



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Wednesday 26th February 2020

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Proceed, Clerk.

NOTICE OF MOTION

Hon. Speaker: Hon. Leah Ntimama, do you have a notice of motion?

POLICY TO PROVIDE FOR MECHANISM AND ACCOUNTABILITY IN TRANSFER OF FUNDS WITHIN
SUB VOTES OR PROGRAMMES

Hon. Leah Supuko: Thank you, Madam Speaker. I beg to give notice of the following motion;

THAT, aware that Section 154 (2) of the Public Finance Management Act, 2012 provides for an accounting officer for a county government entity to reallocate funds between programmes or between sub votes in the budget for a financial year only if provisions made in the budget of a programme or sub-vote are available and are unlikely to be used. A request for the reallocation has been made to the County Treasury explaining the reasons for the reallocation and the County Treasury has approved the request. The total of all reallocations made to or from a program or sub-vote does not exceed 10% of the total expenditure approved for that programme, a sub-vote for that year; further aware that Section 154 (3) of the Act provides for development of regulations to be approved by the County Assembly prescribing requirements for the reallocation of funds within sub-votes or programmes; concerned that the County has not developed the regulations to allow for accountability in transfer and reallocation of funds within sub votes or programmes which has led to loss of unaccountable funds in various sectors of the County Executive; noting that Section 154 (1) prohibits an accounting officer from authorizing a transfer of an amount that is appropriated to another

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County Government entity or person for capital expenditure except to defray other capital expenditure or for wages to non-wage expenditure; this Assembly urges the County Treasury to develop firm policy and regulations pursuant to section 154 (3) of the Public Finance Management Act, 2012 to provide for mechanism and accountability in transfer of funds within sub votes or programmes.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Leah. Is Hon. Silas Matara in the House? He should understand that when the House issues a directive, then it is important to respect it. Let someone tell him that he needs to table a response on the issues he raised when notice of motion on impeachment of the Governor was being read. Tomorrow is his last day.

(Point of order)

Hon. Speaker: What is the point of order, Minority Whip?

Hon. Peter Imwatok: Madam Speaker, I rise on Standing Order No 56 (h) on the privileges of a member of this House. I want to reiterate and repeat that my name is Hon. Peter Imwatok, MCA for Makongeni. I am perturbed that as the mover of the motion on notice of impeachment of the Governor, the media is circulating distorted news that I have withdrawn the motion before this House. Therefore, I want to go on record on Hansard that I have never imagined, dreamt, or contemplated to withdraw the motion.

Madam Speaker, the media should be alive to the fact that the National Government passed a media and cyber-crime law that no one should purport to speak on my behalf. I affirm that my motion is properly laid before this House. I wait to be guided so that I dispense off this matter and lay grounds before this entire city the grounds I believe are pertinent for the impeachment of Governor Mike Mbuvi Sonko. As we speak, it is clear that we do not have anyone serving in the capacity of the Governor. Thank you

Hon. Speaker: Which media House are you referring to, Hon. Imwatok?

Hon. Peter Imwatok: Capital FM. 411. The media must learn to report factual stories, Madam Speaker.

Hon. Speaker: Having said that, Hon. Imwatok, I wish to say that I have not spoken to the media regarding this motion. It is a property of this House and only the House will decide a way forward. I will talk to them and ask them not to play politics. I also do not want to castigate on the media because they have helped us in this journey. Nairobi is serious and we do not want to play politics around this matter. Let me leave it at this.

(Point of order)

Yes, Majority Whip.

Hon. June Ndegwa: Madam Speaker, I stand on Standing Order No. 56 (h) on motion raising a question of privilege. As a member of this House, I would like to get clarification from you and your Chair regarding the transfer of powers and functions between the levels of Government yesterday, The President and the Governor invoked the Constitution of Kenya Article 187 and I read;

“A function or power of Government at one level maybe transferred to a Government at another level by agreement between the Governments if

(a)- the function of power would be more effectively performed or exercised by the receiving Government and

(b)- the transfer of the function of power is not prohibited by legislation under which it is to be performed or exercised “

Madam Speaker, I wish to stop there and request your indulgence on this particular matter, which is of importance to Nairobians and members who have been elected to this House to understand what exactly transpired yesterday as they invoked Article 187 of Kenya. It is also prudent for us to know whether this is a total transition, how will it happen, are we going to seat and discuss it? I was hoping that the Majority and the Minority Leader of this House can call Members for a Kamukunji, especially the elected Members to explain to us what exactly transpired yesterday while Mike Mbuvi Sonko transferring his mandate.

(Applause)

We have had questions and I can confirm even for my brother Hon. Imwatok, who is the Minority Whip that Members have come to our office for clarification. If the same happens, say for a Member in this House to transfer their mandate, what does that necessarily mean for Nairobians? Can we walk around saying that we have a Governor who has no functions? So, I seek your indulgence in this House to discuss such grave matter, Madam Speaker. Thank you.

Hon. Speaker: This is very interest information she has brought in, I would want to open it up for members. Yes, Hon. Obuya.

Hon. Kennedy Obuya: Thank you, Hon. Speaker, this is a matter of National and County Importance. It is a subject that is in the heart of every Member here, and equally for the people we represent. This is a pilot situation that we are experiencing with the new dispensation of devolution. Article 187 is leaving many windows and I think it is also important as a matter of urgency through your guidance, network and wisdom, you seek on behalf of Members clarity in relation to what happened yesterday.

As a House, we are constitutionally guided to represent, legislate and oversight. On the four said departments that have been surrender, it is important we know our limits as a House. Does it affect us from a committee level? How does it affect us on the legislative part and plenary? At what level do we have engagements with the relevant authorities that are now having the said department being that this is ia a County parliament? I beg to support and concur with our able Majority Whip. Thank you.

Hon. Leah Supuko: Thank you, Madam Speaker, I would also want to support the Majority Whip. The Intergovernmental Relations Act says that, meaningful participation before the transfer of the function of a certain county should be done. The County Assembly must also be informed or consulted. So, my question is, since you are the CEO of the County Assembly, were you consulted? And if yes, were the MCAs supposed to know the transfer of the functions? Thank you.

Hon. Geophrey Majiwa: Thank you, Madam Speaker, I also stand to support the sentiments of the Majority Whip. This is not a small matter. Being leaders elected and given an opportunity by respective parties to represent Nairobian in this House, it is an opportunity that not everybody has, and when we have it, we must be seen to be protecting it and appreciating the fact that we were selected among others who also wanted the same chance.

Madam Speaker, what has happened in the Assembly lately is something that even us members sometimes do not understand because we find ourselves arguing to an extent that we forget that our being here is properly legislated and not by chance. We are here and we have our work cut out for us and we know very well what we are supposed to be doing for the people of Nairobi.

Madam Speaker in Nairobi County, we have two wings; the Executive and the County Assembly. Our role is to legislate, oversight and represent. Representation is key because that is where we know the needs of our people and we bring them forward so that the Executive can work on them. but of late, we have behaved in a manner suggesting that now we do not represent our people anymore but ourselves, which is wrong. Where we have reached following what happened yesterday is something that even people are asking out there that, don't we have leadership in the Assembly that can even summon its Members, do a press conference, and react to what happened yesterday so that we are seen to be questioning what may have taken place without us? People might want to give different versions of what took place yesterday. Some may say it was a situation where one was coerced to surrender, some may say that someone wanted to surrender. We do not know what happened because we were not there.

The fact is that we are the stakeholders in these matters and we needed to have been consulted. Since we did not get that consultation, it means that there is something that we should look for. Looking for it only can be done when our leadership coordinates us so that we can get an opportunity to question the document that was signed yesterday so that we know our fate around that document. What will happen to our role in the Assembly? If we are here and it looks like somebody has given away what we are supposed to be doing, then we need to be informed what else it is remaining for us to do? It is clear in the County Government Act, that what took place yesterday did not actually affect our work. We all need to sit down and get an interpretation on how we can now operate here moving forward so that we do not sit here and look as if we are not having job to do any more. Outside there, people are thinking that we do not have any job to do. We need to make them aware that we have job to do and we have to get there and start doing what we actually need to do.

The most important thing is that we must realize that our work is cut out in the County Governments Act. The other things that we have been fighting are sideshows. We may be friends with the Governor or we maybe not be friends but he has is job cut out in the County Governments Act, which is different from ours. So, we should not confuse the two that even if we are friends we start confusing that if my friend is in this problem, I am dying with him because the County Government Act is actually joining us together. We are both in the County Governments Act but we have different responsibilities. Let us not sink our responsibilities into those of the Governor. Let us remember that our role is different from the one of the Governor. If he went to the house on the hill and signed something which we are not party to and we do not know about, it

is only fair to the people of Nairobi that we seek to know the content of that document and then tell the Nairobians this is our work and this is what we are doing. What they did, we are not part of that and this is how we are going to be involved in this document. Thank you, Madam Speaker.

(Applause)

Hon. Mark Mugambi: Thank you, Madam Speaker, I wish also to support my Majority Whip, this should sink into our minds. The last time you gave the opportunity to speak in this great House, Madam Speaker, I reminded this Hon. Members that we are here for a purpose and for a reason.

Madam Speaker, for the better part of last year and this year, we should ask ourselves what we have done to the Nairobians? If we ask ourselves, that question now that lingers into our minds as to why the President of this great Nation did whatever he did yesterday.

Madam Speaker, we are paid salaries to represent and nothing is happening in this Nairobi as much as we can whine about functions of Nairobi County being transferred into National Government is because we have failed as leader of this great City. We had a long time to sort our own issues but now it is time we are running up and down.

Madam Speaker, as much as I support my Whip, we as Members need to rethink. We can ask so many questions whether we were consulted or not, how can we be consulted if we are not in unity? We are in a political crisis, our future is not guaranteed and we do not know where we are heading to as leaders of this County. It is not that we can point our fingers to the Governor alone but also to ourselves. We decided that we could not think for ourselves, rather we let others think on our behalf. This County is ashamed because we normally call for Kamukunji when we are in crisis, and when people are doing their business well there is no need for Kamukunji. I have been asking for a Kamukunji for the elected leader since the longest time I can remember. We have never had a Kamukunji for the 85 wards. The Ward Development Fund (WDF) projects have never been done since we came to this County, we have only done the inherited WDF projects and they are factored in the budget.

As a leader of Umoja 1 Ward, I feel that I have disappointed those who have elected me because I have not delivered whatever I promised. If we can go to a by-election and we come back, then we will be children of God because 90% of us will not be reelected because we have done totally nothing. Personally, I have done nothing to those who elected me yet I have been paid salaries for to three years now.

Madam Speaker, we are entering into BBI fever and we are now supporting it and later on, there will be referendum. Do we really have time to deliver development to those people that elected us? I demand a Kamukunji as an elected leader. My Majority Leader and Minority Leader need to call an urgent Kamukunji so that we can discuss our way forward.

We have failed because I depend on the development that I would have done in the ward to ask for votes for the Senate because I am eyeing the senate seat. Without doing a single development in my ward, then that is just piped a dream. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, as we proceed on the matter, allow me to return the sequence of the Order Paper to messages.

MESSAGE**DEED OF TRANSFER OF FUNCTION FROM THE NAIROBI CITY COUNTY GOVERNMENT TO THE NATIONAL GOVERNMENT**

Hon. Members, I have received the deed of transfer of function from the Nairobi City County Government to the National Government from the Attorney General's Office and the Cabinet Secretary Ministry of Devolution and ASALs, Hon. Eugene Wamalwa.

Therefore, I will table it and tomorrow I will give a better Communication on how to proceed with the matter. I have consulted the Majority Leader and Minority Leader and then we will know to which committee we will send the deed of transfer. So, I hereby table, from and signed by your Governor.

I had given the chance. I can see I have four people; I will give them chance.

(Point of information)

Minority Whip, you can inform.

Hon. Peter Imwatok: Madam Speaker, I want to inform the House as I rise to support my fellow Majority Whip, Mheshimiwa is right but it is good to put fact right that we had a Kamukunji for elected leaders sometimes back. However, he can confirm to us that when elected leaders were called to discuss pertinent issues, it became chaotic than factual facts. As much as we request for a Kamukunji tomorrow, Mheshimiwa, I wish to support you fully that the responsibility of 4.5million Kenyans is in the shoulders of 85 elected leaders and the special elect.

Madam Speaker, as you have communicated through a message of what transpired yesterday, which to us it is a plus before this House, it is important that no one will take this Assembly for granted. The President invoked Article 187, he can also go ahead and invoke Article 192. At the same time, the drafters of the Constitution were very wise. This Assembly has its opportunity to invoke its own Article.

I want to caution both sides of the divide, in case you have a boyfriend or girlfriend who is in National Government, please stick outside the chamber. I am aware that some officials in the National Government have interests in the County, especially on revenue. If this trend continues, I will not hesitate to call the media. We cannot allow Nairobi City County Assembly under the able leadership of Majority Leader and Minority Leader to be micromanaged by girlfriends and boyfriends outside this Assembly.

(Applause)

Madam Speaker, we guarantee you that we will mention them by names. Thank you.

Hon. Speaker: Order! There is something we must expunge. I need to understand the issue of boyfriends and girlfriends manning the revenue. If they are not boyfriends and girlfriends, maybe they are people in National Government. Can you expunge before it goes to HANSARD?

Hon. Peter Imwatok: Madam Speaker, I have said that for this House to preserve its dignity and respect--- If incase today I have a girlfriend in the National Government, let her not use me in this House to antagonize the authority of the Speaker or the Majority Leader and Minority Leader. I have also said, if there

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is a Hon Member in this House who has a boyfriend or girlfriend in the National Government, he/she should not take advantage of their relationship to antagonize the integrity of this House. I have said authoritatively, this is a clear warning, I will pronounce them through the media in 24 hours.

The Chair of Budget yesterday told us here that the revenue has reduced from Kshs.11 billion to Kshs.3.1 billion. That tells us there is a problem. In our substantive motion to come, we know who were given the contract of hosting the system to collect revenue in this County. There are some people in the National Government who come through their girlfriends and boyfriends to this County.

There was another contract last week from National Youth Service (NYS)---

Hon. Speaker: Order! Hon. Imwatok, what is not right. Do you know those girlfriends and boyfriends?

(Point of order)

Hon. Charles Thuo: Madam Speaker----

Hon. Speaker: I hope you will not talk about a girlfriends and boyfriends.

Hon. Charles Thuo: I cannot talk about girlfriends and boyfriends, maybe those who talk about them are the ones that don't have. Hon. Speaker, our Standing Orders are very clear that we are responsible for statements or facts that we say in this Assembly. I believe what my colleague has just said is not right because this Assembly is made up of Hon Members.

(Applause)

We do not have girlfriends and boyfriends here. We are members who are committed to serving Nairobian because that is the job that we have been given. My colleague is a leader. We have great opportunity to debate and deliberate on serious issues that are facing this County for once and get a solution. We can get a solution without being emotional and bringing personal issues here. I want to correct him and he is my friend. The task that is facing us unanimous and we need sobriety and seriousness. Thank you, Hon. Speaker.

(Applause)

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: Order! There is no right of reply. You have said in 24 hours you will have a right of reply. I am not refusing. One thing about you is that I have learnt you as a mother. Let me tell you today that I know that when you start something, you already have the facts. Let us not go that route.

Hon. Mary Ariviza.

Hon. Mary Ariviza: Thank you, Madam Speaker. I stand here as a very disappointed citizen of Nairobi. I have said again and again that it didn't need the President, His Excellency the son of Jomo to come to our rescue. We have been crying and saying this. I am glad that people are seeing the light. I have been

in the Transport and Infrastructure Committee. In the committee, seem to be moving one step forward and two steps backward. It is a very serious issue.

If His Excellency can invoke Article 187 of the Constitution, which I was part of in making in Bomas, I can assure you he can be able to invoke Article 192. It is very important for us to have that Kamukunji, especially the elected leaders so that you know your way forward. You are actually being told to set your house in order. If you don't, he can do something even more. Without bias and feelings against anyone, we need to reflect what we are doing here and where we are going because things will just get worse. In case we provoke the National Government any other time, I can assure you we will go home ashamed. People will say, 'huyu alikuwa mheshimiwa.'

So, I want us to think very soberly. We may have been very good friends with the Governor, he has been our father, but we need to move forward. He has learnt his mistakes especially caused by people who surround him. He is a very good man. I have had sympathy with him to an extent that when some boys who surrounded him tried to do me harm, I met and forgave him personally because I know it is beyond. It is very important that we learn in life and we move on, but it is wrong for us to get into a pit together with him because that way, we are not helping him and we are not helping ourselves. I pray that God will give him destiny helpers. Destiny helpers are good people, they came into your life and tell you when you are wrong or right, and if you are a wise person, you will take. Don't surround yourselves with fellows who don't add value to your life, who are sycophants. I am sorry this time because of what has happened. Let us say you are dressed up in a suit and came into a situation where the bridegroom tells you that you are not well dressed, come out as Jesus said, it becomes extremely difficult.

It is difficult for our Governor and his family, but we must make very serious decisions because the National Government has taken a step. Let me tell you, the one of taking of functions which are key functions of any government, we have no alternative. If we continue playing sycophancy and visiting the Governor and depleting the little resources that he has for his children at this moment, we are not being responsible citizens.

I call upon us to take this seriously. I support the motion by our Majority Whip that this is very serious and we need to know the directions that it is taking. But the direction is very clear. I am a teacher, when a child does something wrong in class, you tell him "John, do not do this or that, and if you do, that is exactly what I will do." That is the warning we have been given. If John continues to do that, you give him a harsher punishment so that he can be deterred. We need to take responsibility and more so the Government side. You are our leaders and you are supposed to lead us so that we can redeem ourselves, our seats and our city. Thank you very much, Madam Speaker.

Hon. Speaker: Hon. Gatune.

Hon. Antony Gatune: Thank you, Madam Speaker, I rise to support every member who has spoken before me. On the same note, I also rise to stand with my president, Uhuru Muigai Kenyatta because what he did yesterday was a warning to us and show us that whatever we are going to do in the future is what we promised our people. For example, I was elected by 25 thousand voters in Kahawa West Ward. But the things that have been done in my ward are from the National Government. Even last week, you saw the

National Government signing a treaty with the NYS. It is trying to show us that the collection has gone down from Kshs. 11 billion to Kshs3.1 billion. Where the President sits, he knows what is happening in the County.

Last week, there was a notice of motion of impeaching the Governor. But again, it depends on us to do the right thing for the first time in this Assembly that we are going to stick by it.

(Applause)

Why do I say so? Most of our members, some saying they have been elected three or four times, they are not ashamed to go to Upper Hill to receive Kshs. 40,000 or Kshs. 20,000, knowing very well that this are taxpayers' monies. How can you give me such amount? From where? How is it accounted for?

(Applause)

The money is the same money you are talking of; the revenue reduction. In the evening after the money is collected, it is taken to somebody's house. Let us do the right thing and it will salvage us from our citizens in the wards. At least we will have a point to prove to them when we go and beg for votes again. We can tell them in the first three years, we could not work because of so and so.

Thank you, Madam Speaker, I am thankful for the chance. Some members are not doing what they want to do because of intimidation and threats. We beg to be provided with the necessary security measures so that even in the day of voting, every member will be here. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Karani.

Hon. Patrick Karani: Thank you, Madam Speaker, I stand in support of the motion. First and foremost, I want to express my gratitude to His Excellency the President for taking the necessary measure. I come from Utawala, and when a road is not done or when there is no medicine in the hospital, they don't want to care whether it is the MCA, MP, Governor, Senator or President, they blame the leaders. I think it is the right time that the President has taken charge.

I want to remind members in this House that when we got elected the first time, I know Madam Speaker you were present in that meeting and many members in this House including all Jubilee Party elected members, the President spelt out his agenda. He said that Nairobi will be part of his legacy. He told us that within two years, he would like to see change in Nairobi. Madam speaker, the President is a person who keeps his word. We have been here for two years but there is no change, the status quo remains. The President told us to organize the Government and he will give us Kshs.30 billion to start with so that Nairobians could see the change. We have not been able to do that. Where we come from, many men don't just go to marry, they first try and find out whether that shamba they are going to plough has got some fruits. We missed our direction.

Madam Speaker, when we opened this House, we started by reading the Governor's speech which spelt out the Government's agenda for five year's term. In that speech, it was full of promises, a clear road

map on how to revive, revamp and rejuvenate Nairobi. Two years down the road, the story is otherwise. In my opinion, what the President has done is that, if we are to measure the balance of convenience, it tilts towards the direction of the President and I support.

At this juncture, what is important is what we are supposed to do as Hon. Members. I am shocked that many seats are empty and we were elected to serve Nairobians. I want to call upon Hon. Members to come here and we have a bipartisan approach in terms of how we are going to address the situation before us. If we don't do it, who else will? The responsibility is purely on our shoulders and it is high time as Hon. Members we rise to the call. Madam Speaker, I beg to support, thank you very much.

Hon. Moses Ogeto: Hon. Speaker, thank you so much. I also want to thank the Hon. Members who have supported this motion of privilege. I remember when we joined this House this year and I want to quote my former Governor Evans Kidero who said, 'Managing Nairobi is not a walk in the park'. It is a jungle Hon. Speaker. He had to display videos when Governor Mike Mbuvi Sonko handed over four serious departments of Nairobi County.

Hon. Speaker, choices have consequences. I want to quote our Senior Counsel Hon. Senator Orenge that; 'This government may punish most Jubilee elected leaders compared to the NASA/ODM members'. I remember I told my friend Hon. John Kamangu last year that this Government will punish him more than it would punish me as a member for Kilimani. I believe where Ruai is and where Kilimani is, I am not bragging but I am trying to say that the National Government has taken the roles of even repairing roads in Kilimani. But in Ruai, he has been waiting for the Governor of Nairobi to ensure that the projects roll out to *mashinani*. That is how the Government is punishing its own people.

Hon. Speaker, on the same privileges as I support my colleague the Majority Whip, we used to tell the members of this House that development in Nairobi is inevitable but they were saying, they are the majority. When we elected you, Madam Speaker, the 90 of us including me in this House, there was a narrative which came that 'we are the majority'. We wondered when we were being sworn in, were we sworn in as majority or minority or as an elected or special elect Member of the County Assembly who have three roles to perform of oversight, representation and legislation? It is sad today and yesterday that the President saw it wise that Members in this House do not deserve to either legislate or oversight because they assumed their roles.

Even today, I told Hon. Obuya that he will be reporting to the Assistant Chief in his ward because all functions have been transferred. He asked me whether I am sure and I told him development in Nairobi has been taken and the only person to be answerable to will be the chief and not him who has been elected by the people of Imara Daima. Then he told me that he will mobilize the people of Imara Daima and sue the Government. I am asking, the same Government which is eating him?

Hon. Speaker, I thank you for giving us this chance to ventilate on these issues because this House did its best to allocate resources to the various departments to a tune of 6.5 billion shillings which were allocated to the Ministry of Transport and Public Works. We tried to tell the Chairs including Hon. Kagis that the money needed to be decentralized to the various wards but what happened? 'We are the majority'. The

same Chairperson when we requested for the sharing to be done to the wards equitably the way it should be done, 'we are the majority'.

Hon. Speaker I can tell you that the roads in Matopeni/Spring Valley Ward consumed almost half a billion shillings because; 'we are the majority'. When we tried to say this in the Health Services Committee, I am a member---

(Point of order)

Hon. Speaker: What is it, Hon. Chair?

Hon. Moses Ogeto: I have not mentioned his name.

Hon. James Mwangi: He is attacking Hon. Kagis because he was the Chair of Transport by then, since we had a rollover in this county---

Hon. Moses Ogeto: Hon. Speaker, I have facts and that is why they are saying when the President has taken the functions, he will ensure that Kilimani gets its fair share. Those who were leading this Assembly were saying they were the majority. I don't want to gag my Deputy Speaker, when he came before the Committee of Health he said that health clinics, dispensaries, medicines and everything he wanted to be allocated to his ward because they are the majority. These are the effects of saying they are the majority and forgetting the role of oversight.

It reaches a time when the members of the Liaison Committee can meet and talk--- Hon. Speaker I have been reminded to take some water. Hon. Speaker as I continue, we used to tell them in Liaison Committee that the Committee of Water which has been managed very well by Hon. Kados ensured that we got water tanks in the 85 Wards. He at least tried but the problem was whatever they discussed, they would say they are the majority and should allocate themselves projects.

The reason why these functions have been taken by the National Government as I support this motion, is the implementation part of it. That is why when my leader moved this motion, the implementation even if the majority took all these projects there was a problem in all these projects. Who was awarded what, how much, 10%,20%? If you don't part with something small, then the project is stopped. Then you are told that you have become disloyal. If Hon. Kamangu makes noise about projects in his ward which has stalled, he is not loyal. That is why the President saw it wise to take these projects because he is going to distribute these resources equitably not looking at which party you are or how high you are.

So Hon. Speaker---

(Point of order)

Hon. Speaker: Which Point of order, Hon. Leah?

Hon. Leah Supuko: The Hon. Member seems to be blaming Jubilee on everything and from where I am seated, the Implementation Committee belongs to the NASA side.

(Applause)

Hon. Moses Ogeto: Hon. Speaker, I don't know why you have allowed her the point of order. I am not trying to blame the Jubilee Government, I am blaming the leadership of chairpersons who are saying in this House even for a small budget there must be a proposer and a seconder. When you want to ventilate the budget, they say they are the majority. That is what I am trying to say, we must resurrect because somebody wanted to ensure that all of us are put in the political obituary. We must go back to where we belong. For that to happen, there is an individual who must leave this city. Thank you, Hon. Speaker.

Hon. Peter Imwatok: (Inaudible)... the guy with the big stomach without---

Hon. Speaker: Order! Who is the guy with the big stomach?

Hon. Peter Imwatok: Madam Speaker, let me clarify.

Hon. Speaker: No. Parliamentary practices, just say the former Minority Leader.

Hon. Peter Imwatok: Madam Speaker, let me clarify that the Chair---

Hon. Speaker: Order! Withdraw, there is no one with a big stomach.

Hon. Peter Imwatok: I withdraw, Madam Speaker, but I wanted to explain that our former Chair of Implementation---

Hon. Speaker: Have you withdrawn? Apologize to the House. There is no man with a big stomach.

Hon. Peter Imwatok: I apologize and withdraw but also accept the volume and the capacity is not equivalent to the ratio of the brains.

(Laughter)

Hon. Speaker: Order! Withdraw!

Hon. Speaker: I withdraw and apologize. I wanted to say, that the same Chairperson was bought.

Hon. Speaker: Order! Hon. Kagis, now you have started shouting in the House. I said the other day you know what to do, just use the electronic gadget to speak.

Hon. Members, I had given you an opportunity to look around and I think we--- Okay, Hon. Minority Leader.

Hon. David Mberia: Madam Speaker, first I want to agree with Hon. Mark Mugambi that we need an urgent Kamukunji for all the 85 elected leaders tomorrow which will be chaired by you.

Secondly, I want to support my sister, the Majority Whip, and in that breath congratulate the President for taking the four core functions of Nairobi City County Government to the National Government.

Madam Speaker, the surrender of the four core functions which are the backbone of the county revenue by the Governor is the height of incompetence in the leadership of Nairobi County. The National Government deserves to take over those functions because of blind sycophancy by our members. In the Oxford dictionary, the word 'sycophancy' means; obeisance behaviour towards someone important to gain advantage. To gain advantage of Kshs.10,000 or Kshs.20,000 you should have blind sycophancy. The word obeisance means; blind obedience to the most excessive degree.

Madam Speaker, this County deserves dissolution, the President took over four core functions and the combination in budget is around Kshs.25 billion shillings. When the County Treasury will be releasing money to this county, Kshs.25 billion shillings will be held by the national treasury and we need monies to pay recurrent expenditure that is salaries and small functions because Governors Sonko told the president

that he is unable and incompetent, that the heavy duties of the County health Services, Planning, Transport and Public Works madam Speaker, they are heavy functions and he cannot be able to continue with them and he said he wanted to continue with lighter functions like licensing of dogs because it is one of the devolved functions by the Constitution.

Another lighter function is control of pornography which the Governor ensured that the President leaves such functions. The other function is Agriculture which as you all know that we don't farm in Nairobi and another function is control of cemeteries, crematorium and betting and lottery Madam Speaker. I am saying as a County Assembly, we don't need those lighter functions, we want the county to be dissolved altogether to see you people who go to Upper Hill to pick Kshs. 10,000, Kshs. 20,000, if you will come back to this County Assembly. Let the President dissolve this county and teach the sycophants a lesson.

Another function which is a lighter duty is control of pornography which the County Governor ensured the president leaves him with such function. Madam Speaker another function is agriculture which you all know we don't farm in Nairobi. Another function the county Governor ensured the president leaves him is control of cemeteries, crematorium and all betting and lottery.

Madam Speaker, I have said as a county assembly we don't need those lighter functions. We want the county dissolved altogether to see you people who go to Upper Hill to pick Ksh 20,000, Kshs 10,000 – if you will come back to this assembly. Let the president dissolve this county and teach sycophants a lesson. We are calling the president to dissolve this county because you have been unable to do your oversight authority which is guaranteed to you by the constitution. You appropriate Kshs 36 billion and then you go there to follow somebody to get Kshs 30,000, Kshs 10,000, Kshs 5,000. Shame! Let it be dissolved. Let us see whether you will come back. 99% of you will go home. But there is a remedy. The president has given a through pass. Can you score? Are you ready to score a goal?

Madam Speaker, Article 187 (1)(a) the functions or power will be more effectively performed or exercise by the receiving government. 187 (2)(a): the arrangement shall be put in place to ensure that the resources necessary for the performance of the functions or exercises of the power are transferred.

The money or budget for those functions is about Kshs 25 billion. There is no money which will be released for those functions to the county treasury of Nairobi. The money will be withheld. Now tell us, the little functions we have been left with – the licensing of dogs, the agriculture, the control of pornography – how much allocation will be released by the national treasury?

Madam Speaker, we are shameless leaders in this house. shameless. Some of us have been elected thrice. We spent money for campaigns. The special elect knows what they did for their parties to be nominated to this house. a whole leader, an elected leader goes to pick Kshs 20,000. Shame on you. Shame on you.

Madam Speaker the Hon Leah insinuated that the Implementation committee is chaired by the Minority side. That I agree. I am the current holder of that office- the chairperson of Implementation committee. And you will see more of me and my members in the coming sessions of this house. I can sure you. You can take that to your nearest bank. Madam Speaker I beg to support.

Hon. Patrick Musili: Thank you, Madam Speaker. I wanted to speak before my leader but I can say one or two things. I don't want to contradict him.

Madam Speaker let me say the decision that His Excellency Uhuru Kenyatta took yesterday is in the best interest of this county. We thank him for that.

Let me say as a house we are the ones to blame. This rains started beating us the time Igathe resigned and we never agitated for his replacement until the last minute which did not go well with the house at the State House until the president had to take up this matter.

I don't want to ask who initiated the process of taking the big four. It will not help at this point. Whether it is the president or the Governor himself, I think we are in a big problem. Yesterday when the news broke in the media we started getting calls from all over – from Nairobi voters- asking us what was happening with us. I am of the opinion that we need to adjourn and create a special sitting for members to understand the contents of that deed that was signed yesterday.

There is no way I can speak to my people in the ward when I don't know the contents of that document. Madam Speaker I am suggesting we have immediate special sitting if possible this week.

(Loud consultations)

Hon. Speaker: The leadership of Minority, stop harassing my deputy Minority Leader. Proceed, order, order

Hon. Patrick Musili: Thank you, Madam Speaker for protecting me. I thank God because my senior here spoke about the girlfriend and I thank God I have only one girlfriend who sleeps in my house daily and who is my wife.

Madam Speaker the matter before this house is very weighty and for us to move forward - because I know the next step we are going to do is when we are going to start more wrangles in this assembly, we are going to trigger the president to dissolve this county. And all of us, whether you are special elect or elected through universal suffrage, we are going to go home.

Madam Speaker when my senior Mheshimiwa Imwatok spoke you said you understand all of us, that we are your children and true indeed we love you. You demonstrated motherhood in you. I would suggest, Madam Speaker, we decide as a house: are we are going to continue to fight or do we need to sit down and table our problems on the table and agree the way forward.

Madam Speaker there is one thing that is supreme in the book which we read as Christians – the bible. It calls for forgiveness and reconciliation. That is why there is a gospel of reconciliation. In the interest of Nairobians there is a window of all of us sitting down and we negotiate and forgive each other and move forward. The more we continue with fighting the next move for the president is to dissolve this county.

Madam Speaker I submit...

(Loud consultations)

Hon. Speaker: Order. Consult in low tones hon members.

Hon. Patrick Musili: Madam Speaker, I think I need more protection. As elected leaders, as leaders who sit in this house we should be careful of the words we speak. I read in newspaper that one of my voter in Mathare hospital ward asked me, mheshimiwa are you among the people who take the Kshs 10,000, Kshs. 20,000 and Kshs 40,000.

Madam Speaker let me say that I have a stand and I have got a right to receive anything from the Governor, whether it is Kshs 5,000 or Kshs 1 million as long as I will not compromise on the rights and interests of the people of Mathare who elected me.

Madam Speaker we need, as a county, to decide where we want to go. Are we going to fight and lose everything or are we going to sit down and do a reconciliation? It is not going to cost us anything. With that remarks I support Majority Whip motion, thank you.

Hon. Peter Imwatok: Madam Speaker, I have just received a communication, after sending a complaint to Capital FM, they have said their 411 is a mimic of Capital FM. It is not them sending that. Therefore, it is agreeable that I have not withdrawn the motion of Impeachment to have a reconciliation. For those who want to take Ksh 20,000 like Mheshimiwa Musili...

Hon. Speaker: Order! Withdraw that.

(Hon. Musili spoke off record)

Hon. Peter Imwatok: Which one? A mimic of Capital FM? Madam Speaker the Hansard can be reviewed tomorrow...

Hon. Speaker: You are distorting the HANSARD...

Hon. Peter Imwatok: Madam Speaker the parliament practices require if I have said something contrary to what the member said the Speaker can rule on it tomorrow, by viewing what the member said vis -a -vis what I said. That is parliamentary practices. It is not about withdrawing everything. When a member said he has a right to take Kshs 5,000 to Kshs 20,000 to Kshs 1 million from the Governor, then when I say he goes to Upper Hill, Madam Speaker you say I withdraw. What do we withdraw. Can you go to the Hansard so that you give a ruling tomorrow on whether he said it or not?

Hon. Speaker: Okay, order. It is not a match. You have said it by the way Mheshimiwa. You said it and I looked at you...

(Hon Musila spoke off record)

No, no, you are not going to clarify. The chair listens to everyone. Let me repeat your words. You said you were asked by your citizens in Mathare where you are a member if you were among those who collect Kshs 20, Kshs 10 and Kshs 5 but then you clarified and said you as a person you will not refuse to collect Ksh 5, Kshs 10 or Kshs 1 million but that should not compromise the rights of oversight in what you do. It doesn't compromise but he collects.

Hon. Patrick Musili: Let me clarify what I said, even if I am offered and want to collect---

Hon. Speaker: No, no, no...order

Hon. Patrick Musili: I do not collect, I do not collect any money whether it is Kshs 5,000, Kshs 10,000... I do not collect money. Madam Speaker that allegation must be withdrawn. I do not collect any money.

(A member spoke off record)

Hon. June Ndegwa: What he said is very clear on the floor of this house and we all heard. If he wants Mheshimiwa Imwatok to... it is clear Mheshimiwa Musili collects something whether it is a toke or not. We cannot be having hon members in this house saying something and they want to distort the Hansard just because it has already gone and the interpretation is different. It is even worse that he his constituents knows that he collects. Madam Speaker his constituents are the one asking: 'are you the one'. So they know that he picks.

Hon. Speaker: Let me rule on it. Tomorrow we will avail that Hansard and I want my Minority Deputy Leader to look at it. That is why I said that be very careful when you speak on Hansard. Don't come and say I was misquoted because it is verbatim. I heard him say and I was a bit careful and I was 'don't forget that you ward are hearing you' and it not very good. anyway I want to finalize this process. Hon Rose Odhiambo Ogonda.

Hon. Rose Ogonda: Thank you Madam Speaker. I rise to support my Majority Whip. Today I am happy because to some hon members the eyes are open.

Madam Speaker yesterday I was seated where Mheshimiwa Mary is, I was talking about the road in my ward being planted bananas. The speech from the chair of Budget made me to be sick. I was told there was no project in this year 2020/2021 because we are collecting zero. All of a sudden before I reached home there was a storm.

That the four major departments had gone to national government. I am wondering. As a woman when you are pregnant you expect nine months when you must deliver the baby or he or she can die, and you must bleed. Now Madam Speaker I cannot blame the president. He is the president of this country but it will depend on the agreement. But I have a question, since yesterday. Maybe some of us don't know how to tarmac outside.

You get breakfast –strong tea in the morning – and coming back without anything and you have children in the house. I said yesterday in this house that whether you are elected or nominated we have one title called MCA. Now you can see the house there is no MCA because they are busy doing things outside but not considering the problem we have in Nairobi County.

As a mother, something must be done. It is not time to blame the governor. We blame ourselves. I want to challenge Hon. Juju. If you are a Whip, who are you whipping? Look at the chairs. Yesterday, the women MCAs and their Chair were seated outside. So, if I am the Whip and nobody is on my side, what am I whipping? I was very happy when you took that chair because I thought you would do the necessary.

Madam Speaker, we are not talking about Upper Hill. It is us to decide whether we are going or we are inside. According to the Deputy Whip stated, and I wish Obuya was here, the chiefs we have are the ones going to monitor 7 or 8 floors. You are there as a stumbling block. There is nothing you are going to tell your people. I had freedom doing my own things. When I get 10 or 20, I was doing my things. What about now? As I said yesterday, I am bleeding inside. I didn't know this is what I was to get in this House. When I see some men walking and talking... I don't know. For those who have never opened their eyes, let them open their eyes. Some members came here, but they are earning salaries from outside. But some are depending on the pay slip from this Assembly. You as the Speaker of this House, is it good for me to come

and clock in and then move out? If that is the procedure, we can do it. It seems we have taken this House for granted. You come in, clock in, sit one minute and walk out. Is this the House we need? Even some of the men are sitting idle yet they have wards.

Madam Speaker, in the morning I was very bitter when a former councilor laughing at the corridor and we are sinking. Do you want to be called a man in your own house? I have never seen what I have seen. I have never buried my grandmother, but I am here. But I will go and bury my mentor in politics. But I can assure the deputy minority from my side. Let him open his eyes. In my background, we are not wealthy, but my child can be wealthy according to the way I behave. But we should not cheat one another.

[Loud consultations]

Protect me from the leadership, Madam Speaker.

Hon. Speaker: Today, the leadership has become a bit rogue.

Hon. Rose Ogonda: Protect me, Madam Speaker. Protect me from Hon. Ndonji. The Hansard is there and is the judge. It will judge my deputy minority leader. I will always state as I stated yesterday, but we should not lie to ourselves. I still repeat that maybe our family was poor, but coming to this Assembly can make my child to be somebody. You wearing a suit doesn't mean we are all thinking the same. I am annoyed. But I can concur with the Majority Whip. We need elaboration on this matter. Can we oversight the national government? You are just a minor MCA. Can you oversight the national government? Can you summon the Planning Minister and ask him the approval for a building in your ward? We are cheating ourselves. With those few remarks, I beg to leave.

Hon. Speaker: Thank you, senior.

Hon. June Ndegwa: Madam Speaker, I did not assume that this discussion was going to point at me. I just wanted to understand whether the Governor of Nairobi is still the governor having signed off a lot of his functions. Those are the questions I wanted to get answers for. If there was a development at Mama Lucy Hospital, can he go and open it as the Governor of Nairobi? Can open a road? Having said that, it is true we have challenges. It is true that people are influenced from higher forces and told not to come to the Assembly. It is true that people have been told to boycott the Assembly just because they want to run away from the mandate that they were given by the people. They want to run away from their constitutional right.

I want to thank Hon. Leah and Hon. Ndumi who have been very consistent despite the challenges times that we have had in this Assembly. Just to clarify to Hon. Rose Kula who raised a very important point. We have when you came back by court order, some people, because of the fact that they do not like maybe your name should Betty Elachi or they don't like the shape of your nose, they would tell people not to come to the Assembly forgetting that we are earning taxpayers' money to represent the people of Nairobi in this House. I want to categorically state without fear or favor that there are some members who go to a certain house somewhere and they are told not to come to the Assembly. Some who feel like they have differences will come and walk out. But I told you that we have written to Jubilee Party and we are expecting a response from Jubilee Party to know who is the convener. As the Whip, I am the custodian of the information that comes from the party. When I say it, I don't only speak for myself, I speak for the party and the president.

Once Jubilee writes back to us, we have given names of people who come and walk out. We have seen Members who do not show up at all. Once that response comes to your office, you will take the necessary action. Thank you.

Hon. Peter Imwatok: Thank you very much my sister for being straightforward and steadfast on this matter. I can tell you for free that the likes of Charity Ngilu, Wangari Maathia and Martha Karua rest on the women who are here. Ndumbi, Leah, Milly and you. The likes of Mbiu Kariku are shaped like Malde and the rest. Madam Speaker, this House must be mentioned. The house you are talking about Madam speaker; I want to put on record is a pensioners' house by the Kenya Railways pension scheme which was fraudulently acquired by the Governor of the City. The Upper Hill House belongs to the pensioners who are racking in poverty and have never been paid their money up to date. It is purported that whenever they ask the Governor to pay for their land, which was undervalued, they are threatened by rates, which they owe the County Government. I do not see where the link is between the rates and the private House the Governor occupies while executing letters. The House he is talking about is the House currently occupied by the Governor of Nairobi before Tuesday. I am also urging the EACC, the DCI that our pensioners including my father from Kenya Railways, a ward I lead, Makongeni, is predominantly occupied by pensioners who are now being evicted from their houses because of rent arrears of 3000 shillings while the governor of Nairobi has not paid more than 400 million for the house he is occupying. So, there is a disconnect here. If Kenya Railways Pension Scheme has to evict the people of Makongeni because of rent arrears of 3000 for a ten by ten house like where I was raised, then also Governor Mike Mbuvi Sonko should be evicted from Upper Hill house for owing the pensioners 400 million. Let us be very explicit on this. Where we have reached, it is not about mincing our words or being frustrated and intimidated. Makongeni residents, as we are speaking, Mama Beryl is outside her house of ten by ten because of 3000 shillings rent arrears while Sonko is in a pensioners' land which he agreed to pay Kshs.498 million and he only paid 135 million two years ago. Up to now, he has not paid and he has refused to vacate.

So, I am also asking Twaib and Kinoti to take note that the poor from Makongeni, the pensioners, are suffering at the behest of one Mike Mbuvi Sonko who has refused to pay for the land or vacate so that the Kenya Pension scheme can sell and get money to pay our fathers and mothers their pension. Let us be on record that the house on the hill is a grabbed land from the pension scheme. Thank you.

Hon. Speaker: Hon. Members, we have raised very pertinent issues. The pension issue is a matter that needs to be dealt with by other authorities. But it is important to note the issue of Makongeni residents being removed from houses because of 3000. Is it the county that is removing them from their houses?

Hon. Peter Imwatok: It is not the county removing them. Kenya Railways is a pension scheme quarters by the pension scheme of the Kenya Railways which has capital in upper hill. One of the properties in upper hill is the current houses and land--- It is Kenya Railways Pension Scheme which is evicting our people because the pensioners have failed to get money to pay the pensioners. Compare the 3000 shillings Mama Beryl owes and a man who sits in Upper Hill to collect taxes in a pension scheme house. Who should be evicted? Sonko should be evicted by the pension scheme before evicted the people of Makongeni.

Hon. Speaker: I get you, Hon. Minority Whip. I think the Hon. Majority Whip brought a very pertinent issue and we want to thank you for giving the Members the chance to ventilate on the matter. Since we receive the message, I will look at it properly and will be able to answer you tomorrow. That is when I will have read the deed and we will be able to see how we proceed from there. Having said that, it is important to look at issues and reflect on the matter. The matter of Nairobi County is a matter I want to tell the Majority side which is the government of the day. All the chairmen are within the majority side. We need them in the House tomorrow because going forward, they are the ones to look at this deed because they are the one who run the committees. They will give us a clear way forward on how we create a framework to proceed. Now, some of the consequences on what you see is not a joke because you have to start asking yourselves what is the National Government and the Commission for Revenue Allocation [CRA] decides not to give your committees money for oversight on the functions that have gone because the functions go with resources. What happens to those committees? So, let us not take it as a joke. The government's side must know that we are in a situation we need each other to work around. While the budgets are being done, we need to go and sit with CRA and ensure we lobby that you still have a role on the oversight. So, Whip, ensure your team of chairmen are here for tomorrow so that when we unpack the deeds, they are the ones to be responsible going forward.

ADJOURNMENT

Hon. Speaker: Having said that, there being no other business, this Assembly adjourns to Thursday, 27th February 2020 at 2.30 PM.

The House rose at 4.44 PM