



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 18th February, 2020

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: I have been informed we don't have quorum. Seargent-at-Arms please ring the bell for ten minutes.

(Quorum bell was rung for 10 minutes)

Thank you very much. We have a quorum. Clerk, please proceed.

COMMUNICATION FROM THE CHAIR

COMMENCEMENT OF THE FOURTH SESSION

Hon. Deputy Speaker: Thank you. I welcome you from the long recess. I have the following communication to make.

Hon Members as you are aware today marks the commencement of the Fourth Session of this Second Assembly as resolved during our special sitting held on Monday 10th February 2020.

Accordingly, Hon Members I take this opportunity to welcome you all back from the long recess and the festive season. I trust you all had a wonderful and fruitful break together with your families and electorates. It is good to see you all back. You are rejuvenated and ready to execute duties bestowed upon you and the public trust.

Hon Members the Fourth Session presents us with an opportunity to effectively carry out our mandate since I know most of us have now understood the required tools of transacting business in this house.

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It is also during this session that we have an opportunity to deliver on our promises to the electorate. I therefore call upon members to adopt a bipartisan approach in considering business that shall come before this assembly so that we can be able to achieve what is best of this great county.

Lastly I implore upon all chairpersons of committees to fast-track all pending business before their committees especially proposed legislation and statement request so that our output as an assembly can be felt.

I thank you all and I wish you well. Thank you much.

STATEMENT

Hon. Deputy Speaker: What is the point of order Hon. Gari?

Hon. Maurice Gari: Mr. Speaker, I rise on point of order 242. Paragraph 1 provides in part as follows: *'If during any session a member is absent for any sitting of the county assembly without permission in writing to the Speaker, the speaker shall report the matter to the county assembly and the matter shall stand refereed to the committee of Powers and Privileges for hearing and determination.*

Paragraph 4 states: *'If the report of the committee finds the member has not offered a satisfactory explanation for 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 a three days' notice of a motion that "This county assembly notes that the Report of the committee of Privileges laid on the table of the county assembly on ... regarding", with necessary modification.*

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

Hon Speaker I want to bring to your attention that one Hon Elias Okumu Otieno, member of Kileleshwa ward has on record both manually and electronic attendance registers certified that, and relevant department of the assembly, missed 11 consecutive sittings of the county assembly during the Second Session of the assembly as follows 18th November, 19th November, 21st November, 26th November, 28 November, 3rd December, 4th December, 10th December and 11th December, 20th December, 9th January 2020.

Hon Speaker in the above ruling I invite you to find the member in breach of Article 103 (1)(2) of the constitution, Standing Order 242 of the county assembly and refer the matter to Powers and Privileges Committee with view of declaring office of the Member of County Assembly for Kileleshwa Ward vacant pursuant to Standing Order 103 (1) (b). Thank you.

(Hon. Ochola stood on a point of order)

Hon. Deputy Speaker: What is your point of order? Which order are you standing on?

Hon. Wilson Ochola: Can you allow me to talk about what I want to say, Mr. Speaker? The Hon. Member was not right to say that the Hon. Member for Kileleshwa Ward is supposed to be impeached. Mr. Speaker, protect me.

Hon. Deputy Speaker: Hon. Ochola, please sit down. This is a House of rules and procedures. If you have any issue, you have to refer to the Standing Orders. You know that. Ask for assistance so that you can be given a chance? Can you quote the Standing Order?

Hon. Wilson Ochola: Mr. Speaker, you are biased.

Hon. Deputy Speaker: I am not biased.

Hon. Wilson Ochola: Mr. Speaker, allow me to contradict what Hon. Gari has just said? Can you allow me? I don't know the Standing Orders, but I am trying to ask. Can you allow me to talk about it?

Hon. Deputy Speaker: I agree with you, but he mentioned the Standing Orders.

Hon. Wilson Ochola: There is nothing wrong.

Hon. Deputy Speaker: You are wasting our time Hon. Ochola.

Hon. Wilson Ochola: I am not wasting your time.

Hon. Deputy Speaker: Can I give the ruling? Yes, Hon. Minority Whip.

Hon. Peter Imwatok: Hon. Speaker, the Hon. Member Gari belongs to ODM party and the member mentioned is a member of ODM party. And as a leader, on behalf of my party, I am aware that Hon. Gari was to present this aspect before this House but I was not certain when.

All said and done, the issue of absenteeism in this county assembly is not about ODM issue alone. There is a Member of this County Assembly called Habiba. Since she has been gazetted, she appeared before this House twice. We have never seen neither can we attach a name to the face.

As you give your ruling in either way, I will not allow my side to be crucified when you know very well that there is a member on the government side who is earning a salary for more than two years and has never stepped in this Assembly. As you give your ruling, put the same into consideration.

Hon. Deputy Speaker: Let me refer this matter to Powers and Privileges Committee and report within 7 days. Thank you. Clerk, proceed.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON ASSEMBLY BUSINESS

Hon. Deputy Speaker: Leader of Majority.

Hon. Charles Thuo: Thank you Mr. Speaker. Let say this, with your permission. The issues that have been raised by Hon. Maurice Gari are very important. If it would please the Chair, I urge that the enquiry be extended to several other members from both sides of the Assembly because the issue of non-attendance is very rampant and there are people who are earning salaries without attending the sittings.

I also rise to move this procedural motion. That, pursuant to the provision of Standing Orders 163 (1), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business: -

1. The Hon. Beatrice K. Elachi, MCA – Speaker & Chairperson
2. The Hon. John Kamangu, MCA – Chairperson of Committees
3. The Hon. Charles Thuo Wakarindi, MCA – Leader of the Majority Party
4. The Hon. David N. Mberia, MCA – Leader of the Minority Party
5. The Hon. June Juliet Ndegwa, MCA – Majority Party Whip
6. The Hon. Peter A. Imwatok, MCA – Minority Party Whip

7. The Hon. Millicent Mugadi Wambui, MCA – Deputy Majority Leader
8. The Hon. Anthony Gathumbi Kimemia, MCA
9. The Hon. Emily Oduor Ondenje, MCA
10. The Hon. Maurice Otieno Gari, MCA
11. The Hon. Silas Matara Ongwae, MCA
12. The Hon. Fredrick Njoroge Njogu, MCA
13. The Hon. Millicent Anyango Jagero, MCA
14. The Hon. Peter Wahinya Njau, MCA
15. The Hon. Samora Mwaura Wacira, MCA
16. The Hon. Wilfred Oluoch Odalo, MCA
17. The Hon. Rose Adhiambo Ogonda, MCA
18. The Hon. Moses Ogeto Nyangaresi, MCA
19. The Hon. Esther Nyangweso, MCA

I ask the Leader of Minority to second the motion.

Hon. Deputy Speaker: Minority Leader?

Hon. David Mberia: Thank you Mr. Speaker. I wish to take this opportunity to welcome members back from the long recess and add that this time we mean business. I want to remind members that we only have one full year before we start campaigns in our wards. I second the list and assure the House that the list has members with a lot of integrity and I pray that the House business committee will ensure that house businesses are well coordinated in the next 12 months. I beg to second

(Question proposed)

Hon. Deputy Speaker: There shall be an addition of one more name and for that I pass this with amendments. Hon. Oyugi proceed

Hon. Kennedy Oyugi: Thank you Mr. Speaker. If I heard you correctly, you said that we will have to pass the names with amendments yet the Minority side had already passed names of members who are to serve in the House business committee. I consulted with my Minority leader and he informed me that I was one of the nominees

Hon. Deputy Speaker: We do not recognize that unless a name is brought on the floor and agreed upon

Hon. Kennedy Oyugi: Sorry

Hon. Deputy Speaker: The names have already been brought to the House and agreed upon

Hon. Kennedy Oyugi: Mr. Speaker, the validity of my point of order is this- a member in a committee can only be replaced after six months and that is what I wanted to inform the House. However, I have discussed with my whip and he has assured me that he is going to make the necessary amendments

Hon. Deputy Speaker: I have already passed it with amendments

Hon. Kennedy Oyugi: What is wrong with me seeking clarity on the matter Mr. Speaker?

Hon. Deputy Speaker: Thank you. We have heard your voice. Hon. Warutere Mureithi

Hon. Peter Warutere|: Hon. Speaker, I rise in support of the list. I have served this committee for a record eight years and I wish to thank the appointing authority and state that there are enough men and

women to serve in that committee. I hope that the team that is selected will be upstanding and pick from where we have left. I am glad to have been of service

Hon. Deputy Speaker: Thank you Hon. Warutere. Hon. Ogeto Nyangaresi

Hon. Moses Ogeto: Thank you Hon. Speaker, first I would like to welcome Hon. Members for the Fourth session of the year 2020. Looking at the Order Paper it is very clear that time is going and I am requesting the Hon. Members who have been selected in this House Business Committee will have a capacity to serve.

Hon. Speaker and Member, looking at the composition of the list, gender parity has been done. When you look at the list, gender balance has passed the number that is required. Therefore, I want to congratulate the whips who have done the same.

Hon. Speaker, this will be the most favourable Committee that will do the presentation of this Assembly. When I woke up this morning I asked myself, how many more years are remaining toward the election? Looking at this Fourth Session we have two years to go to election. I am requesting that this House Business committee, as you said in the opening remarks, we will transact businesses in this house without fear, favour or intimidation.

Hon. Speaker, I shared with my Hon. Odalo here who is also a Member in this Committee, whom one time he told me that, "it is only a baby who will play with the breast of her mother and the same baby will not play with the tentacles of the father". This is a year whereby the plane must land. My colleague has been saying in the WhatsApp forums that the plane is landing.

(Loud consultation)

Hon. Deputy Speaker: Order please consult with low tone. Proceed

Hon. Moses Ogeto: Hon. Speaker, even you are also a Member of the Fourth Session of the County Assembly of Nairobi. I know my brother Hon. Peter Warutere is bitter because he is not sitting in this very serious Committee for almost eight years. He knows that he is a Chairman of a very powerful Committee as well. He has been released his duties to serve in the same powerful committee and he has turned.....

(Point Order)

Hon. Peter Warutere: Thank you, Hon. Speaker, young man can you take your seat. The Member of Kilimani has adversely mentioned me and I have a right of reply.

(Loud consultations)

Hon. Deputy Speaker: Hon. Warutere on which Standing Order? and can you please sit down. We are in a very serious business and we need to transact them. Hon. Ogeto I will give you two minutes.

(Loud consultations)

Hon. Moses Ogeto: Thank you, Hon. Speaker and I want you to protect me from the hecklers.

(Loud consultations)

Hon. Deputy Speaker: Hon. Ogeto, I am done with you, you may sit now. Hon. Mark Mugambi.

(Loud consultations)

Order! I am giving a warning in advance that I will throw some of you out if you push me to the wall.

(Loud consultations)

Hon. Ochola, please walk out of this Assembly.

(Hon. Ochola walked out of the Assembly)

Proceed, Hon. Mark.

Hon. Mark Mugambi: Thank you, Mr. Speaker. First, I would like to welcome the hon members back from the long recess. I wish to remind these hon members that we have a duty to serve the Nairobians.

Mr. Speaker, last week part one marked exactly half the period between the last election and the next election. It will be of sound mind if we ask ourselves how much we have delivered to the people that brought us to this House instead of just heckling. How many roads have you done in your ward before you continue with heckling and saying that the plane is landing or has disappeared?

Mr. Speaker, I also wish to congratulate the members that have been appointed to this committee. Let them serve the interests of the greater numbers of this House. Since we cannot all fit in that committee, it will be of our own interest that they will be serving. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Kevin. Minority Whip, what do you have?

Hon. Peter Imwatok: Mr. Speaker, as the able Majority Leader has said, this is a very important committee before this House. I am sure we all understand that every session, it is the first prerogative of the House to form the House Business Committee that sets forth the agenda of the House. I am aware that we need to be to get men and women at every session that can bring this House back to normalcy as the session begins.

I have served with Hon Warutere and Hon Bishop this committee for eight years. They have been very good. We cannot just appreciate the new members but also the outgoing members. The input of Hon Warutere and Hon Bishop was immense. Being an MCA and being in school and getting first class honours is not a joke. Hon Warutere and Hon Bishop, you have done us proud from 2013. Many motions, statements and bills that have been passed were scrutinized by this committee.

Congratulations to the Majority Party and Minority Party for being there as a full House. We hope by tomorrow when this committee sits, it must be cognizant of the fact that we are in a session that is a defining moment of our county. This defining moment needs men and women like Hon Warutere and Hon Bishop who can be able to stand firm and deliver to the committee.

I advise the incoming members that this is a committee that does not entertain mediocrity, pettiness or tribalistic aspect of negotiations. It requires only one agenda on how the County Assembly of Nairobi moves forward with its programs.

Mr. Speaker, as you have said we are passing with amendments, I have written letters to the Speaker and the Clerk to effect some of the amendments. In the history of this committee, members of the Speaker's panel have never been there, but now they are part and parcel of the House Business Committee. Our role for the year 2020 is well defined.

No one can falter and say you do not understand your role. Until then, you were not in the list of the nominated members forwarded to the IEBC by the respective parties or you never woke at 4:30 a.m. to plan your agents on 8th of August 2017.

If indeed you know that you were elected by professors, doctors, *mama mbogas* and garbage collectors in our respective Wards and you were elected among the 85 plus the 40 special elect that our parties endowed us with that's spirit of the people in this county.

Therefore Mr. Speaker, our role is well cut out. That is why I am proud of my minority side that we are full house and I expect that tomorrow going forward that the Majority Leader and the Minority Leader from their side that we need the entire house to define what a county is and our role without fear of contradiction, #ThePlaneMustLand and Thank you.

(Loud consultations)

Thank you.

Hon. Deputy Speaker: Hon. Paul Ndun'gu.

Hon. Paul Irungu: Thank you Mr. Speaker. My only concern is that, what is there tomorrow? Are we going to make love with Hon. Imwatoke or what? Can he kindly explain what will be there tomorrow?

Hon. Deputy Speaker: Hon. Paul Ndun'gu please stick to the---

Hon. Deputy Speaker: Thank you. He has already done that. Hon. Mary Ariviza, the last one.

Hon. Mary Ariviza: Thank you Mr. Speaker sir. It is a great honour and privilege and I also want to take this opportunity to welcome my colleagues back. This is a great list and I believe these people will be able to spearhead us into what we need to do this year that has been defined as the year that most important things need to be done.

I had requested for a point of order and you didn't give me. I think it is not in order for Hon. Warutere to refer to the Deputy Minority Whip as a young man. All of us here are all MCAs, I don't think it is right and I wanted that point of order so that he could withdraw. I wasn't given the chance, but he will make a ruling.

Number two, take cognizant that Nairobianians are watching. For those of us who think that they will be re-elected next time, since I started walking with my walking stick, quite a number of Nairobianians recognize me because I take public transport a lot and they keep asking me what is happening with Nairobi County. Let us do our level best so that we can redeem ourselves and do the right things so that those of us who will be re-elected or nominated will be very proud being part of this congregation and assembly. Thank you so much Mr. Speaker.

Hon. Deputy Speaker: The mover please proceed, Majority Leader.

Hon. Charles Thuo: Thank you Hon. Speaker. I really do not have much to say. Hon. Speaker please inform the Deputy Whip that I do not take orders from him. This committee is very important and like the Minority Whip has said, it is a committee that sets the business of the assembly and needs a lot of somberness, a lot of wit and I think that the members nominated are going to put effort and give us substance.

Sincerely speaking Nairobianians have been very patient with us. This year we need to deliver and we need to do business that is meaningful to Nairobianians or else we are going to face the wrath of the people who elected us. I am confident with the committee and I want to thank everyone who supported it. I look forward for a great year ahead, thank you.

Hon. Deputy Speaker: Thank you very much.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, after this we shall have the House Business Committee immediately at the rise of the assembly. Having transacted today's business, the House stands adjourned till tomorrow Wednesday, 20th February 2020 at 2.30 p.m. God bless you all.

The house rose at 3.30 p.m.