



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 5th March 2020

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the bell for five minutes.

(Quorum bell was rang)

Hon. Speaker: Proceed, Clerk.

STATEMENTS

Hon. Speaker: Hon. Ngengi.

REQUEST FOR STATEMENT REGARDING SEVERE DAMAGE OF ROAD AND DRAINAGE SYSTEM ALONG
MOGADOSHE ROAD

Hon. Daniel Muturi: Hon. Speaker, pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the severe damage of road and drainage system along Mogadashe Road.

Hon. Speaker, the National Ministry of Transport, Infrastructure, Housing, Urban and Development and the Public Works has been undertaking construction works in Gikomba and more specifically Mogadashe Road that starts and ends on Pumwani Road.

Hon. Speaker, during the construction of trunk sewer by a contractor hired by Athi Water Services Board, the road was severely damaged and has since not been reinstated as agreed by the County Government.

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

- i. Whether the damaged road has been properly reinstated by the contractor;
- ii. Reasons for the subcontractor's poor reinstatement of the road and drainage system works of the shallow drains, channels, subsoil and cross covered along Mogadashe Road; and
- iii. Actual timelines for the proper reinstatement of all the damaged works.

Thank you. Hon Speaker, I have another statement.

REQUEST FOR STATEMENT REGARDING GARBAGE SPILLING IN THE CENTRAL BUSINESS DISTRICT

Hon. Daniel Muturi: Hon. Speaker, pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the garbage spilling in the Nairobi County, specifically Central Business District (CBD).

Hon. Speaker, in the recent past Nairobi has experienced increase in the garbage spill over in the streets. National Solid Waste Management Regulation of 2006 in line with Article 42 of the Constitution of Kenya, 2010, provides for a healthy, safe and secure environment for all. In order to achieve this, there should be supervision and coordination on the garbage collection in the County.

Hon. Speaker, solid waste management remains a major challenge in the County. This has led to the current poor waste management situation across the County in an effort to address poor solid waste management. National Environmental Management Authority (NEMA) developed some minimum requirements as a baseline for the implementation by the County. This included designation, securing and manning of disposal sites, and promotion of efficient collection and transportation. The strategy will therefore build on the ongoing waste management efforts towards attainment of full compliance and ensuring a clean and healthy environment.

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

- i. Spillage of garbage in the city streets;
- ii. Plans in place to collect garbage in markets such as Muthurwa, Marikiti and Kirinyaga Road Shopping Center holding ground; and
- iii. Measures that the County Executive has taken to ensure there is clean and health environment not only in the CBD but in the County at large.

REQUEST FOR STATEMENT REGARDING CONGESTION AND DISORDER CAUSED BY MATATUS IN THE CENTRAL BUSINESS DISTRICT

Hon Speaker, pursuant to Standing Order No.45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committees on Transport and Public Works and Justice and Legal Affairs regarding the congestion and disorder caused by matatus in the Central Business District.

Hon. Speaker, under Article 186 (1) of the Constitution of Kenya and Fourth Schedule, the functions and powers of the County Government among others covers; county transport, including county roads, street lighting, public road and transport, traffic and parking, which functions have been transferred to the National Government. That the city has designated preferential parking zones and bus termini within the city with

parking restrictions for each zone. The County has continuously employed various measures to decongest the city but there has been concern of some County officials who have been authorizing public service vehicles to drop and pick passengers on unauthorized restricted zones.

Hon. Speaker, there are five public service vehicle saccos operating at the junction of Sheikh Karume Road and Mfangano Street, namely; Compliant Sacco, Madiwa Sacco, Chezmat Sacco, Travelmart Sacco and MMOG Sacco, blocking the entire Mfangano Street access to both other road users and pedestrians as well as blocking access to the shops in the streets and operators being violent towards the shop ones when they approach to give space for customers. A similar problem is being exhibited on Tom Mboya Street where Zuri Sacco and Genesis Sacco have displaced taxis from their loading zones. Again, the Summit Sacco, Nazigi Sacco and Embassava Sacco are among the vehicles blocking the roads hence causing traffic.

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

- i. The authorizing officers who issue picking and dropping licenses of the vehicles;
- ii. Licenses issued for the last six months;
- iii. Steps the County Executive has taken to ensure the security is provided in the mentioned streets; and
- iv. Efforts the County Government has made to ensure that the business community, taxi operators and PSV operators work in harmony in respect to the loading zones.

Hon. Speaker, if you allow me to indulge a bit, this matter is very weighty. It appears there is a very well calculated intention to sabotage the President on his god intentions of the County. Garbage strewn all over the streets is an act that is a slap on the face in the agreement that was signed between the County Government and the national Government.

Hon. Speaker, matatus have been allocated stages every day. In the last few days, I can count almost five. There seems to be a rush for CBD and stages. Traffic is a mess. We are supposed to decongest the city but the rate at which we are going, we are now causing congestion. Today, I understand there are few stages which have already been created. In fact, by tomorrow, the list I have read will be worthless because there will more stages.

Hon. Speaker, one of my electorates has told me we should declare a state of emergency in Nairobi at this rate because there seems to be a lot of unlawfulness that is going on. This is what we call an ignominious situation. We have not failed in our duties, our electorates need to understand that we are not the ones who are enforcers of the law. we allocate budget to most of these things but nothing seems to be done.

Hon. speaker, if you have the powers, I appeal to you to give an order that no more stages to be created. There is a very big public outcry. Thank you for giving the moment to vent and let you know what is going on in the streets. I hope the Hon Members will support me on this. We cannot have a city which is in a state of lawlessness. Thank you.

Hon. Speaker: Hon Members, we have a window of 21 days, I want the Transport Committee to communicate whatever is happening. I want to send the Chair of Transport and MCA of the CBD to meet Mwakio. Spaces must not be allocated until 21 days are over. You need to help them because everything will be restructured and there will be a lot of challenges. I know they are paying money to cartels and not the County. After the 21 days, the Principal Secretary of Devolution and the rest will guide us on how we are proceeding with the function that has already been signed to go to the National Government. Chair of

Transport, ensure everything stops, any allocation that has been done has to stop. You need to tell them that it is illegal. Send Mwakio to remove them.

Hon. Ngengi, some of these functions are part of the functions that are now being transferred. Why can't we wait for the 21 days so that we will be able to know how to manage the issue that you have brought in? But I will manage to pile the statements and ensure we hand them over to somewhere they are reorganizing. Is that okay?

Hon. Daniel Muturi: It is fine, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Themendu, you have an issue?

Hon. Jeremiah Themendu: Hon. Speaker, on the same decision you have made, I want to ask about our Ward Development Fund (WDF) which is on the process now. They are doing the procurement process now and we have a time limit.

Hon. Speaker: Allow the Ad Hoc Committee that is there on Transfer of Functions to look at the matter so that we shall be able to sit and reorganize everything. The WDF will continue but we will restructure it to fit into the structure that is coming.

Hon. Jeremiah Themendu: Thank you, Madam Speaker.

Hon. Speaker: Proceed, Clerk.

MOTION

Hon. Speaker: Chair of Budget.

ADOPTION OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2019/2020

Hon. Robert Mbatia: Thank you, Madam Speaker. THAT, this Assembly adopts the Twenty First Report of the Select Committee on County Finance, Budget and Appropriations on the First Supplementary Estimates for the Financial Year 2019/2020 for the Nairobi City County Government and County Assembly.

Madam Speaker, I want to highlight a few issues. One, is what Hon. Jeremiah Karani has raised about the WDF. In this Supplementary Budget, I want to note a few things in line with the directive that was given from the Executive that we settle all the pending bills that the President indicated and directed that all counties should set aside resources for settling all pending bills that were devoid of any audit queries.

Madam Speaker, there was a Pending Bills Committee that was set up by the Governor early when he came to office. The committee found that there were 839 legitimate claims that represented about Kshs 11.4 billion. The Auditor General took that report and other reports that were there and by 30th of June 2018, he found out that Kshs.23 billion were due of the pending bills.

As we also note, on 25th of September 2019, this Assembly approved an annual estimate of revenue and expenditure totaling to Kshs.36. 98 billion, consisting Kshs. 25.71 billion for recurrent expenditure and Kshs.11.27 billion for development expenditure. This Supplementary Budget has retained a ceiling of Kshs. 36.98 billion, with a recurrent of Kshs. 25.795 billion and a development budget of Kshs.9.03 billion. There is an additional Kshs. 2.2 billion that has been taken to the current drawn from development.

Madam Speaker, as I inform Hon. Ogeto to prepare to second me, I would like to indicate that there are few issues that we have considered as a committee. I would like to thank your office, we sat for three long meetings to prepare for these estimates of the Supplementary Budget. I would like this Assembly and the members of the fourth estate to hear this, we have considered the WDF projects.

(Applause)

We have instructed the Treasury to pay whatever that is due and they pay it from the Finance and Economic Sector.

(Applause)

There were projects for the financial year 2018/2019 on WDF that were rolled over without funds. We have indicated that also they start those that are at procurement stage. Those that are ongoing, they continue and be settled. Moving forward, we have agreed with the WDF Sector that we shall sanitize this program and those funds that were never rolled over during the next financial estimates are due in April. So, that means that we shall be having almost Kshs.28 million per every ward instead of Kshs.14 million for those projects that have been missing.

(Applause)

Madam Speaker, there is also another business and it should be noted even by the members of the fourth estate. There are some youths, about ten per every ward that were taken and employed by the County to do manual work under the environment sector, normally know us 'ten by ten'. If we remember very well in this House in the budget that we passed on the 25th of September, we had indicated and set aside some funds but were not enough. On this Supplementary Budget, we have set aside enough money for those arrears of seven months. Members should note that and inform their members of the 'ten by ten' that we have set aside money enough to settle their arrears of seven months. *(Applause)* We have set enough money for them to be engaged up to the end of this financial year in June. So, they should continue doing the manual work and it is quite commendable. There was some bit of confusion and that is why some areas were a bit dirty. With this assurance that funds are available and payment should be done, that means our areas will now continue to be catered for. So, that is an assurance to those youths. I understand they were about to demonstrate. I urge the Hon Members of this House to pass it as fast as we can such that this payment can be done.

Madam Speaker, I don't need even to belabor about those legitimate pending bills. Claims that the contractors and suppliers have been around this City Hall for long, I know every member has been approached by someone from their ward who is owed by this County. By injecting about Kshs.2.8 billion into the pending bills payments on recurrent and Kshs.859 million on development, that means that we shall have a total of Kshs.3.6 billion to pay for the pending bills that are eligible. This will inject a lot of money into circulation hence spurring growth.

Madam Speaker, we know there are projects that have stalled because the same contractors were engaged and probably they raised their first certificates and the second ones that they were never paid. This will again inject projects that had been stalled to start all over again. That is something that this House needs to be commended for rushing this document. I would urge members to pass it.

As I wind up, I want to thank my Hon. Members who sat tirelessly to pass this document. I thank your office for the support you have continued to give us. I also want to indicate that we can do all these and it remains a paper as it has continued to be done in this House. It might be a very good document but it can remain just a paper if it is not implemented as passed. Madam Speaker I am saying this, is because

the confusion at the Treasury may make this to be just a mere paper. I would like to urge the Executive to please adhere to the laws and regulations that are there and pay the ten by ten youths, the suppliers, the workers their allowances, and the retirees who have not been paid their dues instead of the sideshows that have continued to belabor the Treasury.

Having said that Madam Speaker, in this budget we have the salaries and wages and it has continued to be a great concern that this County has a huge wage bill. We have continued to say that we will settle below the 35% requirement of our wage bill against the revenue we receive either from the own source revenue and the national transfers. Yesterday, I saw the Executive had advertised for jobs in various sectors like fire extinguishers and constables. I did not read the whole advert but I want clear instructions since I have seen the Labour Chair here, we did freeze employment for a while and set up some engagements that we should continue to reduce the aging working force so that we can be able to engage. We are not against people being employed but we might employ them and they will always be on the streets without pay.

Considering this, Madam Speaker, as we had already agreed that there would be voluntary early retirement programme, that has never taken off. This would phase put those members of staff and we would have a leeway of employing new youthful staff. Before we do that, I would like to request the Executive not to play games with the lives of our youths. Currently, those youths will never be engaged and this House will be blamed for all this. I know the Chair of Labour has been going round to every office trying to engage them on the Voluntary Early Retirement programme that has never taken off. When you advertise that we need to employ youths yet we know very well that we cannot engage them because the wage bill is already bloated, we need a wage bill of 35% of our revenue. Currently we are at 45% and the only effort we are doing thanks to the natural attrition is that people are retiring and others are dying. That is the only way that people are exiting the County, through natural occurrence.

I would request that as we plan, and this is a Planning document that need to be funded, let us be serious with what we are doing currently. The other issue is, we are where we are because we had a problem with own source revenue. We are getting frustrated when the County gives waivers. We are not against the waivers but currently we have a very big problem because they are not well done and we confuse the public out there and that makes us lose revenue. We kindly request and we will take action on it, that let the proper channels be followed that even if we are giving the waiver, it is well considered. We consider the macro and the micro economics of the times.

I thank and plead with this house to pass this document. With that I would like to request Hon. Ogeto to second me. Thank you.

Hon. Moses Ogeto: Thank you, Hon. Speaker, I stand here to second this motion on the principles of natural justice and equity as has been perceived in this republic of Kenya. I want to congratulate the 20 members who sat led by Mr. Good. Hon. Speaker, you may not know where 'Mr. Good' came from but he is known as Mr. Good. I don't know why he is called that way but I think he is a good man which is for the interests of Nairobians.

Madam Speaker, the Chairman has clarified very well that Nairobi County controls 67% of the GDP of the republic of Kenya. It controls twice the GDP of the republic of Uganda. You can see how the Kshs. 2.8 billion is going to be injected to a small nation called Nairobi County. The Chairman has clarified very well that the youths who all members of this house engaged may be as from tomorrow start paying their rent arrears, meaning there will be circulation of money in Kenya.

I believe also this time round as the President said, this budget is going to be ward based. The bursaries should also be captured in the supplementary budget so that by the end of the financial year 2019-2020, we are able to give our people the bursaries. I believe that this will also make the lives of the young people who have joined secondary schools and universities to continue with their education. A county which educates its people, meets the fulfilment of the same.

Hon. Speaker, the document has also captured the youths that have been employed by His Excellency Mike Mbuvi Sonko, the *ng'arisha jiji*, that they will be paid. This is a well-documented Supplementary Budget. There is also a budget to cater for our ward offices for the nominated members and will cover their personal assistants as per the Salaries and Remuneration Commission's (SRC) circular has been captured. I believe that in the same document, our hon ladies will be entitled the rights that they have been denied.

I want to commend the Chairman for ensuring that this document will honour the executive order by our President to pay all pending bills. I also want to commend the Chair again for ensuring that as we go through the transition, the four big functions that have been transferred by the President, that Nairobi County will ensure there will be a smooth flow of transactions which will ensure that Nairobians get the services which they deserve. Hon. Speaker, with those few remarks, I beg to second the motion.

(Question proposed)

Hon. Speaker: I am wondering whether that is your card.

Hon. Peter Imwatok: I inherited this card after the owner decided to desert the Assembly. Allow me to stand and support the Chair and the entire Committee of Budget. Looking at the composition of the committee, you realize that 85% of the members which is above average, are competent beyond reasonable doubt to bring one of the best reports that we can adopt in this House.

Madam Speaker, it will not go unmentioned that we are in a situation as a County that we are envisaging unprecedented arrangement in the next 15 days from now. Indeed, our history will be written that on 5th of March 2020, the County Assembly of Nairobi passed a Supplementary Budget that want to operationalize the directive by His Excellency the President of the Republic of Kenya Uhuru Muigai Kenyatta on the issue of pending bills.

Madam Speaker, I have several offices in this town both big and small and I remember a lady called Silvia who was my neighbor at 680 Centum Building. When I mention 680, somebody might say it is a room but it now rents offices. She used to work with this County Government and she was doing very well. She bought a house in Nyayo Estate, Embakasi but as I am speaking to you today, this lady is homeless because the bank took over the house because the County Government of Nairobi failed to pay her a tune of Kshs.27 million that she had borrowed from the banks. I think we can write this history.

Madam Speaker, it is not just about the pay but it will be very painful if these pending bills are passed here in the Supplementary Budget and then some lawyers somewhere will get Kshs.50 million while Silvia will not be paid Kshs.1.5 million. It will be an abuse to the people of Nairobi if the Treasury will decide to pay who knows the Minority Whip of Nairobi County Assembly but not who did the business. In the history of this County from 1539, it had been called city hole and not City Hall because everything that comes in vanishes all of sudden.

The National Treasury released Kshs.1.4 billion for the pending bills but it should not be paid only to the people of V8, Range Rovers, TXs and Mercedes Benzes, it should go to people who went to borrow money from sacco and table banking to do business with the County. I am imploring on the Chair if possible that they start an oversight immediately on a weekly basis in order to confirm and ascertain who has been paid these pending bills. When the President said that we enshrine our oversight role, it is tough as we go towards another transition.

Madam Speaker what the Chair has spoken needs to be enforced. We have several revenue streams in our county and I am a proud man because Makongeni Ward this time round will get development without me looking for Hon. Warutere to do me a favour so that Makongeni Clinic is done. Currently, it is occupied by people instead of it being a health centre. The previous government spent Kshs. 10 million to put up the clinic. It is now a residential place for people who are not ready to pay rent in their respective places. Why Madam Speaker? Because it has no equipment, no nurses and no medicine but it has been newly built.

Madam Speaker, I think this arrangement in the next 14 days is a relief for some of us who did not know how many roundabouts it can take to get development; you know what I mean. He has spoken about the revenue streams. We cannot pretend, the four functions that the National Government took from the County is because of our inadequacy. That can be implemented if the revenue streams are not harnessed well. I am perturbed because for some of us, the only thing we cannot buy in the market is fear, but we can buy anything else.

Madam Speaker, the purported waiver of revenue streams is illegal in the sense that when we pass a budget of Kshs.35 billion in this House, we factored in the sources of revenue. It doesn't matter who you want to please or who you are working for. Therefore, we are bringing a motion in this Assembly to be told at what point is a waiver given? We don't stifle the process of the National Government to bring development in Nairobi.

Madam Speaker, in yesterday's newspaper there was an advertisement of vacant posts in the City Inspectorate Department after being promised for two years. I am happy because they have been assured employment, what a great time. What a great County where you assure an employee first before you advertise the vacant posts. That is very powerful. Therefore, we are also going to ask pertinent questions; these young people who went to Kasarani and ran, who were promised to go to Manyani, was the exercise cancelled? I have never seen a newspaper saying that they failed the fitness test and now they have newly been advertised.

Madam Speaker, we are told the reason why they have not been employed is because investigations are still going on. I want the Chair of Justice and Legal Affairs, and Labour Committees to tell us whether they made any investigations based on this. We have advertised again and when you look at the articles of the transfer of functions, it is very clear. You remember that City Inspectorate is headed by a Deputy Inspector of Police; definitely this will be under the police. I wonder which budget has been used to advertise these positions because as it is now, there is no such budget in the current budget.

I am also going to another aspect as we pass the budget, that Dandora dumpsite was one of our key pillars. We advertised two years ago and currently we have advertised after we have been told by my Chair for Environment seated there. I think he has walked out. That evaluation process for the bidders was almost complete. I am shocked because even if we were warthogs in this House, we were told that the bidder bid well. We are waiting for the Dandora dumpsite to be modernized to the current standards but we are told

again that we are advertising. Honestly, the Executive and ourselves must be serious even if not for Nairobians but for our own sake. We cannot be warthogs, we are grownups who understand what time to wake up, when to take breakfast, lunch, dinner and when to go to sleep and for those who are married, when to wake the kids and prepare them to go to school.

Madam Speaker, as you rightly put that 2020, we want to guarantee Naiobians and the entire Executive that we will not be dragged into the same dragnet of incompetence. We must be competent as a House in order to make the County Government accountable. Kudos to the Chair and the entire Budget Committee. We are now looking at how you are going to oversight the issue of pending bills because it is emotive. When you go to the Treasury, Hon. Warutere knows, you find these mothers seated and they tell you to assist them to be paid. How? That is not my job.

The procedures of procurement are that, you do not give a contract if you do not have a vote. Why do you give this old mama an LPO to supply switches in a hospital and yet you know that the vote has no money? She takes two years and others three years. PLO Lumumba and the Chair of PAC who is here, are the members of the Pending Bills Committee. The Chair of PAC ran away when I stood up because he knows they get allowances in this committee including the Chair of Budget Committee, I am informed so. Up to date, Nairobians do not know what we owe our contractors and suppliers.

I was delighted to see H.E the Governor on Citizen TV, he was saying he was the first to initiate a Pending Bills Committee. Initiating is one thing, but implementing the report of the committee is another thing because public money was spent. One day I met PLO Lumumba at the airport and asked him he is a renowned lawyer and orator, what happened to the report? He said that he had to release it quickly because he could not afford another week in the County. That tells you we can all be bipolar if we are not careful. People think that we cannot reason and tomorrow we will just twist it.

Madam Speaker, the Chair and the members of Budget Committee, as the Whip on this side we are going to call our members, we must oversight the issue of pending bills. I beg to support the report.

Hon. Mwaura Chege: Thank you, Madam Speaker for giving me this opportunity to contribute and I also want to thank the Committee of Budget led by the Hon. Good. I was reminding my friend Hon. Ogeto that Mr. Good's name is nothing about being good or bad but it is that everything is good when you are talking to Mr. Good including this report.

Madam Speaker, I am happy that they have streamlined the budget. However, I am a bit appalled by the balancing of the budget because I am sure this being the last month of the quarter, we have not hit the revenue target. I am wondering whether by reducing the development budget and adding the recurrent one, if we would have reduced it into totality. I am sure that we are not going to make Kshs. 11 billion from our own coffers. If you look at the revenue, and I hope that the Chair would be kind enough in his reply to tell us how they are going to bridge that gap. I am sure we are not hitting the revenue yet we still peg the same request only that we have moved from development to recurrent.

Secondly, Madam Speaker, whatever is going to be left from the development budget, I hope the line committees are going to rush and try to commit the little that we have before the end of the financial year so that we have something to show. I cannot belabor the point on pending bills because as it has been illustrated by the Chair and the members who have contributed before me. All these pending bills from the young people who we call 'ten by ten' to the WDF projects, allowances of nurses and doctors, and the

bursaries. All these are weighty issues. I hope that they will be given first priority over and beyond the easy piecemeal of lawyers who are always first on line, I think because of their good English.

Madam Speaker, as I conclude, there are two issues which I feel it is also important that we highlight. One, is the issue of the recruitment exercise which I have seen on the newspaper. On the same newspaper, I have seen another one that – I don't understand, I have seen three good photos and names that have happened in this week in all newspapers every day. I am wondering who is supposed to get the information and who is not getting it such that they are put every day telling us about people who have been fired a month ago. It clearly shows that either the Executive is not understanding the aim of putting it in the newspapers or they should just leave us out of the confusion and let the three names who have been mentioned to continue. With the new budget we should not create more confusion. If it is the lady who is supposed to run, let her do her bit. When the National Government will come, we will sort out those issues. If they feel she is not performing her duties well, we will work it out then. But continuously reminding us in the newspapers is not helping. Those confusion games should end because at the end of the day it doesn't matter so long as the one in the office is doing things as per the law, the issue of personality should not arise. If they fail to do what is supposed to be done, then they would be answerable to the law and they will be hanged separately or together.

At the end of the day what is important is that, let us allow the County to breath. We are where we are now because of problems that have bedeviled us for two years. If we say that we are recruiting new employees, and I am happy that the Chair Budget has also noted that, for me the issue is not the bloated workforce but the issue of the money to finance their salaries. Has it been budgeted for in this financial year, if not, where are we going to take these more than 1,000 people to? I did not see this budget being captured in this Supplementary Budget.

We are receiving calls from our electorates asking us if they are going to get employment. Please, give us a break. Help us so that we can also get out of this confusion. At the end of the day, there is no money to pay these people. I am happy to see that my good friend Hon. Warutere is back. While he was away, I taught him one or two things of being able to speak with clarity without flouting the House rules. Having said that, I can see that he can hardly hold the brief of whoever is supposed to be handing over notes to the bit of Executive that is left, to take those notes very well, highlight and tell the boss on the end that the little slices that he has been left with, to handle them well before we come for them. Thank you very much.


(Applause)

Hon. David Mberia: Thank you, Madam Speaker. I take this opportunity to congratulate the Chairman of Budget and Appropriation Committee, my friend Mr. Good. I want also to reiterate what Hon. Chege Mwaura has said about some of the functions left because the Chair of Health is here with us. These include; licensing of dogs, control of pornography, Agriculture and some other few functions. You can take that to your boss.

Madam Speaker, as you are aware, this County Government is comprised of two arms; the County Executive which is partially dissolved--- Madam Speaker, I beg your ears.

Hon. Speaker: Proceed, Leader of Minority.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



Hon. David Mberia: I want your full attention, Madam Speaker.

Hon. Speaker: Just a minute.

Hon. David Mberia: I want to welcome our visitors from Uganda, Kampala. When they go back they pass our greetings to our comrade Bobi Wine.

I was reminding Hon. Warutere of the few functions left, they are; control of pornography, licensing of dogs, control of betting and Agriculture. Of course you know very that Nairobians don't farm because there is no land in Nairobi.

Madam Speaker, I also want to remind members that Nairobi Government is comprised of two arms; the County Executive which is partially dissolved because you cannot surrender four key functions which bring revenue of about Kshs.20 billion to the National Government and think that you have a government to run. The few functions can be run with little money. As an arm which is now fully in charge and has not been dissolved and also has the full oversight of even the functions that have been surrendered to the National Government, our survival depends on our power to oversight.

Madam Speaker, this House pronounced itself very well the other day when we made a ruling that the gazetted officers of the County Treasury, Ms. Pauline Kahiga, the CEC Member for Finance and Dr. Makondingo, the Chief Officer of Finance. They paid salaries and nobody went to court to stop them. That tells you that they are fully in charge and legally in office. As I have said, our relevance lies on the power of oversight to the four surrendered functions and the few left for the County. Hon. Warutere can remind the House the few functions left.

Madam Speaker, I don't want to take more of this House's time but I want to speak on the issue of pending bills. I went through that list that was approved by the Office of the Auditor General. A supplier who did business with this County in 2013/2014 has not been paid Kshs. 35,000. There was another invoice of Kshs. 47,000 and Kshs. 65000 since 2013 when the first Governor was elected in this County. It is absurd and immoral to fail to pay Kshs. 35,000 and other contractors are paid hundreds of millions.

Madam Speaker, people's properties have been auctioned because of the failure of this County to honour suppliers and contractors who have done genuine business with this county, it is evil. I am happy that we will be done with the issue of pending bills. The Chair Budget and committee to ensure that those who owe the least money must be paid from tomorrow going forward. I am also happy with the Chair Budget for the payment of WDF projects because they are the backbone to the members of this House. Any project which is due must be paid after the approval of this supplementary budget.

I have not seen anywhere the Chair has talked about the bursaries, we don't know where the Chairman has put the supplementary budget for the same. I hope he will pronounce himself clearly because we have the files that have been brought in our ward offices and some of them in the Education department. I want to state very clearly that we members refused to deal with those silly vouchers. We want to deal with cheques and give parents to take to the bank and they will be issued with receipts which will then be given to the students. We are not going to deal with vouchers any more.

(Applause)

The issue of paying the youth who have arrears of about 8 months, the ten youths that we employed in our wards, the casual labourers. We have been troubled and I appreciate the Chairman and the committee for ensuring there is money to pay for six months to these poor youths for them to pay their rent arrears. Some of them have been thrown out of their houses and we have helped some of them to pay rent. I am happy that Chairman you have factored that in this supplementary budget.

The 850 youths working in our wards have not been paid for 7 months, how will they be able to pay the ones they want to employ? You want to employ on one hand and close revenue streams on the other hand which brings about 2.6 billion every year, the licenses and business permits. How do you do that for two years? You waive licenses and business permits for two years when the deed of transfer ends after two years and this county will be on its knees. The somebody out there will say that the county cannot perform because I am not there. Mr. Chairman, this hiring must stop because there is no budget for that. Those are PR and we are done with them. Madam Speaker, I stand to support the motion. Thank you.

Hon. Speaker: Allow me to just interrupt a bit. Hon. Members, we have guests in the House. This Hon. House is graced by a delegation from Uganda led by the Ugandan High Commissioner to Kenya, Ambassador Phoebe Awere Otawala, Hon. Peace Mutuzo Minister of State, Gender and Women, Ms. Nadutu Agnes, Senior journalist, Ms. Susan Wekesa, business women leader and other women leaders, feel welcome to this city county and we wish you successful engagements during your stay in Nairobi. I hope ambassador you will enjoy Nairobi.

(Applause)

Proceed, Hon. Warutere.

(Point of Order)

Hon. Speaker: What is the point of order Hon. Leader of Majority? Is it on this motion? Proceed.

Hon. Charles Thuo: Thank you Hon. Speaker. I rise on Standing Order No. 163 concerning the Supplementary Budget motion. I sit in the House Business Committee and I did not see this business being tabled. I can see a Supplementary Order Paper, I am just concerned that the motion is not properly on the floor of the House. Thank you.

Hon. Speaker: Hon. Leader of Majority, I want you to repeat so that I can understand.

Hon. Charles Thuo: Hon. Speaker, I have with me the Supplementary Order Paper that speaks of a motion by the Chairperson of the Select Committee on County Finance, Budget and Appropriation. It is my opinion that the House Business Committee has not approved this motion and therefore it should not be on the floor of the Assembly.

Hon. Speaker: Where you in the committee yesterday because I understand---

Hon. Charles Thuo: There was no House Business Committee, Hon. Speaker.

Hon. Speaker: There was an Ad Hoc Committee, well I don't know – I just wanted to advise and then you tell me whether they are lying or not. I need to know all the minutes. There was an Ad Hoc Committee yesterday and the House Business Committee decided to do their business in the same meeting.

Hon. Charles Thuo: Thank you, Hon. Speaker.

Hon. Speaker: Hon. Leader, just a minute.

Hon. Charles Thuo: Thank you, Hon. Speaker. First of all, I want to agree with the Assembly that the business before us is very important because a lot of things are pending because of the Supplementary Budget. But then the law is law. It is true that there was an Ad Hoc Committee sitting and the Deed of Transfer was the subject of discussion and it was never a House Business Committee.

Hon. Speaker, as much as I agree with that, it is only right that the Supplementary Budget because it is a very important document, be tabled and be debated in the Assembly in the right way. It has not passed through the House Business Committee. Thank you.

Hon. Speaker: Majority Leader, you knew that and you are our leader in this House, now the Speaker is wondering what to tell you because you are my leader.

Hon. Charles Thuo: Can I approach the Chair?

Hon. Speaker: No, you have done your point of order. You could have approached and we would have agreed but now I have to use the rule which is; if you knew there was that issue, and you don't trust the House Business that sat yesterday after the Ad Hoc Committee, you needed to have come early before the mover moves the motion. We have moved the motion, it has been seconded and they are now debating on it. You need to guide this House on which Standing Order I am going to use, I don't know how to bring it back to my House Business Committee. You are a member and now---

Hon. Charles Thuo: Thank you, Hon. Speaker. There is a proper way of calling a House Business Committee which was not done. You could just expunge the discussion from the records of the House and then in our next sitting which will be on Tuesday, we can decide to sit at the rise of the House and then slot the business in the right way. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Leader of Majority, were you in the House Business Committee meeting on Tuesday? What are the minutes of that meeting? I thought you agreed in the meeting that this a very important process and that it has to proceed. You are confusing the House as the engine committee. What is the point of order?

Hon. Peter Imwatok: Madam Speaker, allow me to rise as a leader. This is a House of rules and procedure. Unless we are questioning the professionalism of our Table office, I believe our clerks cannot and will never dare to bring anything before this House that has not followed procedure because anything we do will be in scripted in history. Therefore, the law does not work retrogressively. It is upon you, Hon. Speaker, to invoke order no. 1. We proceed with the motion. Any Member who has reservations can approach the Chair in private chambers.

Hon. Speaker: Thank you. I was about to say that. The House Business Committee, you are engine. If you feel that you didn't agree on the matter on Tuesday, I want to plead with Leader of Majority. In practices of parliament, the Speaker and the Leader of Majority must work very closely. You should know that when you have an issue, you come to the Speaker's office before the sitting so that we deal with the matter. When you ambush the Chair, it is like we are in combat. It is not fair. I therefore proceed to overrule and invoke standing order no. 1 and knowing very well the challenges we are about to face in the next 7 days. I don't know whether we are counting the 21 days. By next week and the other, this function goes to the national

government. The president needs his budget so that he can understand what is about to be dispensed. It is not a budget we are about to use. It is a budget that we are passing for them. I believe the Leader of Majority is in the ad hoc committee of transfer of functions. You understand that there is nothing we are going to do within the 21 days. I want us to understand that we are in a very interesting times. When you assign functions, they go with resources and treasury has already asked for the resources. They want to know whether we have those resources for the functions that were moved and this has to be done before next week when we are going back to court on the same matter. Hon. Pius Mbono, proceed. Sorry, it was Warutere before Pius. Majority, listen to Warutere first, then you will stand on a point of order. I have overruled order no. 163 unless you have another one. Tell us the number. But let Warutere speak first.

Hon. Peter Warutere: Thank you Hon. Speaker. Seven days, you had sent me away. I want to report back that I have been of service to the people of Roysambu and I bring wisdom to this House. About a month ago, we sat down. We selected members to a committee of House business. In the words of both the Minority and Deputy Minority Whips, Majority Leader and many others who spoke on that day spoke of Members who were standing and would bring wealth to this committee. When you get issue, like you are doing now, none of the members who sat in that House can neither confirm or deny that this motion was rightfully debated and slotted before this House, then I strongly believe there is an issue.

Having said that, I rise in support of this motion. I thank the Hon. Chair for doing a nice job. For close to seven months, I have been paying rent to my people. This burden will be taken away once these critical youths are paid their debts so that the money will have an effect. I know that indeed the issue of paying for our ward based project is something that will have an effect. I have been looking at the roads that we did in 2013. The road will have to be redone because we had not settled out these particular bills. This story reminds me of a story in the Bible about the good Samaritan. Somebody had been beaten along the way and three sets of people passed by the man lying on the roadside.

The first set of people passed the man. The story says that they were going to church. So, they didn't address the plight of the man who was by the roadside. What would happen to them if they assist that man? The second set of people asked the same question. "what would happen to us if we really assisted that man who was on the roadside?" Last came the good Samaritan. He didn't ask what would happen to him if he assisted the man. His question was, "what would happen to that man if I don't assist him?" What is the lesson? The lesson here is that I want to congratulate what the president did in ensuring that the key functions of this county were taken away.

I want to congratulate the president because indeed we were in ICU and we didn't have the capacity. So, it was timely. I will not sit here and start castigating like what the Leader of Minority has said, that we are left with small functions. We have ten functions. Only four critical functions were taken away. Why were they taken away? My reason is that the key components of these functions are going to help us come 2022. We have been here for three years. Not much has been done. We don't have the capacity and the big brother is now bringing capacity. The truth of the matter is what is happening to Nairobians. We need to ask ourselves what we can do for Nairobians so that at least when the history of this country is written, we will say that it was during our time we were able to bring this city to its lost glory.

I know there are fine structures within the National Government that are lacking at this level. I know for sure that when it comes to money, we do not have the monopoly of money. I want to urge the members not to look at in form of what is lost to the national government but on what you will gain. The increase in

funds from Kshs.14 million to Kshs.28 million will go a long way in ensuring that we are felt on the ground on matters that we do every day. I also want to remind the members that having looked at Article 187 (2) (b), I know the supervision authority rests on the donating authority. The oversight authority is not going to be taken away from this House. The biggest gainer will be Wanjiku. We will deal with the issue of service delivery. So, I urge Members not to look at what is going to happen in the negative way. Let us build into the strength that is there with the national government. Let us look at this issue positively and let us grow this energy. Once that is done, I know we will be able to return Nairobi to its lost status.

In 2022, some of us will move to the next level. Those of you who want to return to this honorable house will have an opportunity to serve having satisfied Wanjiku with the key component of service. I know for sure, that the big brother is going to create efficiency. He is going to address the issue of various leakages and once we do optimally the correction that is to be done, I know we will be able to address the leakages an issue the Chair has tried to focus on. Once that is done, we will be able to collect enough to run this county and even much more to ensure that it can be taken to other counties. I support. Thank you.

Hon. Mary Mwami: Thank you, Hon. Speaker. I take this opportunity to welcome our sisters from Kampala. I was in Uganda a while ago and we had a great time. You are ahead of us as far as the women work is concerned and we have a lot to learn from you. So, we are greatly honored to have you.

I stand to support this motion which is very important and crucial at this time. As the Chair comes up, I would like him to tell us what is done about a few things that are so important to my heart. The first one is the bursaries. It helps our young people who are unable to go to school because their parents or guardians cannot afford the fees. I would like to know if has been budgeted for.

Secondly, I would like to know when the 400,000 can be paid for the water pump for the County Government. That is why are also missing water here because somebody somewhere is not able to pay Kshs. 400,000 for the water pump that would be able to supply us with water. I think somebody is not doing the right thing somewhere.

Secondly, today, I had the privilege of going up into City Hall Annex and I was going on 4th floor. I had to walk with my walking stick up to 5th floor because the machines are not working. We are talking about empowering our county to first world county, but we are not taking care of people with disabilities. The lifts have not been working for a very long time. And I want us to really look at it. A pregnant woman was sitting there and she was going up to 7th floor. That is not good. I hope Eng. Karanja is listening to this. I had to look for the people in charge. I went up to the fourth floor sweating. Then I was sent to the basement. This is not right. Let us make sure the lifts are working. Make sure that they are budgeted for and the lifts are working.

My third concern is about the offices for the nominated MCAs. We don't have offices. We don't have assistants. Could we know if you have budgeted for it because it is not mentioned here. So, those are my concerns. But I stand he to support this. When Hon. Kamangu was there [at the Chair], he said that the ad hoc committee was going to meet as well as the House Business Committee. I didn't see a contradiction because the members were the same for both committees.

Those who don't come here for the meeting, Hon. Warutere, I want you to hear this because you are the ones who brought up this, people who don't come here for meeting and they leave early and then you come here and keep taking us back. Some of us are taking our work very seriously. Hon. Kamangu said it very clearly that the adjournment was on and the House Business Committee was going to meet together with the ad hoc committee and since the members were the same, it meant people would go into one and

proceed to the other. We must take the house very seriously. We must come for the meeting. I don't like it when people we have given very serious responsibilities don't come to this House and they come and take us back. I am not talking about the Leader of Majority, I am talking generally about the leadership of this House. We must take the House very seriously. When we keep marching out, what are we showing the rest of the Members? They will keep marching out. And so, I stand to support this. It was well done and comprehensive. Thank you.

Hon. Charles Thuo: Thank you. I rise under Standing Order No. 2. It states that decision made under standing order number one shall be based on the constitution of Kenya, statute law and the usages, forms, presidents, customs, procedures and traditions of parliament and county assemblies of Kenya. So, Hon. Speaker, it is my opinion that the issue I had raised does not follow under Standing Order No. 1 because it had been captured properly in our standing orders.

Hon. Speaker: Order! What Standing Order are you standing on?

Hon. Charles Thuo: Number 2.

Hon. Speaker: Interpretation? On which issue?

Hon Charles Thuo: I want to point out that the issue is raised under Standing Order No. 3 cannot follow under Standing Order No 1 one which you ruled. Because---

Hon. Speaker: Leader, you are a seasoned politician. You are on interpretations and I am just requesting to understand which interpretation you are giving us. That is all I am asking.

Hon. Charles Thuo: I am on standing order no. 1, section 2.

Hon. Speaker: For the Speaker?

Hon. Charles Thuo: Yeah. Standing order no. 1 section 2 says that the decision that Hon. Speaker makes under paragraph one must be within the law.

Hon. Speaker: So, what have I not done within the law?

Hon. Charles Thuo: In my opinion, the decision you made to proceed with this motion which has not passed through the HBC cannot follow standing order no. 1.

Hon. Speaker: Order! Order! Hon. Leader of Majority, I have made a ruling. Unless you tell us that there is an issue, you know a Member stands and says that the Deputy Speaker rose on--- I need to stand. It is very wrong when you come and confuse the House while you have come late. A member stands and says the Deputy Speaker pronounced himself and said that you are adjourning to meet as an ad hoc committee and House Business Committee. So, if you finished the ad hoc committee and proceeded to the House Business, then this is entirely up to you. The problem is that the Majority Leader was not present in the said meetings and the Governor has been spending money without a supplementary budget from December. That is very wrong as far as the law is concerned.

The Treasury IFMIS system cannot move without a supplementary budget from Nairobi and we seem not to understand the season we are about to get ourselves in. This budget is critical, as it will assist the Assembly and the Executive to move forward. I will therefore ask the Majority and Minority leaders that if ever there is an issue then we need to discuss. I will need to meet you both

Hon. Robert Mbatia: Thank you, Madam Speaker. As I reply, I want to thank this honorable House for supporting this very important motion albeit the issues raised that I am to answer to.

I would also wish to thank the attendance of the delegation from Uganda led by the Hon. Ambassador and inform them that ladies from Uganda are famous for their humility.

Madam Speaker, questions have been raised about the bursaries and I wish to note that the bursary allocation is still factored in this document to a tune of Kshs.297.5M. This means that Kshs.3.5 million goes to every ward.

Hon. Mary Ariviza asked about the issues affecting operations and I would wish to inform that the operations and maintenance budget is still the same and we expect that lift repairs will be paid for and that we will procure a pump to have water around.

Hon. Chege also talked about a foreseeable deficit. I do not want to anticipate this but I have a feeling that we shall be working on another realistic budget because our own source revenue is dipping.

Once again, I thank all the members for their contributions. You may have noticed that my committee members are away. This is because they have retreated to work on the CFSP. Thank you.

Hon. Speaker: The mover has already replied Kamau. Order!

(Question put and agreed to)

(Point of order)

Hon. Speaker: I wish to ask the Chair of Transport to say something

Hon. Joyce Kamau: Thank you, Madam Speaker. I rise on a point of order under Standing Order 131 (5) on behalf of the Transport Committee. We are seeking an extension regarding our Bill as we are still consulting the sponsors and stakeholders. I believe that in 15 days, we will bring the report to the House. Thank you.

Hon. Speaker: Hon. Chair, while I want to agree with you, I propose that you proceed with the Bill and try bring a report the next week so that once it is finalized then we can make amendments. Reasons are that this is a function that is going to the National Government, and if we do not work on the framework ourselves then it will jeopardize how we will engage with them. Do you agree with that?

Hon. Joyce Kamau: I agree with that because next week we will be meeting with the stakeholders and present the report the week after.

Hon. Speaker: Okay. I refer the motion by Hon. James Mwangi back to the House Business and ask that we engage with him on the matter. This is the third or fourth time it has come to the Order Paper.

ADJOURNMENT

Therefore, there being no any other business, this House adjourns to Tuesday 10th March 2020 at 2:30 p.m.

The House rose at 5:10 p.m.

