



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Wednesday 19<sup>th</sup> February, 2020

The House met at 2.30 p.m.

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

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, first of all good afternoon and happy new year. I have the following communication to convey: The Office of the Speaker is in receipt of a letter from Abdullah Mohammed Razul Ali Alhamud Advocates and Legal Consultants on behalf of the Dubai Court vide a letter dated 8<sup>th</sup> February 2020 addressed to Mr. Jacob Ngwele.

Hon Members, in the letter by Lawyer Abdulah Bin Latem under the instructions of his clients and plaintiff being the Birmingham Leadership Development Center is claiming an outstanding legal and court fees amounting to \$23,0500 which was arrived by the Dubai court judgement No. 656 2019 and 1952 of 2019. In the said suit they applied as a result of Jacob Ngwele;s failure to settle payments owed to the Birmingham Leadership Development Center without clear reasons.

Hon. Members, the office of the Speaker takes cognizant to a number of financial misappropriations and abuse of office by one Jacob Ngwele during his tenure as the Clerk of the Assembly. You may recall that the Chair vide communication dated Wednesday 30<sup>th</sup> October 2019 directed the formation of adhoc committees by the County Assembly Public Service Board with an aim of examining and evaluating the administrative, financial and the technical aspects of the assembly with a view of improving efficiency of its prosperity.

Subsequently Hon. Members, as I await the completion of the inquiries and tabling of the reports by the various adhoc committees, which will amongst others unravel the circumstances that led to the unexplained legal claims, members are advised based on the letter that was sent by the Dubai government

---

**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.*

to cease any official travel or otherwise to the United Arab Emirates or transit as the assembly since you are passports are on alert in Dubai.

The Assembly Service Board addresses the issue, I also direct that the adhoc committees expedite its enquiries to enable the relevant enforcement agencies to act on the same in a timely manner. Thank you.

*(Applause)*

### PAPERS

**Hon. Speaker:** Hon. Gari, Board Member.

**Hon. Maurice Gari:** Thank you Madam Speaker. Pursuant to Standing Order No. 47 (2), I beg to lay the following papers on the table of the assembly today Wednesday 19<sup>th</sup> February 2020;

**The report of the interview for the post of the fourth and fifth members of the Nairobi County Assembly Service Board.** I beg to lay.

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

### NOTICE OF MOTION

**Hon. Speaker:** Order! I can see that Hon. Gari has a Notice of Motion.

**Hon. Maurice Gari:** Thank you Madam Speaker. I can see that the Clerk want us to finish very fast. I beg to move the following motion; pursuant to the provision of Paragraph Four of the First Schedule of the County Assembly Service Act 2017, and Standing Order 47 (3) of this County Assembly, this assembly approves the report of the County Assembly Service Board on the vetting and appointment of Dr. Fatuma Aden Affey and Willis Okello Oluoch as the fourth and fifth members of the County Assembly Service Board respectively.

Madam Speaker---

**Hon. Speaker:** Order! That is a Notice of Motion.

### STATEMENTS

**Hon. David Mberia:** Thank you Madam Speaker and welcome back to this Second Assembly Fourth Session. Pursuant to Standing Order No. 45 (2) (b), which provides that the Leader of the Majority Party or the Minority Party as the case may be or their designees may make a statement relating to their responsibilities in the County Assembly or the activities of a committee.

Madam Speaker, on the above regard, I would like to give a statement as the Leader of the Minority Party and the chairperson of the Committee on Implementation in this Second Assembly of the

**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.*

Nairobi City County. As the Leader of the opposition in the assembly, I am required through the provisions of standing orders to voice the minority coalition's when it comes to the execution of certain business in this assembly.

Therefore, Madam Speaker, the opposition position on assembly business is as follows;

The County Assembly Finance, Budget and Appropriations Committee is supposed to expedite on the consideration of the County Supplementary Budget which provides for a considerable allocation for payment of pending bills by the County.

Madam Speaker, as you are aware the supplementary budget that we passed of 4 billion shillings then, the last supplementary budget that we passed in this House, the deserving suppliers were never paid by the County government. Madam Speaker you are also aware that there is a supplier who the county owes Kshs. 70,000/= for five years.

Madam Speaker, as we move forward and waiting for the Budget Committee to table the bill, I am urging this assembly to ensure that the pending bills should be paid to the deserving suppliers. Some of them have been auctioned and are crying on the streets that we as members are not helping them. Therefore, I urge your Chair to ensure that the list that will be tabled in this House is a list of the most deserving suppliers and contractors who the county owes billions of shillings.

Madam Speaker, as you are also aware that we have projects in our wards, specifically the Ward Development Fund projects and I said yesterday, we only have one financial year which is functional which is the 2020-2021. The year 2021-2022, people will be campaigning in our Wards to take over from our Madam Speaker. Therefore, as a House the contractors who are doing business in our wards must be paid without delay.

Madam Speaker, the issue of bursaries which is the backbone of the members in this House must as well the committee of Education through the sector must ensure that our bursaries are out without the issue of vouchers. We want cheques to be written and to be given directly to parents. The opposition is open to engagements, nowadays we are called the ruling opposition. We are open to any engagements for the consideration of any business that will bring sanity, order and effective service delivery in the county.

Madam Speaker, we would also like to encourage the sectoral committees to conduct prudent oversight on the operationalization of the respective sectors, Acts and any resolutions by the County Assembly. You are aware that some members of the County Executive have been failing severally to honour invites of committees the ruling opposition is open to any engagements for the consideration of any business that will bring sanity, order and effective service delivery in the county.

Speaker, we wish to encourage the sectoral committees to conduct prudent oversight on the operationalization of their respective sectors, acts and any resolutions by the county assembly.

Madam Speaker you are aware that members of the county executive have been failing to honour invites of committees which in essence has weakened the oversight authority of committees.

Madam Speaker as two arms of government –the county executive and the county legislature- there is none which can survive without the other.

Madam Speaker is the county executive members –the CECs and chief officers fail or disrespect the invite by the county assembly standing committees, we have a duty and teeth to bite. I am giving shot as the chairman of Implementation that we are going to bite and bite big.

Madam Speaker lastly the assembly anticipates consideration of Annual Development Plan for the financial year 2020/2021 which will thereafter be followed by the County Fiscal Strategy Paper. Our position is that the executive, with the help of committees through its oversight role ensures that pending projects are prioritized moving forward.

Madam Speaker I now wish to lay the statement on the table of the assembly. Thank you.

**Hon. Speaker:** Minority Leader you know I gave you time but I was wondering: is it a statement? Anyway I have I have looked the statement and it is okay. Hon Whip, you have a personal statement to make?

#### PERSONAL STATEMENT ON STANDING ORDER 89

**Hon. June Ndegwa:** Thank you. Madam Speaker I stand on Standing Order 89 to bring in a personal statement.

Madam Speaker I would like to bring to your attention and the attention of this hon house that I have received numerous threats from one Hon Anthony Kiragu who is the MCA for Waithaka ward.

Madam Speaker this particular member has actively cyber bullied me on the WhatsApp groups that we have created for communication of this house.

He has also declared himself the whip designate by Jubilee party. On one occasion Anthony Kiragu actually accosted me outside Charlie Bistro restaurant and I had to go and report the matter to KICC police station OB number 30 of 31<sup>st</sup> January 2020.

Madam Speaker this particular member, and I want to state it clearly on the floor of this house, that he is a serial women impeacher; he is known to harass women. The member has also gone ahead to spread rumors of bribery allegations towards me causing hostility between men and my fellow members. I have difficult working relation with my members because on one occasion or another and even went to the Governor himself to spread bribery allegations.

At the moment I feel unsafe. My life is in danger. I even had to move house. I am kindly requesting you and the Hon Members of this house and especially the Powers and Privileges committee to take action against this particular member. Thank you.

Hon. Deputy Speaker: Hon Whip, I will use Standing Order 114(e) and it is very clear on grave disorderly conduct. On (e) it talks about threats or use of violence against a member or officer of the assembly. Therefore, I will request the statement to be taken by the Powers and Privileges committee to look at the matter and report back to this house.

But even as I say that I remember the Hon Member of Waithaka, and I had given him a lot of time, now I speak as a chair – and I gave a directive here – that the Hon Member should go to the EACC and talk about this allegation of the Kshs. 25 million.

I have awaited the response up to now and therefore with the directive that I gave at that time and the statement that the hon member has given I now give the Powers and Privileges committee to sit and discuss the conduct of the member.

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

**Hon. Charles Wakarindi:** Thank you Hon Speaker, I stand to move the following procedural motion: THAT, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

I ask the Leader of Minority to second.

**Hon. David Mberia:** Madam Speaker I second.

*(Question proposed)*

**Hon. Charles Wakarindi:** Thank you Hon Speaker, thank you the assembly for supporting me.

*(Question put and agreed to)*

### MOTION

#### APPROVAL OF REPORT ON VETTING AND APPOINTMENT OF FOURTH AND FIFTH MEMBERS OF NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD

**Hon. Maurice Gari:** Thank you Madam Speaker, I beg to move the following motion: THAT pursuant to provision of paragraph 4 of the First Schedule of the County Assembly Service Act 2017 and Standing Order 47 (3) this assembly approves the report of the County Assembly Service Board on the vetting and appointment of Fatuma Adan Affey, Dr, and Willis Okello Oluoch as the Fourth and Fifth member of the Nairobi City County Assembly Service Board respectively.

Madam Speaker section 12 of the County Government Act provides that the establishment of the County Assembly Service Board as a body with perpetual succession and common seal. Section 12(3) provides the membership of the board. In addition, the County Assembly Service Act 2017 reso the provision of section 12 of the County Government Act 2012, the First Schedule to the County Assembly Service Act 2017 and Standing Order 47 provides the procedure for appointment of a member of the County Assembly Service Board.

Madam Speaker Standing Order 47 (1) provides for a vacancy in the position on the County Assembly Service Board under section 12 (3)(d) of the County Government Act 2012 (Member of the board

appointed from amongst members of the public shall be filled by the board in a manner prescribed under the County Assembly Service Act 2017 with the approval of the County Assembly)

The County Assembly Service Board advertised for the position of the fourth and fifth member of the board where shortlisted applicants attended interview.

Madam Speaker Standing Order 47(2) provides that upon conclusion of recruitment process a member of the board designated by the board for that purpose shall within 7 days following the resolution of the board table the interview report in the assembly containing the names, recommended candidates and relevant supporting information.

Madam Speaker considering the board received the interview report on January when the assembly was in recess it was not possible to table the said report as provided in the Standing Orders.

Madam Speaker, the report is now before the County Assembly, pursuant to standing order no. 47 (3). The Assembly has resolved to either approve the names of persons recommended for the appointment as members of the board. I therefore urge the county Assembly to approve the name of Fatuma Aden Afey [DR] and Willis Okelo as the 4<sup>th</sup> and 5<sup>th</sup> members of the County Assembly Service Board respectively.

Madam Speaker, the interviews were conducted and done perfectly by the Public Service Commission. We did not interfere with any interview. It was done independently and all the shortlisted members were interviewed and they came up with the name of Afey Fatuma. She has a bachelor in Biology. Willis Okelo has a bachelor's degree from Nazarene University. The candidate met the qualification and they were shortlisted, interviewed and recommended to be approved by this Assembly. I call upon the Minority Whip to second this motion.

**Hon. Peter Imwatok:** Madam Speaker and the entire House, thank you for giving me the opportunity to second this motion of utmost importance. I agree that this Assembly has to be house of rules and procedure. For long, we made this Assembly a theatre of games. Every Tom, Dick and Harry would walk in, do his shenanigans and move out. We ask you as a boss of this House to kindly enforce what you say because all and again, you have seen our Majority Leader and Whip being disrespected before us. That is why I am very proud of the minority side. It is only in NASA where even if I am short like what, every member gives me respect.

On the issue of the board, I agree, for the first time, after going through a report and consulting widely, that this board refused to be reduced to a rubber stamp. They gave another competent body to do this job for them. Therefore, the men and lady who had been recruited to assist us on behalf of the public, one of them is a doctor by profession. You can imagine the type of professionalism she would bring into this board to assist this county assembly move forward within the law. Without wasting a lot of time, I want to urge the entire House, across the political divide to give utmost respect to these two members who are coming in as the 4<sup>th</sup> and 5<sup>th</sup> member of the board. Let's respect their decisions. Let us support them where they might not know. So that both sides of this Assembly will realize the importance of being here which is the role of the board to give us our welfare. As I wrap it up, this House must be respected. Time has come when what you speak here is becoming international. One Jacob Ngwele is not only sought by this county

assembly. Even internationally, there are cases that impede on to him. They say it is better to be led by an army of sheep led by a lion than to be an army of lions led by a sheep. Therefore, we know you are a lioness. Lead this House authoritatively. I don't know who can get a threshold to even pinch you. As leadership we agreed that we will not entertain pettiness and mediocrity. From a few selected members who believe that they have a birth right to intimidate others and the Speaker. I want to reiterate again that the Leader of Majority is none other than Thuo Wakarindi. The Majority Chief Whip is none other than June Ndegwa. The Minority Leader is Hon. Mberia. I am proud of my party always for giving a chance to two short men to lead tall energetic guys like Defao, brilliant men like Micheal Ogada. It is a great pleasure. It would be better if you assist us to take the demagogues. We don't want to thrive on confusion. The confusion that is in the executive must not be allowed in this House.

Madam Speaker, as we approve this board, I am aware that people are now running this county and also want to run this county assembly with a calendar. That I must introduce this confusion this week in this county assembly so that out of 365 days times five years, I am less by one week. Madam Speaker, we are aware of these things. So, when we say at any eventuality, the landing gear is on, people are saying no. Madam Speaker, we give you the express authority. The last time I heard somebody who has misbehaved in this House, I was one of them. I hold a record of being throne out. It is time somebody else takes the mantle from me, especially those who misbehave. Those people who do not want to recognize that Beatrice Elachi is the Speaker of this county assembly. If you don't recognize Thuo Wakarindi, June Ndegwa and Mberia, we are sorry for you. This country has two parties. One led by Uhuru Kenyatta and Raphael Tuju as the Secretary General. When you come to ODM, the enigma of Africa, a man who believes in the rule of law, Raila Odinga leads it. Members, let us not entertain few Members trying to shove us from left to right, center to right. I am even informed, as we are talking here, people have been held ransom somewhere thinking the plane is landing today. But I can assure that it will land. Whether you hold people ransom or not, we have the forum, the capability, the particulars and the ground. Majority Leader, we understand your job is to protect the government. We respect you for that. But we believe one thing under your leadership, guide this county, not only the Assembly. That the board we are approving today will help you to lead us well. May God bless you all. May God bless Nairobi and the two members of the board. I second the motion.

*(Question proposed)*

**Hon. Speaker:** Hon. Ogeto.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. As you have heard, my colleague said that the mover should come and reply. I need to give my sentiments on this report. I have tried to see how they were awarded marks. Fatuma got 88 marks and Willis Okelo got 77. This is a perfect job. Looking at the gender, I believe the board will have two women and three men. The gender issue is sorted. Madam Speaker, as I was reading through the report, it happened that I read the last page and I don't think the page was necessary. I wish that you rule that this page be expunged. I don't know why it is this there. Hon. Speaker, as I support this---

**TAKE 4**

**Hon. Moses Ogeto:** Hon. Speaker as I support this---

**Hon. Speaker:** Before you proceed Hon. Member

**Hon. Moses Ogeto:** That is why I am saying I do not think---

**Hon. Speaker:** We cannot expunge that because anyone can take us to court.

**Hon. Moses Ogeto:** Thank you for the clarity. Some of the sentiments we see in this report are very important for most of us who want Nairobi to move forward. I believe that the board will ensure safety of members and that their security is guaranteed wherever they are. My Whip has stated that this House must move forward and we will not allow for any confusion that has affected us for the last two years. Since my swearing in in the first assembly, I never witnessed board members being approved by an Assembly as we are seeing happening now. This shows your commitment Madam Speaker to serve the people of Nairobi and the Interests of members of this Assembly. We will give you strength not to be gagged so that you can do what it is that brought you here. Members are willing to ensure that the plane lands safely and if that does not happen then at least let it land on water. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Ariviza, are you on a point of order?

**Hon. Mary Ariviza:** I am

**Hon. Speaker:** Allow me to finalize this process then grant you the chance.

**Hon. Mary Ariviza:** Okay

**Hon. Speaker:** Mover?

**Hon. Maurice Gari:** Thank you Madam Speaker. I want to thank the Hon. Members for supporting this motion. It was long overdue and we wanted to follow the law to the latter. This is an institution and we must set a straight agenda so that when we leave here nobody will put blames o us for not doing things the right way. Madam Speaker, this is the first board that members have gotten the chance to question. Last Assembly nobody could raise a finger o question anything pertaining to the board because we were told that no member had a right to question it. I know that a board should bring quarterly reports to the Assembly for scrutiny---

**LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS**

**Hon. John Kamangu:** Thank you, Madam Speaker. THAT, notwithstanding the provisions of Standing Order No. 103(4), this Assembly orders that, each speech in a debate on Bills not sponsored by a committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the chairperson of the relevant committee and a maximum of ten (10) minutes for any other member speaking, except the Leader of the



Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the chairperson of the relevant sectoral committee, in that order.

I ask the Minority Leader to second the procedural motion.

**Hon. David Mberia:** I second the procedural motion, thank you.

*(Question proposed)*

**Hon. Speaker:** Mover?

**Hon. John Kamangu:** Thank you, Madam Speaker, I beg to reply.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON MOTIONS

**Hon. John Kamangu:** Thank you, Madam Speaker. THAT, notwithstanding the provisions of Standing Order No. 103(4), this Assembly orders that, each speech in a debate on any motion, including a special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the mover and ten (10) minutes for each other member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the chairperson of the relevant sectoral committee, in that order.

I request the Minority Leader to second the procedural motion.

**Hon. David Mberia:** Madam Speaker, I second the procedural motion, thank you.

*(Question proposed)*

**Hon. Speaker:** Mover?

**Hon. John Kamangu:** Thank you, Madam Speaker, I beg to reply.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON THE MOTION ON THE ADDRESS BY THE GOVERNOR

**Hon. John Kamangu:** Thank you, Madam Speaker. THAT, notwithstanding the provisions of Standing Order 103(4) and in furtherance to the provisions of Standing Order No. 25(5), this Assembly orders that debate on the motion on the Address by the Governor be limited to no more than five (5) minutes for each member speaking, thirty (30) minutes for the mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

I request the Minority Leader to second the procedural motion.

**Hon. David Mberia:** Madam Speaker, I second the procedural motion, thank you.

*(Question proposed)*

**Hon. Speaker:** Mover?

**Hon. John Kamangu:** Thank you, Madam Speaker, I beg to reply.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON THE ADJOURNMENT MOTION

**Hon. John Kamangu:** Thank you, Madam Speaker. THAT, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, the debate on any motion for the Adjournment of the Assembly to a day other than the next normal sitting day in accordance with the calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

**Hon. Speaker:** Minority Leader to second.

**Hon. David Mberia:** Madam Speaker, I second the procedural motion.

*(Question proposed)*

**Hon. John Kamangu:** Thank you, Madam Speaker, I beg to reply.

*(Question put and agreed to)*

#### ADJOURNMENT

**Hon. Speaker:** Hon members, there being no any other business, this House adjourns to Thursday, 20<sup>th</sup> February 2020 at 2:30 p.m.

***The House rose at 4:02 p.m.***

---

**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.*

