



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Tuesday 3<sup>rd</sup> March, 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 I have a communication to make; hon members you will recall that on Tuesday 25<sup>th</sup> February 2020 I communicated that the county assembly will commence during today sittings the consideration of the motion by Hon Peter Imwatok on the removal of the Governor from office by impeachment.

However, Hon. Members as you may be aware the matter is currently in court. While there is a general consensus that the proposed impeachment of the Governor may not be tenable at this moment following the takeover of some of the county functions by the national government the reason advanced by the court cannot be allowed unchallenged.

It is a set precedence and doctrine that county assemblies just like parliament are independent arms of government. The exercise of sovereignty on behalf of the people pursuant to Article 1 of the constitution, as such the intervention by judicial organs can only be entertained by way of reviewing legislation passed by parliament, county assemblies or process that have been thorough the assemblies.

We cannot therefore cede our powers to external bodies least we cease to be legislature. As your Speaker I will stand firm in defending this doctrine.

*(Applause)*

More fundamentally the issue that was canvassed in court and relied upon by the learned Judge in making his judgment relates the holder of the position of the Clerk of Nairobi City County Assembly.

If you may recall Hon Members, this county assembly through an ad hoc committee conducted an in depth inquiry into the circumstances surrounding the employment of Mr. Jacob Ngwele as the Clerk of the county assembly.

This house found out that indeed Mr. Ngwele was irregularly employed and thus it revoked his appointment. The ad-hoc committee's report is in the public domain and no person including Ngwele himself has ever challenged the findings and the recommendations in the said report.

*(Applause)*

Further as you are aware the Service Board went and designated Ms. Monica Muthami to perform the functions of the Clerk pursuant to section 21 of the County Assembly Service Act 2017 and indeed in my communication of Tuesday 25<sup>th</sup> February 2020 I reminded the house on the provision of Standing Order 2 which defines a Clerk as follows: Clerk means the Clerk of the county assembly or if the Clerk is absent or if the office is vacant such other person as is for the time being performing the duties of the Clerk.

It is therefore means the law never anticipated a situation when the office of the Clerk shall be vacant. This assembly shall never be curtailed from performing its constitutional duties on the pretext of absence of a Clerk or any other officer. Equally Hon Members I wish to remind members whenever a decision has been taken by the assembly all members are bound by the decision even if you did not support the decision.

In this regard going forward any member who will challenge the resolutions of this house on this floor shall be deemed to have exhibited grave disorderly conduct and shall face the ensuing sanction provided for under Standing Order 140.

Be that as it may Hon Members as a law abiding citizen and given the gravity of the issues this matter has raised and after consulting the assembly Business committee the proposed impeachment motion which had been scheduled for consideration during today's sitting shall stand suspended until I issue further directions. It is so directed.

Hon Members you are also aware the national government took over the implementation of some of the county functions pursuant to Article 187 (2) of the constitution. The agreement entered between the national government and the county government gave a 21 days' grace period before the commencement of the agreement. The grace period is supposed to allow the development of a policy to guide the process including seeking public views on the matter in accordance with the provisions of the Intergovernmental Relations Act 2012.

In this regard Hon Members, the ministry of devolution and ASAL has organized a public participate forum at the Kenya School of Government to seek views of the public and key stakeholders equally the county assembly in collaboration with the ministry of devolution and ASAL has organized sub county forums where the public shall air their views on how best to implement the deed of transfer. In this regard I call upon Hon Members to actively participate in this forums particularly at the sub county level tomorrow 4<sup>th</sup> March 2020 from 9 a.m. to 1 p.m. Thank you Hon members and God bless you all.

*(Applause)*

**PAPERS**

**Hon. Speaker:** Majority Leader you are supposed to table the Nairobi City County Fiscal Strategy Paper

**Hon. Charles Wakarindi:** Thank you Hon. Speaker, pursuant to provision of Section 117(1) of the Public Finance Management Act 2012 and Standing Order 121 (1) I beg to lay the following paper on the table of the assembly today Tuesday 3<sup>rd</sup> March 2020: The Nairobi City County Fiscal Strategy Paper fy 2020/2021, thank you.

**Hon. Speaker:** Majority Leader you also have the County Debt Management Strategy Paper

**Hon. Charles Wakarindi:** Hon Speaker pursuant to provision of section 123 of the Public Finance Management Act 2012 I beg to lay the following paper on the table of the assembly today Tuesday 3<sup>rd</sup> March 2020, the Nairobi City County Debt Management Strategy Paper FY 2020-2021, thank you.

**Hon. Margaret Mbote:** Thank you Madam Speaker, pursuant to Standing Order 191 (6) I beg to lay the following paper on the table of the assembly today Tuesday 3<sup>rd</sup> March 2020: The Report of the delegation that attended the conference of Labor and Childhood Education Improvement held in Dortmund, Germany from July 24<sup>th</sup> to 31<sup>st</sup> August 2019, thank you Madam Speaker.

**NOTICES OF MOTION**

**Hon. Charles Wakarindi:** Thank you Madam Speaker, I wish to lay notice of the following motion: That Assembly ad-hoc committee tom oversee transition and stakeholder engagement towards development of a policy.

Hon Speaker I beg to give notice of the following motion: THAT, aware that Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 provides for the transfer of functions and powers from one level of Government to another;

Further aware that Sections 25, 26 and 28 of the Intergovernmental Relations Act, 2012 provides for the principles, agreements and criteria on the transfer of functions, powers and competencies from one level of Government to another; recognizing that on 25th February, 2020, the Governor signed a memorandum transferring some of the County Government functions such as health services to the National Government as provided for the Constitution with effect after twenty-one (21) days and for twenty-four (24) months subject to renewal;

Further recognizing that the County Executive has been facing by a series of challenges ranging from in implementation of strategic plans and leakages in revenue collection;

Noting that Article 187 (2) (b) provides that constitutional responsibility for performance of the function or exercise of power shall remain with the government to which it is assigned by the Fourth Schedule, this Assembly resolves to establish an Ad Hoc Committee comprising of the underlisted Members to oversee the transition and stakeholder engagement towards development of a policy that would operationalize the transfer deed for effective service delivery.

1. Hon. Beatrice K. Elachi, MCA, CBS – Speaker and Chairperson
2. Hon. Charles Thuo Wakarindi, MCA – Majority Leader, Vice-Chairperson
3. Hon. David N. Mberia, MCA – Minority Leader
4. Hon. John Kamangu, MCA – Deputy Speaker

5. Hon. June Juliet Ndegwa, MCA – Majority Whip
6. Hon. Peter A. Imwatok, MCA – Minority Whip
7. Hon. Robert N. Mbatia, MCA
8. Hon. James Chege Mwaura, MCA
9. Hon. Christopher Kabiro Mbugua, MCA
10. Hon. Peter Wanyoike, MCA
11. Hon. Paul Kiguathi Kados, MCA
12. Hon. Emily Oduor Odenje, MCA
13. Hon. Moses Ogeto Nyangeresi, MCA
14. Hon. Michael Ogada Okumu, MCA
15. Hon. Mellab Lumalah Atemah, MCA
16. Hon. Francis Otieno Ngesa, MCA

### MOTION

#### AD HOC COMMITTEE TO OVERSEE THE TRANSITION AND STAKEHOLDER ENGAGEMENT TOWARDS DEVELOPMENT OF A POLICY

**Hon. Charles Wakarindi:** Hon Speaker I wish to move the following motion: THAT, aware that Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 provides for the transfer of functions and powers from one level of Government to another;

Further aware that Sections 25, 26 and 28 of the Intergovernmental Relations Act, 2012 provides for the principles, agreements and criteria on the transfer of functions, powers and competencies from one level of Government to another; recognizing that on 25th February, 2020, the Governor signed a memorandum transferring some of the County Government functions such as health services to the National Government as provided for the Constitution with effect after twenty-one (21) days and for twenty-four (24) months subject to renewal;

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16. Hon. Francis Otieno Ngesa, MCA

I therefore call upon the Minority Whip to second the motion.

**Hon. Pater Imwatok:** Madam Speaker first and foremost let me be guided by your ruling in your communication to this house, aware that today I could have stood before this podium with massive and massive barricade of documents but that is how our constitution is framed.

I am always an abiding citizen and a hon member of this house. madam Speaker as well read by the Majority Leader I want to stand and second this motion on the following grounds.

Madam Speaker looking at the composition of the list, I was consulting with the Leader of Majority quietly that members are so keen to be part of this committee subject to your communication last week.

Madam Speaker I also like to implore your wisdom that the numbers we have are very competent men and women of this house. Even if we expand this committee to more than 30 we will not fit into it.

Madam Speaker I want to point out, with all humility, that the committee constituted by our able offices- both Minority and Majority whips- to office in conjunction with our leadership is that we don't have an uneven number and the Standing Orders require that every committee has an uneven number.

As I move to support, I would urge that we pass these 16 members with amendment of introducing an uneven number. Under your guidance, we can have a properly legally constituted committee if you direct us as the Whips to make amendments on the same.

But looking at the composition led by the Speaker, Beatrice Elachi, a lady who is always sober. Looking at the Majority Leader, Charles Thuo Wakarindi, a man from Dandora who was raised from nowhere. He told me some time that he was a *chokoraa*. He is now a leader of the government. I hope he will rescue the government in a few weeks to come.

Looking at the gate man from Karen, David Mberia, a man who has one of the greatest men in Africa. That is the most revered, the most respected, the most cherished, the most honored man after Nelson Mandela. That is Hon. David Mberia.

Our great man, a man of Wisdom, Mr. Kamangu. A man from Kenya Airways to being the Deputy Speaker of the County Assembly of Nairobi.

What can we say about Martha Karua in our lives? There are many words to describe her. When I look at June Ndegwa, I see the next Martha Karua. One day you will remember this speech. Was on a list with June Ndegwa. Each day, she walks before me not because God endowed her with the morphology that befits her size but because I see the content in her and the stability of the mind, I see the next Martha Karua.

Looking at the man who is always quiet at the back, always unwavered, always smiling, Mbatia, a man who led me as the Chair of PAC, I see real man leading this committee to a different height.

What can somebody say about the man from Ngara? A man who speaks his mind without fear of contradiction. A man who will talk as it is without fear of repercussion. He is the *mzungu* of 2013. The only white man in our assembly who speaks his mind, lives by it and stands by it no matter the consequences. That is Chege Mwaura.

There is a young man who walks with a 10-kg power bank and the latest laptop. He is a bacon of ideas. That is Kabiru.

Looking at Wanyoike, a cool man, Labor Chair. Let me describe the man of the year, Kados. An intelligent old man who is always ready to defend his position at any given time.

Madam Speaker, as I finish, this lady was incarcerated during the multiparty democracy. She was called out from work because her husband stood for the rights of the people of this county. This is the only lady that were privilege to serve with in this Assembly, that is Emily Oduor. She is in this committee.

The youngest man from university. We used to call him last born in the last assembly. He learnt how to speak and give ideas without fear and to face reality and lead by it. That is Nyangaresi Moses Ogeto.

Michael Ogada, a man who has seen all budgets. He has described the pros and cons of budgets in this county without fear. I remember when I was the spokesperson of the government in the last Assembly, when Ogada says no, it was no. When he says yes, it is yes. Ogada is in this committee to bring vast experience.

An activist that I have always known since my childhood. When we were young people in OYC, that is Orange Youth Congress. Some people think Imwatok began politics when he became an MCA. I didn't endeavor to be a politician, but when I met Mellab Atemah as an activist, we started OYC which was doing town hall meeting. I believe with her in this committee, we can move to a different height.

A man called Francis Ngesa who was just but an aide to the great man of this world. I look at Lawi. They were the aides Raila Odinga natured. In this House, we sit with the aides of the greatest man, that is Francis Oteino Ngesa.

With advise from my leader, subject to your pronouncement, we will include the name of Geoffrey Majiwa. And one Millicent Mugadi who is the Deputy Majority Leader. If this Assembly adopts these names pursuant to other amendments, I believe this county transition agenda will be envisaged within the premise of the law. I beg to second the motion.

**Hon. Speaker:** As I propose, let me say this. This is a process that is very much with the national government. And therefore, Majority Leader, it is a process where we will have to consult not just me but also the national government. So, sometimes when the Speaker says something, don't get disappointed.

*(Question proposed)*

**Hon. Speaker:** Chair.

**Hon. Robert Mbatia:** Thank you Hon. Speaker. I rise on a point of order. I request that you invoke Standing Order no. 79 (3) concerning a concern from the Finance, Budget and Appropriation Committee and this is because last week, Hon. Mwangi Njihia rose on a motion of county interest and we spoke a lot about the state of our treasury.

Continuously, we have been having some frustration as a committee because of the intrigues that are continuing in the treasury. Last week, we had a motion on the state of the county treasury and the

confusion that was there. Currently, I want to state that nothing has changed and that is why I want you to give direction from the Chair because at this point, we have the Annual Development Plan that we are yet to table.

We have the just tabled County Fiscal Strategy Paper and the Debt Management Strategy Paper which must be prosecuted by our committee, but currently we are getting two offices clashing. Two groups of personalities clashing.

Once our committee writes to the Treasury, we always get the two groups responding to our letters. Today, we were dwelling on the matter of revenue in the committee, but we had to postpone because the two groups, one was to come and the other had given an apology. And this is the intrigues that have continued.

Looking forward, we might not even have a chance for payment of our salaries -both executive and assembly salaries. I have just walked from the treasury and one officer has locked all the vouchers and left for home. The funds are there, but the vouchers to be processed for payment have been locked by an officer and left. We kindly request that this Assembly takes stern action on the entire treasury and we give direction such the entire Nairobi County is not stalled by petty differences.

Madam Speaker as we speak, we are almost tabling the supplementary budget, which is hugely based to pay pending bills, and with all these intrigues, I am sad to say that we will head nowhere. We need to take action and give directions on who we will be working with. This is for the good of the citizens of Nairobi and with that, I rest my case and request that you give directions through standing order 79(3). Thank you Madam Speaker.

**Hon. Speaker:** Do you have something to say leader?

**Hon. Charles Wakarindi:** This is a very serious matter Madam Speaker that cannot be taken lightly. I therefore ask that the Chairperson of the Budget committee guides this House on a way forward basing on the previous precedence and how they have dealt with the officers before. I also think that there are people who are not only answerable to this Assembly on matters finance like the CEC and treasury who should be consulted. Thank you

**Hon. Speaker:** Thank you Leader. Allow me to finalize the motion then we can come back to the finance issue. Minority, let me give you a chance to propose this as you would wish to. Proceed.

**Hon. David Mberia:** Pursuant to Standing Order number 58, I wish to move an amendment of Motion number eight by adding the following members;

1. Hon. Millicent Mugadi – MCA
2. Hon. Geoffrey Majiwa – MCA

And call the leader of Majority to second the amendment

**Hon. Speaker:** I second

*(Question proposed)*

**Hon. David Mberia:** Madam Speaker, I beg to move. Thank you

*(Question put and agreed to)*

**Hon. Speaker:** I want the Majority Leader to proceed with the motion as amended.

**Hon. Charles Wakarindi:** Thank you Hon. Speaker. I wish to move the following motion: An adhoc committee to oversee the transition and stakeholder's engagement towards the development of policy.

That aware that Article 187 of the Constitution 2010 and section 24 of the Intergovernmental Relations Act provides for transfer of functions and powers from one level of Government to another.

Further aware that section 25, 26 and 28 of Intergovernmental Relations Act 2012 provides for the principles of agreement and criteria on transfer of functions, power and competencies from one level of Government to another.

Recognizing that on the 25<sup>th</sup> February 2020, the Governor signed memorandum transferring some of the County Government function such as health services to the national government as provided for in the constitution with effect after 21 days and 24 months' subject to review.

Further recognizing that the County Executive has been facing a series of challenges ranging from implementation of strategic plans and leakages in revenue collection. Noting that article 187 2 (b) provides that constitutional responsibilities for performance of the functions or exercises of power shall remain with the government of which it is assigned by the Fourth Schedule.

This Assembly resolves to establish an adhoc committee comprising of the under listed members to oversee the transition and stakeholder's engagement towards development of a policy that would operationalize the transfer deed for effective service delivery.

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11. Hon. Peter Kados – MCA
12. Hon. Emily Oduor Odenje – MCA
13. Hon. Moses Ogeto Nyangaresi – MCA
14. Hon. Mike Ogada Okumu – MCA
15. Hon. Melab Lumalah Atema – MCA
16. Hon. Otieno Ngesa – MCA
17. Hon. George Majiwa – MCA
18. Hon. Millicent Mugadi – MCA

I ask the leader of Minority to second the motion.

**Hon. David Mberia:** Thank you Madam Speaker. My Whip seconded the motion and spoke candidly on the membership of the adhoc committee and I don't have much to add. I therefore beg to second.

*(Question proposed, as amended)*

**Hon. Speaker:** Mover

**Hon. Osman Adow:** Madam Speaker, may I speak?

**Hon. Speaker:** On the matter?

**Hon. Osman Adow:** Thank you Madam Speaker for giving me this opportunity. I am tempted to oppose the motion. I know that our Majority Leader is new to the job and will therefore give him a benefit of doubt.

**Hon. Speaker:** It is your right to oppose.

**Hon. Osman Adow:** I would like to point to the Majority Leader that he just included one community only and there are many communities within Jubilee but there was no consideration of minorities on both sides. That is not a fair system. I will support the motion but I would like to remind that we are also here in this House. Thank you

**Hon. Speaker:** Hon. Osman Adow you are a chairperson meaning that the next report comes to you as am even wondering what to tell you. However, I do not agree on the issue of the tribe because I do not know whether there is only one tribe here as I can see there are so many tribes here.

Unless I am not seeing right but I can see so many tribes here so I do not know whether Meru's became Kikuyus. Hon. Members. I do not want to go on that route because you have no idea. Let us concentrate on the process because it is critical for our lives especially the elected Members.

**Hon. Peter Kimuhu:** Madam Speaker, first let me register my support for this motion because I do not really intend to oppose it. As far as I am concerned the personality of Hon. Members who have been put in this list indeed are men and women of substance.

There is nobody that I consider to be below par because all members in this Assembly as far as I am concerned for them to have come here they must have possessed certain characteristics that cannot be questioned.

However, Madam Speaker if you look at the motion the last sentence of the motion says that the transition is the stakeholder engagement and shall result in the development of a policy that would operationalize the transfer deed for effective service delivery.

I know that I have consulted you and you are a good source of advice. I will take your advice and I want to thank you because you have given me an opportunity to air my concerns. Being the chairperson of the Delegated Legislation, we are mostly concerned with matters of policies because they end up in the result of regulation to operationalize policies and bills.

It would have been necessary for the Majority Leader to consider a Member and not necessary myself a Member from Delegated Legislation. I want to put it now clearly as much as I can that moving forward because I have chosen to support the motion as it is.

Moving forward any matter of legal nature because we know that it will end up in the form of regulations I would like to advice and request most humbly those members of the Delegated Legislation committee to be considered. Thank Madam Speaker

*(Applause)*

**Hon. Speaker:** Thank you Chair, I agree on the same. The only thing that I would advise is that the policy is been done by the PS and therefore that is why I do not want to go into it as the Attorney general and Solicitor General.

**Hon. Kennedy Obuya:** Thank you Madam Speaker, I want to rise and support the motion, I want to encourage that in the near future, because this is a matter of both National and County importance as I can see the Members of Justice and Legal Affair committee are properly represented by our able Deputy Chair.

I also pray that we consider the chair for Delegation in that, however, I wanted to make an input in your communication. Hon. Speaker you told us that we should be having a possible Public Participation in our respective constituencies and wards.

Hon. Speaker time is of the essence and this is a matter that is key to the National Government and to the Members who are seated here. Hon Speaker, I have not received any other Communication from now but I want to assume that your office has proper plans.

This is because going to meet the constituency without logistical planning is a little challenging. I pray that your office has organized for elected leaders who are going to host, even though we were not consulted even on the venue, this is a matter that is sad because we do not want to go and be flower girls in this project. If we want to be part of the project, it is important to give and empower the 85 MCAs for tomorrow-logical purposes. I beg for your guidance.

*(Applause)*

**Hon. Speaker:** I agree with Hon. Obuya that is why it is called the Government. When it puts an advert it does not consult so the Hon. Speaker decided to ride on it, for two reasons and I want the Hon. elected members to be very active in those public participation processes that will happen tomorrow. You must bring members who can understand why there is public participation and ensure you safeguard the Assembly.

Or else you can go into public participation where people will say that we need the National Government; we do not need the Assembly. So that public participation is to ensure you safeguard your interest. Therefore, make sure the people you sent the chairperson, will be looking at the framework of the Assembly. That when they stand to speak they speak to support the Assembly, but I think the National Government has done most of the things. Therefore, you find that the National Government took Kabete venue but we will do what we need to do on our side to ensure that it happens. I, therefore, agree with you, Hon. Obuya.

**Hon. Joseph Komu:** Thank you, Hon. Speaker, mine is to support the motion with a lot of caution because the way things are moving it would appear as if the County Assembly of Nairobi is being neglected aside. When we see adverts in the Newspaper put by the PS and the County Assembly is not really, consulted we are enjoying ourselves and we move on, we need to be very critical about the same.

I do not doubt about the capacity and the ability of the Attorney General of this Country and Solicitor General and the rest but it is also prudent to note that we need and as we allow this Adhoc Committee to continue, there are pertinent issues that we need to be agreed upon. Because when we look at the transfer deed it was signed by the Cabinet Secretary for Devolution and apparently we have other functions like

Health. Was the Cabinet Secretary for Health involved? The equivalent for the County government is the CEC. Were they involved and there are technical issues finally will be raised in a court of law.

Was the County Attorney of Nairobi involved? I do not want to dwell on technicalities but I want to see that the County Assembly of Nairobi especially the role of MCAs is clearly taken care of so that we do not move into a direction where we will be able to see even tomorrow the public participation is being spearhead by the chiefs.

Therefore, as we adopt this Adhoc Committee it is prudent that you give a ruling on our position as regards to the participation towards tomorrow-public participation thank you.

**Hon. Mbugua Kabiro:** Thank you Madam Speaker, I would like to say that I support the motion and what the government had done is a very good thing, for we have had two years of inactivity when it comes of projects and development. I want to believe that in the next two years we are going to have many activities and this where I welcome by elected court parts to take charge of these projects.

I would wish that if a project is being implemented for Nairobi County and there is a billboard that has been posted. Whether it is on a road, hospital or a small project, the name and the face of the elected MCAs representing that ward should actually be on that board to denote that they are the ones who are sponsoring the process.

Madam Speaker, I have looked at the date and opportunity that we have as an Assembly is in Section 4.3 of the Bill talks about the formation of joint committees for implementation of this deed. The Nairobi City County together with National Government would wish that even as this adhoc is publishing among other things.

The Chairpersons and one more Member of each and of those committees that have been moved of those sectors that have been moved to National Government should then sit in that joint Committee to provide proper information of taking down to the Assembly and also for proper oversight.

Therefore, I see that opportunity as an Assembly we can now look into and focus on for smooth learning of implementation of this deed. Otherwise, I want to believe that the Act was done in good faith by His Excellency the President. I, therefore, support the process and I am happy to be part of it. Thank you.

**Hon. Charles Wakarindi:** Thank you, Hon. Speaker, I beg to move the motion, thank you.

*(Question with the amendment put and agreed to)*

**Hon. Speaker:** Hon. Members, I will now go back to the issues that were raised by the Chair of the budget, which is very critical. If we are not going to deal with it today for the last time, as with the confusion that we have in the finance docket, the 21 days will be over and KRA will take over.

That is when both sides will feel what it means when you handover functions. Therefore, I want us to be serious with the Executive side on the matter of finances because of the delays and the push and pull is not going to help us. We need to be serious and give directives and the directives we will write now to the treasury and to CBK.

Before that, I want to hear from Hon. Karani who I know had a matter before.

*(Consultation)*

**Hon. Patrick Karani:** Hon. Speaker, indeed there is a lot of confusion and disarray from the Executive side. I am rising to point out something that I saw in the media; a public notice by the County

Government Nairobi indicating certain personalities as no longer employees of this County. They include County Executive Member (CECM) for Agriculture and Acting Chief Officer. If we are serious and want to address these issues, we should try and find out who is the architect of this confusion because there is no way we can have one government speaking two voices contradicting each other. Who is in charge now? If we want to communicate to the Treasury, who is the Treasury? She is the CECM of Finance. The CECM for Finance is a person we have seen. The County putting a public notice on the media saying she is no longer an employee, where are we going to start? We need to be serious on this issue.

Madam Speaker, as you give you direction, kindly note that the purported officers are deemed not employees of the County. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Karani, I agree with you. Let me dispense this, I remember this is the second advert if I am not wrong. We said that time that this Assembly resolved that we cannot change. I think it is important to stick to what the House resolved. We know the consequences of this.

*(Hon. Peter Imwatok spoke off the record)*

No, I am not dispensing, I am trying to say that we were in this House and we agreed. I don't want us to engage so much on this matter of public notice. I need the friends of the Governor; I want to send Hon. Wahinya to tell him that he needs to read the deed he signed or else he will complicate the President's transfer of deed. In the deed, he agreed they will hold on the human resource for 21 days. I therefore request him to await 21 days and things will fall in place the way he wants. For now, let him leave things the way they are.

*(Point of order)*

**Hon. Moses Ogeto:** I stand on a point of order under Standing Order No 76 as I support the Chair of Budget, Hon. Mbatia. I am wondering which type of institution gives a communication on official position of a government--- I want to know who pays the daily newspapers to publish the names of these employees. It should not be official communication of the County Government of Nairobi but official communication of the Public Service. It shameful to publish them on these dailies. We want to know where the money came from and who paid the dailies. This is a waste of resources. Who are the holders of this office? Are we dealing with animals who forget easily as warthogs?

Hon. Speaker, in your ruling, I am requesting you to put it officially that Nairobi City County Assembly will only contact the people who have been gazetted by the National Treasury and who have been given authority by the Central Bank of Kenya. If the Executive feels that these people don't have the authority, then they can do transfers. Let the County Service Board pronounce itself that they are not its employees. Dr. Makodingo has gone to school. By the time you are called a doctor, you must write a thesis. It is wrong for some individuals not to recognize people who have gone to school. If you feel you don't need a person, you don't need to publish him on the dailies. Relieve him of the duties.

I am requesting the Chair to invoke Article 195 of the Constitution and request the officers who are working in cohorts with other institutions to produce evidence or even gazettelement before the committee. Some people want to thrive in confusion but we will not allow. They are destroying people's careers for their own selfish gains. With those few remarks, I beg to support my colleague.

**Hon. Speaker:** I have given you that point of order to ventilate on the matter but not to support.

*(Hon. Kennedy Oyugi spoke off the record)*

Let me first finish with Njihia then I will come to you, trust me.

**Hon. Abraham Njihia:** Thank you, Hon. Speaker. I think there are some people in this County who only want cause confusion. Last week, I brought a motion to this House and we resolved that the status quo remains.

*(Applause)*

Hon. Speaker, I have a waiver here. As far as I know, it is only the CECM of Finance who can issue waivers. I don't know where these powers are coming from to reign confusion in Nairobi County. There is no way we have given out some functions which brings money to run the County. But if we give two years' waiver for permits, what are we doing? Where will we get money to run this County? The National Government is not giving us money but we will use the money that we will collect. How on earth can someone wake up in the morning and say that nobody should pay licenses. Are we assisting the President? The deed is supposed to be executed within 21 days but we have now started this confusion. I don't know what we will do.

We are pleading with you, Hon. Speaker, talk to the President. Let us have some order in this County, especially on the Executive side. We don't want again to reign on confusion. We only have two years remaining before our terms end. When we were elected, *mama mboga* were told not to pay any money to this County. From *mama mboga*, now we are on licenses. Also, we are not supposed to pay rental houses because there is a waiver for two years. We are not heading to the right direction.

Today, I came to this Assembly ready to debate on impeachment motion. I said categorically that my President, whom I respect so much, did not convince me that I should drop the impeachment motion because the last two years have been worse. I served under Hon. Majiwa and Hon. George Aladwa. They were running the County smoothly. There was development in our wards. I have passed two budgets but up to date I don't know where these budgets go, may be Hon. Mbatia can tell us. For the last two years, I have done nothing in my ward.

Hon. Speaker, *nimekasirika sana*. I rest my case.

*(Applause)*

**Hon. Speaker:** Hon. Ogada.

*(Point of information)*

**Hon. Michael Ogada:** We don't want information. May be---

**Hon. Speaker:** Hon. Ogada, allow me to hear the point of information.

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker. The members were speaking of grave matters affecting our County and for purposes of clarity, we have rules and procedures which should be followed or we declare that our Standing Orders are no longer necessary. For example, the Chair of Budget stood on Standing Order No. 79 (3) which talks about electronic voting. If someone takes us to court, definitely we are going to lose. The Deputy Minority Whip also stood n Point of Order No. 76, which also speaks about confusion of electronic voting. Madam Speaker, it is either we go by our standing orders or we let members to speak their mind without quoting them. Thank you Madam Speaker.

**Hon. Speaker:** It is true. The Chair rose because I had sent him last time. Standing Order No. 79 (3) is about priority of a motion but I am satisfied with it based with the what he was responding to last time and

he started by saying that. I read it and he has used it in the right way. I am about to finish and give a ruling because it was a point of order.

**Hon. Michael Ogada:** Thank you Madam Speaker. Many have spoken concerning the confusion that we are going through in the assembly and I stand to echo my Chairman who is very competent. For the record, I want to say that I have been in the Budget Committee for many years, over thirteen years to be precise.

Madam Speaker I can confirm that this is the worst assembly on earth according to me - I have my reasons. You will speak it out according to your---

**Hon. Speaker:** Order! He has rectified it – according to him.

**Hon. Michael Ogada:** Madam Speaker, they should give me time to---

**Hon. Speaker:** Order! I want to hear according to him. English is a language that came by--- You need to look at the dictionary as much as I don't have it here, he said according to him. Can you first substantiate before I interfere?

**Hon. Michael Ogada:** Madam Speaker, they are going to have their time. If you really follow how other assemblies are being run not only in Kenya but worldwide, when a Speaker makes a ruling and the House makes a decision, this is law which should be followed. This is the only assembly where the Speaker can stand on her feet, make instructions, pass a resolution but it is not obeyed not only by the Executive but by the members of this House.

*(Applause)*

How else can I say that the worst assembly is supposed to look like? In this assembly we spend most of our time representing our electorates but we never talk about issues that affect them. We keep on talking about an individual who is totally out of touch, who is clueless and knows nothing about what he is doing and what he stands for. I have never spoken about my people for the whole of this year, I talk about a clueless person. It is a disgrace and disappointment to me. How else can I describe an assembly which is the worst?

Madam Speaker, as we talk today, we have passed budgets severally. For example, this financial year we have a development budget of about Kshs. 12 billion. As I speak, what has been spent in terms of development is only Kshs.300 million and we have two months to go. Last year was the same, Hon. Njihia is talking and people are taking it for granted. I have been in this house for a long time and one thing I know for sure that; sycophants never make it back here. If you know that you are a sycophant, you will never come back in this house. It is only those people who articulate issues of the people that brought them to this assembly that come back.

The public is watching us, the officers who are supposed to be in the offices are turned right, left and center. We need a solution from you Madam Speaker. There is confusion and therefore I can say that there is a vacuum in this county, take lead and take position. You can shuffle an officer every month if he is competent and therefore we need members to look at the officers who have been shuffled more than others and we send them home. We should assist the Governor to do his work because it seems he appointed incompetent people. That is why he cannot stay with them for two months. Madam Speaker we need to

come in because it is wrong for us taking our voters in circles because of useless promises. For example, we are going to give you land in Malindi, whose land? Those things never work in this country.

Madam Speaker, I would like to request you to take charge and the resolution that you will make should not to be disputed. You should not allow a member of this House to engage you, a member should not engage you when you are speaking. How do you call such a House? That is a person who is not supposed to be in this House. Madam Speaker we gave him time; they should give us time to talk. He leads that brigade of sycophants; I never do that.

**Hon. Speaker:** Order!

**Hon. Michael Ogada:** Thank you Madam Speaker, I wish to rest my case.

**Hon. Speaker:** Hon. Ogada withdraw the last line.

**Hon. Michael Ogada:** Madam Speaker, but he should not have interfered. I did not interfere when he was speaking, I withdraw.

**Hon. Speaker:** Order Hon. Members! It is the prerogative of the Speaker; you did not have any other business at least I have given you business. Hon. Wahinya, do not provoke the Chair, it is not fair. As I said in the beginning, I send you to our Governor to tell him to respect what he and the President agreed on. I have been very lenient on the matter and I pleaded with him on Saturday not to go that route; and he agreed. I was not alone we were in a group and he knows. I will do a letter to the Treasury and the central Bank of Kenya informing them of who is the Chief Finance Officer and our CEC Officer for the next 21 days.

*(Applause)*

I will urge the Chairman to ensure that Article 195 of the Constitution is enforced and if the officer does not appear, I will write to the Director of Public Prosecutions to arrest him, we are not joking. Therefore, Chairman you bring that team in and I hope Halkano has released the vouchers. We have our members in Naivasha who are stuck in a hotel because of him making decisions as if it's his own house. This is a government institution that is now under the National Government especially the Executive side. He has to respect what is happening, I hope by the end of this we will ensure that our members have left Naivasha and the hotel has been paid.

Hon. Members, I want to say this; those who support the Governor, can we work together to ensure that this process abides with the law. Even as we go to the public participation, we want to see memorandums that go with it, that goes with the process. This is the only time that you can save Nairobi to continue being a county or people can bring memorandums to say that it goes to the National Government. It is not a joke.

Lastly, I realize that Hon. Ngengi who is in the House that --- Order Hon. Obuya! I am on my feet both of you. Can you walk then out? Hon. Imwatok and Hon Obuya out of the House! Serjeant-at-Arms make sure that they are separated.

*(Loud consultations)*

Order! Walk out! Hon. Osman, you will walk out with them.

*(Loud consultations)*

Serjeant-at-Arms, I don't want to see people scuffling in the precincts of the assembly. Hon. Members, in the year 2020 we need to ask ourselves, especially the elected members you have an opportunity to redeem yourselves but you have an opportunity also to jeopardize this process. We need to

be lenient to each other, let us cool the temperatures. For us to manage Hon. Imwatok and we know that this House should have blown today, we should thank God. Let us not air emotions, it is not right.

I was finalizing by saying to the Chair, that I and you will do this to safeguard the Treasury. We want you to bring the supplementary budget so that the pending bills can be paid before the 21 days because after that we will have no control and people will cry more which is not fair. Chair, I will abide in you and I request you that we stand together and ensure that by tomorrow you call these officers and tell them we don't want confusion in this county. I want everyone to appreciate the gazette CEC Finance is Ms. Pauline Kahiga, I repeat for the last time because she has been gazetted. If you remove her, you will remain without an officer the rest of the 21 days, don't joke with the National Government. Let us handle this process.

Our Chief Officer Finance is Dr. Makodingo, he has the token. My Governor is sacking and he has not given us the next one who has the token. It is not helping the County Government of Nairobi. We will write to the treasury and the Central Bank of Kenya. I have never done this before but I will have to do it for the sake of safeguarding the Nairobi County Government and the interests of Nairobians. I want also to tell the CEC Finance to sit and do your job to ensure that you finalize so that we can be able to pay the pending bills that we promised the President on Saturday.

#### ADJOURNMENT

**Hon. Speaker:** There being no other business, the House Business to meet at the rise of this House and after that, the adhoc Committee meets. The House stands adjourned till Wednesday 4<sup>th</sup> March 2020 at 2.30 p.m.

**The House rose at 4.30 p.m.**