned to Tuesday 3<sup>rd</sup> November 2020 at 9.30 a.m. in accordance with the calendar of the County Assembly. Thank you.

**(The House rose at 4.20 p.m.)**