



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Tuesday 9<sup>th</sup> June 2020

The House met at 9.30 a.m.

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

PRAYERS

#### COMMUNICATION FROM THE CHAIR

GUIDANCE ON BUSINESS BEFORE THE ASSEMBLY

**Hon. Speaker:** Hon. Members, I have the following communication to convey: -

##### **Guidance on the consideration of the Report of the Select Committee on Powers and Privileges**

Hon. Members, without appearing to pre-empt debate on the business of today's sitting, I am compelled to guide the Assembly on the legality or otherwise of the scheduled business particularly, the Report of the Select Committee on Powers and Privileges which the House is set to consider. Notably, the matter before the Assembly relates to allegations of absenteeism of Hon. Abdi Ibrahim Hassan, MCA raised on the floor of the Assembly on Tuesday, 16<sup>th</sup> March 2020. While Standing Order 242 requires that the matter be dispensed within fourteen (14) days, you will note that due to the COVID – 19 pandemic, the Assembly adjourned indefinitely which coincided with the long recess. Additionally, most Members of the Assembly had traveled outside the Nairobi Metropolis thus they could not access the precincts. As such, Hon. Members, following our resumption of sittings and the adoption of the virtual sittings of Committees, the Committee had to fast-track this matter.

In this regard Hon. Members, my guidance is limited to the extent that there is a Court Order issued on 8<sup>th</sup> June 2020 by Hon. Mr. Justice Korir, whose net effect is to stop this House from considering the said report. Hon. Members, allowing this Order without clarifying certain facts which the Honorable Court may not

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have been informed by the petitioner would be doing a disservice. First and foremost, Hon. Members, the Petition alludes to one Hon. Abdi Hassan Guyo while our records show that the Member in question and who swore in this Assembly is Hon. Abdi Ibrahim Hassan whose identification number is 27947751. Thus the Orders are defective to that extent.

Secondly Hon. Members, Article 185 of the Constitution vests legislative authority of the County in its County Assembly. The Constitution goes further to mention in Article 196 that Parliament shall enact legislation providing for the Powers, Privileges and Immunities of County Assemblies, their Committees and Members. To this end, Parliament in its wisdom enacted the County Assemblies Powers and Privileges Act, 2017 which in Section 10 provides as follows: -

***“Proceedings not to be questioned in court***

*No proceedings or decision of a county assembly or the Committee of Powers and Privileges acting in accordance with this Act shall be questioned in any court”*

Section 11 of the said Act further expounds as follows: -

***“Immunity from legal proceedings***

*(1) No civil or criminal proceedings shall be instituted against any Member for words spoken before, or written in a report to a county assembly or a Committee, or because of any matter or thing brought by him or her therein by a report, petition, Bill, resolution, motion or other document written to a county assembly.*

*(2) No civil suit shall be commenced against the Speaker, the leader of the majority party, the leader of the minority party, a chairperson of a committee or any member for any act done or ordered by them in the discharge of the functions of their office.*

Further, Section 14 of the County Governments Act, 2012 gives a County Assembly powers to enact Standing Orders to regulate its procedure including, in particular, orders for the proper conduct of its proceedings.

Hon. Members, the implication of these provisions of the law is that the legislative power of this Assembly cannot be impeded by any person or authority outside this Assembly. Indeed, this has been the practice adopted by various legislatures across the Commonwealth Jurisdiction and it is founded on the principle of separation of powers and checks and balances. Accordingly, Hon. Members, while not appearing to cast aspersion on the Judge and the Court, the far the court can go is to review the decisions (outcomes) of this Assembly and not to injunct us from carrying out our legislative roles.

Hon. Members, in view of the above, I direct that the Order of the Court of 8<sup>th</sup> June 2020, does not and indeed cannot prevent this County Assembly from carrying out its legislative function. Consequently, Hon. Members, this business shall be transacted as scheduled in the Order Paper.

I want to reiterate that indeed, we respect the judge. The person we are executing today is a different person from the one who brought the petition.

### Co-opting of Members to the Sub-Committee on Emerging Issues

Hon. Members, as you are aware, various issues have emerged following the outbreak of the Covid-19 pandemic and the establishment of the Nairobi Metropolitan Services. These issues have a direct impact on the manner we shall be conducting business in this Assembly. As such, Hon. Members, due to the complexity of these emerging issues, there is need for unfettered attention by the Assembly Leadership particularly the Service Board to develop policies that will guide the Assembly on how it operates going forward.

Accordingly, Hon. Members, to assist the Speaker and the Assembly leadership to develop these policies, I have today, after extensive consultation with the House leadership, co-opted the following Members into a Sub-Committee of the Service Board to with a mandate of addressing the aforementioned emerging issues: -

1. The Hon. Chege Mwaura, MCA
2. The Hon. Susan Makungi, MCA
3. The Hon. Muchene Kabiro, MCA
4. The Hon. Jocyce Muthini, MCA
5. The Hon. Mwaura Samora, MCA
6. The Hon. Cecilia Ayot, MCA
7. The Hon. Francis Ngesa, MCA
8. The Hon. Clarence Munga, MCA
9. The Hon. Moses Ogeto, MCA

Hon. Members, this Sub-Committee shall commence its work with immediate effect and shall make regular reports to the Assembly Leadership and the Service Board. I wish the Members all the best as they commence their duties. I thank you, Honorable Members.

### PAPERS

**Hon. Speaker:** Who is laying the paper? Hon. Akama.

**Hon. Jared Akama:** Hon. Speaker, thank you very much. I beg to lay the following paper:

The Report of the Select Committee on Powers and Privileges on the Investigation into alleged absenteeism from the Assembly plenary sittings by the Member for Matopeni/ Spring Valley Ward, Hon. Abdi Ibrahim Hassan, MCA.

I beg to lay.

### NOTICES OF MOTION

#### THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES

**Hon. Speaker:** Proceed, Hon. Akama.

**Hon. Jared Akama:** Hon. Speaker, I beg to give notice of the following motion. That the Assembly adopt the Report of the Select Committee on Powers and Privileges on the investigation into alleged absenteeism from the Assembly plenary sittings by the Member for Matopeni/ Spring Valley Ward, Hon. Abdi Ibrahim Hassan, MCA laid on the Table of the Assembly today, Tuesday 9<sup>th</sup> June 2020.

*(Point of order)*

**Hon. Speaker:** Yes, Chair.

**Hon. Robert Mbatia:** Madam Speaker, I wish to seek leave of this Assembly on behalf of the Budget and Appropriation Committee on the issue of the tabling of the County Fiscal Strategy Paper. This is because we have not completed the process of compiling the report. The reason is that we have a challenge of which you already expressed that because of the COVID-19 pandemic, we did not manage to meet. We have already compiled a draft report from the sectoral committee, but it is prudent that we meet members of the executive. I know there might be a worry and I want to assure this Assembly that we are still out of time, but within the timelines. I mean that as much as the CFSP should be tabled, I heard from the COG during the June 1 address. He indicated that counties are now even recalling their CFSP to revise them because of COVID interventions. So, we are still on time. Now that we have NMS and COVID pandemic, we need to have the best document that can address all the issues we have in the coming financial year.

We also have challenges of very low revenue collection and we now have an agent collecting on behalf of the County, KRA. So, we beg to seek leave, you give us more time and we shall be updating the Assembly on how we are progressing. Thank you.

Before I finish, I want to let the Assembly know that as much as the funding of Nairobi Metropolitan Services might be coming from the national government, we also need to know whether the NMS will be funded from the CRF. Secondly, even if it will not be funded from the CRF, NMS will still use the plans that this Assembly made, the CIDP, and the ADP. So, on the identification of the projects, this Assembly must come in and participate. That is a process that we need to engage conclusively and exhaustively such that we have a proper roadmap on how to engage. Thank you.

Hon. Speaker: Thank you Chair. I know the estimates have come and we need to pass the strategy paper. I will give time that we try our best before 15<sup>th</sup> of June so that we can clear what we are supposed to do. Having said that, I am hoping that the Executive is also not making the work very difficult because they know what they are supposed to be bringing as their estimates. In terms of whether NMS will receive their budget from this House, let us wait until the Senate finalizes so that we can know where the monies are coming from. From there, we will be able to gauge ourselves. Thank you.

### MOTION

#### ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INVESTIGATION INTO ALLEGED ABSENTEEISM BY HON ABDI HASSAN

**Hon. Speaker:** Hon. Akama.

**Hon. Jared Akama:** Thank you very much, Hon. Speaker. As I move, I want to acknowledge the guidance you have given this House which I believe is geared to preserving the integrity and the independence of this Assembly. That the assembly adopts the Report of the Select Committee on Powers and Privileges on the investigation into alleged absenteeism from The Assembly plenary sittings by the Member for Matopeni/ Spring Valley Ward, Hon. Abdi Hassan, MCA laid on the Table of the Assembly today, Tuesday 9<sup>th</sup> June 2020.

Hon. Speaker, the Committee exercises its mandate by investigating any matter pertaining conduct of members of the county assembly and staff of the Assembly within the precincts of the Assembly. Under Section 15 of the County Assemblies Powers and Privileges Act, 2017, the Committee has the following broad mandate:

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- i) Inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege; and
- ii) Either of its own motion or a result of a complaint made by any person,
- iii) Investigate, table reports and make recommendations to the floor of the house
- iv) Issue summons to witnesses to appear before the committee. Madam Speaker, I want to emphasize this. Any person can stand to challenge the authenticity of the committee. I want to repeat for the interest of Members that the committee can issue summons to witnesses to appear before the committee.
- v) Receive evidence and to request for and receive papers and documents from the Government and the Public.

Hon. Speaker, on Tuesday, 16<sup>th</sup> March 2020, rising under Standing Order 242, Hon. Mary Ariviza, MCA notified the Chair that Hon. Abdi Hassan, Member for Matopeni Spring Valley Ward had missed eleven (11) plenary sittings and therefore he was in breach of Article 194 (1) (b) of the Constitution. Consequently, the Chair referred the matter to the Select Committee on Powers and Privileges for consideration and reporting.

Hon. Speaker, pursuant to the provisions of Standing Order 183 as read together with Section 15 of the Act, the Select Committee on Powers and privileges held a meeting to consider, deliberate, and lay modalities on how to proceed with this matter that had been placed before the Committee for investigation. This was necessary for the effective discharge of the Committee's mandate. Subsequently, the Committee identified the following issues for inquiry: -

- i.) Whether indeed the Member missed eleven (11) sittings as alleged by Hon. Mary Ariviza;
- ii.) If indeed the Member missed the eleven (11) sittings, was there any written reason (s) to the Speaker by the accused Member for missing the eleven (11) sittings;
- iii.) Which sanctions can be imposed on the Member if found culpable

Honorable Speaker, to inquire into this matter, the Committee reviewed the evidence adduced by Hon. Mary Ariviza's Official records on the accused members' attendance during the period under review and oral submissions by the accused Member and made the following findings: -

**i.) Meeting with Hon. Ibrahim Abdi Hassan, MCA**

To give the Member a fair hearing, the Committee wrote to the Member vide a letter Ref. NCCA/P&PC/CORR/2020/010 dated 5th June 2020 for him to respond to the accusations leveled against him. The letter was delivered electronically and received by the Member on the same date. The Member was required to appear before the Committee virtually on 8th June 2020 at 10.00 am vide zoom application (meeting I.D. 2971074986, password 091836). And for clarity, we want to set the record clear that it is admissible in the powers and privileges committee for a member to be served through WhatsApp because we understand there is COVID and exchange of papers can transmit COVID-19. And therefore, with the

wisdom of the committee, we saw it wise to send an invite through WhatsApp which the Hon. Member received. He never denied that.

On Monday, 8th June 2020, the Member appeared before the Committee virtually but declined to respond citing that the notice issued to him to respond was insufficient. The Committee prevailed upon the Member that the matter before the Committee required mere substantiation on whether he attended the sittings as accused or not thus the notice of invitation was sufficient enough. However, the Member remained adamant that he would not respond and instead chose to refer to the Committee arrogantly as a 'kangaroo' court and the Honourable Members as 'goons' then proceeded to log off from the session without the Chairperson's authority.

**ii.) Review of Documents Submitted by the Hon. Mary Ariviza and Official Assembly records on Members' attendance.**

Upon careful analysis of the documents submitted namely biometric attendance register and the sitting allowance payment schedules it was revealed that the Member had missed the following sittings: -

- 9th January, 2020 - Special Sitting;
- 18th February, 2020;
- 19th February, 2020;
- 20th February, 2020;
- 25th February, 2020;
- 26th February, 2020;
- 27th February, 2020;
- 3rd March, 2020;
- 4th March, 2020;
- 5th March, 2020; and
- 10th March, 2020.

Honorable Speaker upon review of documentary evidence and examination of the witness, the Select Committee on Powers and Privileges made the following observations;

- i.) Hon. Ibrahim Hassan Abdi, MCA missed sittings on the following days:-9th January 2020 (Special Sitting), 18th February 2020, 19th February 2020, 20th February 2020, 25th February 2020, 26th February 2020, 27th February 2020, 3rd March 2020, 4th March 2020, 5th March 2020, and 10th March 2020.
- ii.) There is nothing written on record by Hon. Ibrahim Hassan Abdi explaining to the Speaker why he missed the aforementioned sittings.
- iii.) Hon. Ibrahim Hassan Abdi even after having been given a fair hearing refused to respond to the allegations leveled against him and opted to abuse the Committee as a 'Kangaroo' court and the Honourable Members as 'goons'

- iv.) That Hon. Abdi Hassan by failing to attend eleven (11) sittings, without any justifiable reason, he is in breach of Standing Order 242 and Article 194 (1) (b) of the Constitution whose consequence is the declaration of a vacancy in the seat of the Member for Matopeni Spring Valley Ward.
- v.) There is precedent set on this matter by the County Assembly as evidenced in the cases of Hon. Elias Okumu Otieno, Hon. Habiba Ibrahim Hussein and Hon. Fuad Hussein.

In light of the Committee's observations and findings, the Committee concluded and gave the following resolution: -

That, noting that the Hon. Ibrahim Abdi Hassan, MCA deliberately refused to respond as to why he missed more than eight (8) sittings without permission in writing from the Hon. Speaker as contemplated under the Constitution of Kenya, 2010 as read together with the Standing Orders, further noting that the Hon. Member undermined the authority of the Committee by insulting the Committee and its members, the Committee resolved not to invoke the provisions of Article 194 (1) (b) but in the alternative, the Member be suspended, with immediate effect, from the Assembly and its precincts for a period of Four (4) Assembly Calendar months pursuant to provisions of Standing Order 114 (1) (g) and Section 17 (3) (g) of the County Assemblies Powers and Privileges Act, 2017.

Hon. Speaker, as I move, I wish to first and foremost acknowledge with great gratitude the Members of the Committee for the dedication in undertaking their mandate and particularly while inquiring on this matter. My sincere appreciation also goes to our Committee Secretariat led by our able Committee Clerk who offered sound legal and procedural advice on the matter.

Hon. Speaker, I urge Members to support this report and call upon Hon. Gari to second. Thank you Madam Speaker.

**Hon. Maurice Gari:** Thank you Madam Speaker. I rise to second this motion as a senior member of this Second Assembly. This Assembly set the rules and procedures. I remember when we were reviewing the Standing Orders last year some of us were against it. This is because Standing Orders should be reviewed the last year before the election so that it can guide the next Assembly. We cried and begged the leadership and the Speaker. We told the Speaker to make laws that would guide Members. That was May 2017. They came to the Assembly rushing to change the Standing Orders. They didn't know that one day this thing would fall on them very badly. If we make laws in this Assembly, we make laws that are suitable to guide Members, not harsh laws which will come to haunt us.

Madam Speaker, we were told in this Assembly that the law and the Standing Orders are very clear. Today, I saw the former Majority Leader coming to pin a court order on your door. This man should go for even 7 months. Even if there is a court order, there is a process server who should do the work that Hon. Ibrahim Hassan was doing today. I was disturbed seeing members running up and down with lawyers. If I can recall, you had a court order for almost one and a half years and I don't know how people forget so quickly. And we were told in this Assembly that they are coming to do nothing. I don't know what people are fighting for.

I want to urge the Jubilee side that we won't allow a rogue person to come and sit with us here in the Assembly. All the media houses will know what is happening in this House. Somebody cannot come here

with witch-hunt. I wonder how things have changed. You can abuse somebody today and within a week everything will turn against you. Whenever you do anything, be cautious. This tongue can sell the whole body and burn the entire Assembly. We didn't need these people. When they were in power, we gave them their time. We gave them easy time to work. In Swahili, they tell us "ngoja upangwe".

Madam Speaker, if former Majority Leader was here for 7 years and Hon. Thuo supported him for all those 7 years, why can't he allow somebody to rule him for only two years? Hon. Kados was with him moving up and down. When Juju was given the seat, we must allow youths to lead. Hon. Kados is like a father to us. He is now moving up and down bringing confusion shouting as if this seat called Majority Chief Whip has benefits. We will work here according to what is good. If it is going to camp at the former Prime Minister's Office or the President's Office, we will go and camp there. We cannot work with people who are coming here with the agenda. Their first agenda is to bring back the former Clerk. The second agenda is for your impeachment. We are not ready for jubilee wars. We have handshake. It is real. You saw the other day when the President and his brother were walking in town. If they cannot come here as members of Matopeni/Spring Valley and Mihano Wards, let them be outside there. If any Member who is suspended comes and sets foot here, they will go with the Sergeants-at-Arm who are there. And if they go to that parking, the Sergeant-at-Arm who is there...

**Hon. Speaker:** Order! You cannot threaten staff. They know their work.

**Hon. Maurice Gari:** I withdraw, but the message is home. We are not joking. We have one and a half years. We want these members to walk proudly that they are Members of the Nairobi City County Assembly. I told you Madam Speaker the other day here that we have not even planted 200 trees in Nairobi. It is just fighting, fighting. The NMS is here. Let us be proud of what we have gotten, support NMS, support the president and the former Prime Minister, and finish the work of this Assembly in a good way. Madam Speaker. I have sometimes told you to be an iron lady. Stop being too nice, a mother who wants to pamper the kids. It is time to use a stroke so that your children will now walk with their heads straight. If we continue doing this and somebody is bringing this and this, we won't allow this. In the end, you could not come here, do something which is not in the Standing Order. You were being told the law is very clear. The law will clear and we will deal with them the way they wanted to deal with us. Madam Speaker I urge Hon. Ibrahim Hassan to go and serve elsewhere. He was abusing and calling us names. He was calling us kangaroo court...

**Hon. Speaker:** Order, order. We have never sworn in a member called Guyo....

**Hon. Maurice Gari:** Ibrahim Hassan, Madam Speaker, alias Guyo.

**Hon. Speaker:** Until you bring a gazette notice to show that you have now added 'alias' ...

**Hon. Maurice Gari:** I withdraw 'Guyo' Madam Speaker. Madam Speaker a member cannot come in committee and abuse the committee as of goons, kangaroo court. With those few remarks, I beg to second.

*(Question proposed)*

**Hon. Millicent Mugadi:** Thank you Madam Speaker I rise to support the motion as the MCA of Ziwani, Kariokor but my heart is very deep because I think we have been elected by our members from different Wards and the reason they elected us is to come and serve. Apart from that, I have experienced a lot of change in my life; so have you experienced- financial, emotional, and mental. But the question is, are

we doing our people the service they deserve. I need to tell my members the minute you are given an opportunity to serve and you have an opportunity to change your life humility is very important.

Anytime you see someone who has given you an opportunity to be where you are you need to see them, acknowledge them, and respect them. I have realized Madam Speaker that in this House we make kings, we make queens but what drives us is the pride. We have been having a lot of issues in this House but I am not seeing anybody asking us, 'where did we fall apart, can we forgive each other'. Can someone just stand up and say: 'you know what members, yes you gave me the opportunity to serve but I failed you. I am sorry I hurt you here and here. Can you forgive me? Can we start afresh'?

Madam Speaker what I am seeing on Whatsapp groups is a lot of insults, a lot of crapes. We have gone to an extent we don't know our limit how we insult each other. We have gone to insult people from outside who we can call our mentors: leaders from outside. We have gone to an extent of insulting even you Madam Speaker. I am like 'what is wrong, what is happening'. Have we lost our minds? We have only one year to go, members. It hurts me so bad. I am not an angel; I know I lose my mind but I need to tell you Madam Speaker that while you are here you bring sanity.

Members I challenge you. Can you just be humble? People come and go. As I say in Kiswahili '*siasa huisha*'. You are not going to be here permanently. Ten years down the line you will meet me on the streets and you will remember: that were it not for Millicent I will not be here. Kindly let us just be humble. Can we swallow our pride? We are equal. And this is to all the leaders. I beg you. It hurts. We forgot where we are. We forgot who we are. We think we are untouchable. Madam Speaker please bring sanity to this House. let the law be followed. Let us be equal. let us be fair. Let there be freedom that I can be able to speak and say what I want. I can be able to challenge my member not to take it bad. That is what we came here for. We came for a job that we know we have to argue, disagree and agree for the purpose of our people.

Madam Speaker the Swahili says '*mkuki kwa nguruwe ni mtamu. Kwa binadamu ni mchungu*'. What we are going through will lay the table for ourselves. And it has to stop. We need sanity. We need to support our Governor Mike Mbuvi Sonko. We need to support Majority and Minority Leaders. We need to support each other so that when you go back to our electorates there is something we can tell them. They can be able to vote us back. They will say 'You know what, despite those challenges you guys did something'. But at this point the way we are going, I said in January 2017 that we will either perform or entertain Nairobians. Now we are entertaining Nairobi. We deserve an Oscar award, seriously in Hollywood. Thank you Madam Speaker.

**Hon Speaker:** I wonder the Oscar award, is it for *sarakazi na vitimbi ama* service? Hon. Mbugua Kabiro?

**Hon. Millicent Mugadi:** Madam Speaker just a minute. We deserve an Oscar award for being the best actors in Kenya. We are acting. We are not delivering any services or anything. We are just acting and entertaining Nairobians. That is an award we deserve. Thank you.

*(Laughter)*

**Hon. Mbugua Kabiro:** Thank you much Madam Speaker for allowing me to speak today. Mine will be short. Madam Speaker I would like to support this report.

*(Applause)*

I would like to say the law is a double-edged sword. It cuts both ways and nobody is immuned to it. Thank you Madam Speaker.

**Hon. Speaker:** Thank you Kabiro. I indeed remember you refused to sign for Madam Speaker and the same sword is back now. Hon. Ogeto.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. I usually like my friend Hon. Kabiro. He always says the law is very clear. Hon. Speaker, I want to remind this House that whatever we do today 9<sup>th</sup> June 2020 one time, one moment will be repeated by another House, it will be the precedent which have been set in this House. I joined this House while I was a young man at the age of 22. When this law was made, I remember my colleague Hon Gari and I asked my leader Hon Elias Okumu: 'why do you bring these laws this time and we are going for an election? *Ati ni shamba la wanyama*. I remember Hon. Bonyo the member for Gatina said *hi ni shamba la wanyama*.

Hon. Speaker during that time the laws were passed in 30 minutes and then the Assembly was adjourned. The Order Paper which had up to order 8 was read within two minutes. then it was order 8. Mover reply. Mover, move another motion. Then we asked: why the hurry? Let us see these laws which we make. I want to quote my senior counsel James Orengo: power corrupts. And when power corrupts you will be far away from the living God.

Hon. Speaker that is what happened at that time. Some of us were lucky enough and we came back. Like the Majority Leader, Hon.Thuo Wakarindi. We came back as Members of the Assembly. We swore on our right hand to protect Nairobian on whatever legislations we will do in this Assembly. I remember the former Leader of Majority Hon Abdi Hassan saying 'round one'. I asked him, what is round one. He said you were going to vote for the Speaker 'round one'.

**Hon. Speaker:** Order! I said that until I see gazette notice, you should pronounce that name correctly.

**Hon. Moses Ogeto:** Hon. Speaker I withdraw. Abdi Hassan told me 'round one'. Then we said fine, round one. Then we told him, now we have found a queen who is Hon. Speaker who is able to guide us in this Assembly. Then we asked him 'can we have a deputy'? then we were told 'no', we have senior resident John Kamagu. He went unopposed. For the purpose of this House. Hon. Speaker, we moved on. Later on, they passed some draconian laws on Mary Arivisa. In the House Business Committee, we said it was unfair and unjust. We opposed it together with 'Dr' Odalo. I said no, that punishment should be lenient. They said no, let her go for three months because she behaved badly. Today the Hon Member has missed 8 consecutive sittings. The committee was too lenient (applause). Missing 8 sittings under the constitution 194 you should have declared this seat vacant (applause).

Madam Speaker I remind you that on 8<sup>th</sup> October 2019 in this House when the former Majority Leader talked ill about you, that you can go and sleep with those who are protecting you. On that day I moved from this floor to the left side and asked the former Majority Leader 'what are you saying?'. Unfortunately, he even talked ill about H.E Amollo Raila Odinga. Hon. Speaker us in ODM, Raila is an institution. He is not just a normal human being (laughter). Hon. Speaker, he is the only person who has more than five names. And those names are not in English. All of them are in their own languages including Latin. I asked myself: 'you want to say H.E Jakom can sleep in the bedroom?' I told him: 'Your days are numbered'.

Hon. Speaker that was the rise and fall of Ibrahim Hassan. Hon. Speaker as we proceed today it may be me today and tomorrow it may be you Chair sitting today and presiding this Assembly. As the members of Powers and Privilege prosecute this report I believe even the Leader of Majority who is sitting before us, I believe women go for pregnancy for nine months but the Leader of Majority has not even enjoyed the pregnancy of a woman. He is hardly nine months in leadership. They could have waited the Leader of Majority to deliver a baby called another Wakarindi as a Leader of Majority in this House. It is being fair. We want to tell Jubilee party that at least have respect even for normal pregnancy of a human being. At least someone can have a memory. You want to tell me today Thuo is the Leader of Majority, in the next two weeks it's Kamangu, in the next two weeks it's Millie, in the next two weeks it's Njambi.

Hon Speaker that is unprocedural. It doesn't qualify to even be etiquette. Even where I worship we are given elders. We are given time. It is not a must-even Hon. Njambi can be the Leader of Majority but let us give her period and circulation of pregnancy (*applause*). It is not a must that we must have somebody in this House. Hon Speaker you were God chosen, given this seat to lead and that is why you came back. I have heard in your communication and bound not to talk about it.

I respect the law because I am not supposed to talk about the communication of the Speaker but this Assembly will not be bound with court orders. We have privileges Act which protects this Assembly and if they think the proceedings, which we have carried in this House are wrong then be it. But nobody will gag this Assembly. This is an independent institution. Let us finish it as per your ruling or communication and if it is not favoring them then be it. My Board member here has said you walked with a court order in your handbag for nine months, almost a year. So, someone goes and get one. Even that court order may not be genuine. In that regard, I beg to support this report.

**Hon. Speaker:** Order, order. I respect the courts and I respect my judges and especially the CJ who has also said an institution finalizes and it goes to the other. I think he has a very clear ruling on the same. Minority whip then I come to Hon Kiragu.

**Hon. Peter Imwatok:** Madam Speaker I was keenly listening to Ogeto enumerating the history of this House. for those who found us seated on a red seat, our red carpet may not have the history of this House. there is one man today as I stand here I would say he fought a good fight in this Assembly, but not in death. That man is called Masiga, MCA for Eastleigh South Ward. He for the first time plucked this entire chair and threw inside here when these draconian amendments to the Standing Orders were being effected in this House.

Madam Speaker some of us have been in this committee of Powers and Privileges not once but twice under the then regime. But we never abused the committee as kangaroo court neither a goons' court. Madam Speaker we respected that committee. One Masiga finished the last two-quarters of the Assembly outside on open shoes because he was not allowed to come next to the precincts of this House. On this fight we went with him to court, we got court orders but it was not honored because parliamentary practices under the Powers and Privileges Act are very clear especially on us.

If we don't have a law that can regulate us in this House, then it becomes the rule of the jungle. Madam Speaker I want to say thanks to the members especially *Mheshimiwa* Kabiro for the few words he said that the law is a two-sided sword. It cuts me today, the Speaker tomorrow, the other day Susan Makungu,

you never know. Madam Speaker what Millicent Mugadi has spoken this morning has touched me. We cannot create kings and queens amidst ourselves when we stood at that corner. I never swore myself as the Minority Whip of the County Assembly. I swore as Member of County Assembly. And all of us.

Madam Speaker we developed an attitude that it belongs to me in this Assembly. It belongs to Wakarindi. It belongs to the Deputy Speaker. It belongs to the Speaker. That is why Madam Speaker even as you sit there are laws that regulate your powers from Standing Order 1 to 246. That any given time Madam Speaker you must work within the premise of the law. Madam Speaker because even if we leave your seat without the guidance of the law you might decide one day to come up, maybe you have a headache, and make some draconian rulings which cannot stand the test of time.

Madam Speaker we are here to expedite a process that started early March. I feel it as a leader on this side that my former leader Elias Otieno whom I believe across the aisle everyone here must give Elias Otieno the due respect. Elias Otieno was replaced by my party in a procedural manner which we set precedent. Madam Speaker you can attest to that as the Whip I used to write to you a copy of every stage as per the Standing Order. I invited Otieno himself before the committee of the entire PG of ODM and wrote to you and wrote to the party procedurally. I have never seen Otieno Elias abusing any member of this House after that (*applause*). Madam Speaker you can attest that a member who mentioned my member who is Elias Otieno is one of my members, Hon Gari, but the law is law.

We had to accept as leaders that indeed our member has flaunted there was an illegality somewhere and we sat here conferring with my leader and we decided to punish Otieno. We didn't fight. Otieno never went to court. By extension even my party as by today, because of Otieno not appearing 8 times he is now before the disciplinary committee of the party. I want to question the Jubilee party. Out of the 66 members of the Jubilee party when did one member become the utmost special member? When did one member decide to a demigod of other members? I have known Abdi Hassan since 2013. Indeed, power corrupts and more so when you get money and you are illiterate is a problem.

**Hon. Speaker:** Order, order withdraw! Withdraw the word. That is unparliamentary language.

**Hon. Peter Imwatok:** Madam Speaker I withdraw the word 'illiterate'. If you get the money and your medulla oblongata cannot conceptualize how to work round with the money in terms of respect to humanity it becomes a problem. Madam Speaker the member in question believes money is everything. He believes that because he can pay a police officer then Beatrice Elachi as Speaker of Nairobi is nothing. He believes that because he has money he can wear a suit of Kshs 100,000 Wakarindi is a poor boy; he doesn't deserve to lead. Madam Speaker if we go to history in the house of Jesse the prophet was sent to anoint a leader. When Jesse brought all his sons who were fat, huge, tall, who had the stature the prophet said no and asked if there is one left? It was until that point a wretched son from the grazing land called David was brought. And the prophet said yes this one.

Madam Speaker even me as I stand here I have no monopoly of being a leader. The member in question is used to abuse people including me three days ago. I was before a police station when Abdi Hassan Ibrahim was calling police officers whether I was still there. I should be locked in just because this member drives to the police station in a Lexus car, which I want to say today we have information that it has two registration numbers and the police must take the necessary action. We cannot glorify tugs and hooligans

in the name of leadership. On this side Madam Speaker even as you sit on that chair still demand Article 196(b)...

**Hon. Speaker:** Hon. Member I will give you Thursday to substantiate if he has two registration numbers but if you don't have evidence you withdraw.

**Hon. Peter Imwatok:** Madam Speaker I have evidence.

**Hon. Speaker:** On Thursday you will come with that evidence.

**Hon. Peter Imwatok:** Madam Speaker you know me very well I don't talk without evidence. On Thursday I will table the evidence here for the police to verify whether the said registration or same car which goes to pick police from the station is the same or not.

Madam Speaker the House we sit here today members will see it as a new house. This House is not new. We found this House when we were sworn in as it is. What was done was renovation as you see but it cost our Assembly half a billion shillings. Up to date, it is still before the investigation authority and nothing is happening. Why? Because we created kings in this Assembly who squander public money and just goes scot-free, buy police and arrest the innocent.

Madam Speaker on this side we demand that also the misappropriation of the previous Board, and I am going to write to my Board member, that we want to know what extent did the case of this Assembly went. Madam Speaker I was sent out of this Assembly when I questioned that. In the First Assembly, I was sent out for some weeks. So far the injustice committed from 2013 to date has not been rectified. We must know what happened. Madam Speaker one of my members was called yesterday, fortunately enough there is one thing I like about Mike Mbuvi Sonko in my life. Mike Mbuvi Sonko always has evidence on what you tell him, how you smile with him, how you lie to him and he has also infected most of us. Most of our members whenever they talk to you they must have evidence.

**Hon. Speaker:** And for your information, Mike Mbuvi Sonko is my Governor and he is still.

**Hon Peter Imwatok:** Point of correction Madam Speaker, I respect authority. Let me reframe and say I respect one thing about Governor Mike Mbuvi Sonko. He keeps evidence on everything. In terms of recording (*Laughter*). I am aware some of us have been infected with fear until one day when I talk to Warutere I normally tell him 'Warutere *weka* recording *kwanza*'. He can attest. Because we have been put in fear. Yesterday I heard the recording and that 'the current board as you see it we finished the meat. What is left there? There is nothing'.

Madam Speaker it is not about eating the meat. It is about the welfare of these members. if you see the newspaper last week it said the lowest allowance paid Assembly is Nairobi, Kshs 53,000 per month while other assemblies were receiving Ksh 130, 000, Kshs 180,000. Which is perfect for us, we are not stealing from the Assembly, yes but when a member says in the previous Board we finished the meat, what is left there, Madam Speaker it tells you exactly that in this Assembly as much as we support this report but also the constitutionality must be upheld. Many people say as ODM we will just come and sit. This is a House of handshake.

As the whip Madam Speaker, you called me, and our bale Senator called me and you said His Excellency the President wants to meet all Nairobi City County Assembly members in State House. I just

landed in Kisumu then. I called my leader and I remember what I told you that I am sorry until I consult with my party. When I called the SG he said wait I consult the party leader.

My leader called me past nine and told me I am with the Party Leader here. He says Nairobi City County Assembly is a handshake assembly. Then he gave me a phone to say that was what the party leader said. He said 'Minority Whip, direct all members to proceed to have a meeting with H.E The President of the Republic of Kenya because Nairobi is where the handshake began and the handshake must be cemented in Nairobi'.

Madam Speaker, out of what Raila Omollo Odinga said –Tinga, Baba- those names Ogeto said –Jakom- there is no name which is in English. It is true. When he says a word we as ODM members follow including a coma and full stop. As it stands here this Assembly until otherwise directed by none other than Raila Amollo Odinga that it is not a handshake assembly it remains a handshake assembly including its leaders

*(Applause)*

Madam Speaker some people want to treat us with threats of violence.

**Hon. Speaker:** Order, you have just forgotten the Head of State is the owner of the handshake. You also said it was at the State House. Since you were not at State House just to brief you H. E The President Uhuru Muigai Kenyatta is the owner of Nairobi and the owner of the handshake also.

*(Applause)*

**Hon. Peter Imwatak:** Madam Speaker as I wind up, I was coming there. The President in his own words, I am privy to the conversation through my able leaders led by our deputy, he said these words when he stopped some of the members clamoring between Jubilee and ODM. He said there was handshake, nothing called Jubilee and ODM. And as we ask the Jubilee party on the other side to embrace the handshake and we will embrace you as handshake at all times.

Madam Speaker you should lead by this. You should lead by telling all of us this is an assembly of handshake. As I leave here with my leader I want to promise the other side that as we met the President of the Republic of Kenya who is the party leader of Jubilee which we enjoyed sitting with him for those who were there, I also enjoyed talking to him.

There is this man if you go anywhere in Africa you will find his name. after Mandela there is only one man you will find his name, that is Raila. It is a few weeks or days from now you will all be seated with our party leader, the brother to H.E President Uhuru Kenyata so that we can listen to both leaders what they want for Nairobi. But for now, we will not allow to be treated to threats and intimidation. Because some of us were born collecting metals in Makongeni and selling in Industrial area to get a piece of bread at Elliots. We have known our lives always in problems. We have never enjoyed the leisures of life.

Madam Speaker from this side you will never find the ODM person threatening anyone on SMS and messages. I want to say that those who can take this message to Abdi Hassan Ibrahim we are not small boys and girls. We are elected leaders. You might have the police; you might have the money but we have one person who believes in us called God. God, Madam Speaker never, never allow his children to suffer in the hands of a human being.

This Assembly has suffered. Warutere can attest. Bishop can attest. It is by the grace of God that Bishop, Ogeto, Mberia, Wakarindi, others, and me managed to win their seats a second time. It was by the grace of God. We went to the election not knowing whether we were winning the nomination or not. For me it was breaking news on staff page: Imwatoke is back, how? The master behind all this is the former Clerk. He goes to the extent of paying your opponent in your ward. Because they finished the meat. They had meat. I want to ask the Jubilee side to bear with us. That I accepted Otieno to be at home all this month. And we talk to him.

Even today I am proposing before my leader instead of the committees Otieno sits at least I give a few members to hold brief for him. And he is comfortable. Kindly talk to Hassan Abdi. Let him relax. Four months is not long. Then you come back and we continue as leaders of Nairobi County. It is simple as that. Thank you Madam Speaker.

**Hon. June Ndegwa:** Hon Speaker there is an English saying: nothing changes if nothing changes. Madam Speaker I have been in this Hon. House for a short time, shorter than the seniors, and one thing that I appreciate is the oath of office that we took. That oath of office does not discriminate against a nominated member and elected member. It makes us all equal. I think the authors of that oath of office were very specific. They did not envision a place of Hon. House such as this where people come because of their status or lack thereof. Madam Speaker I want to say without fear of contradiction that we have one denominator of problems in this House. Madam Speaker if we go back a few months or a year the reason for your removal the denominator was Abdi Ibrahim Hassan. The problems that Governor Mike Mbuvi Sonko has current, former, and future start with one Abdi Ibrahim Hassan (*applause*).

The problems of this Assembly that are catered for by the Board - today I heard that recording that Hon. Imwatoke is talking about where this perpetrator is saying that the meat is finished in the board – so the Board problems start with one Ibrahim Abdi Hassan. The problems of most members of this House begin and end with Ibrahim Abdi Hassan.

We even saw the Vice Chair of Power and Privileges Committee saying that he had been called by a bigwig from Jubilee House and yet he had been called by Ibrahim Abdi Hassan. This House has had a lot of challenges and a lot of things that have helped Nairobians, for example, very great men and women have walked in this House including yourself. Pride comes before a fall. I want to echo the words of Hon. Mbugua that the law is a double-edged sword. The same law that we are using today is the same law that Hon. Ibrahim Abdi Hassan used on Hon. Ariviza who took the same oath as he did, she is a member of this House. If we want to create laws for our enemies, let us know that those laws will come again to castigate us.

Madam Speaker, Hon. Ibrahim Abdi Hassan is on record castigating one Raila Amolo Odinga, Governor Mike Mbuvi Sonko, and yourself Madam Speaker and even the President of this land. I think it is time that we sanitize ourselves and follow what *Mheshimiwa* Millicent Mugadi was saying that we did not come here to act for Nairobians, we came to serve them and make Nairobi a better place. I know that there are people calling the NMS the prophet of doom, it is on record. It is about time we changed and listened to what our elders are telling us.

I think it is the Muslims that have a proverb that says; *'if your hand is making you to steal, then cut it off'*. I am not afraid because this House has a shortage of fearful people and of people who do not know what

they are supposed to do and why they came here. Even as we give this punishment – and it is not a punishment – because the law says that this seat should be left vacant. It should be a lesson for all of us that we should take this House seriously and stop being proud. We need even to treat our colleagues and staff in a better way.

Whatever the committee has decided, I am in agreement. I hope we would have followed the full force of the law but because there is precedence that has been set, of Hon. Elias Okumu, Hon. Fuad, and Hon. Habiba Hassan, I fully support this committee's resolutions. Thank you.

**Hon. Mary Mwami:** Thank you so much. Allow me to remove my mask. I stand here before this Hon. House a very sad Nairobiian that as leaders we act like we are above the law. The only person that is above the law in this country is the President of the Republic of Kenya and he is above the law only when he is in the office. When he leaves the office everything that he did that is contrary can be conferred on him.

I was a Bomas of Kenya constitutional maker and it is important to know that---

**Hon. Speaker:** Order Hon. Mary Ariviza! The President has immunity provided by the law and so he is not above the law, he respects the law but it is only that office that has been protected.

*(Point of Information)*

**Hon. Moses Ogeto:** Hon. Speaker, I want to inform my colleague Hon. Ariviza who faced a double sword that we have only one person who cannot be arrested in the Republic of Kenya, H.E. Uhuru Muigai Kenyatta. The second person is H.E. Raila Amolo Odinga, he is an institution---

**Hon. Speaker:** Order!

**Hon. Moses Ogeto:** Hon. Speaker, I wanted to say that he is an institution, he can never be arrested. He was arrested during the Moi regime. But now you cannot dare arrest Raila Amolo Odinga, he can only be convinced.

**Hon. Speaker:** *(Laughs)* Proceed Hon. Mary. I think that was on a lighter note.

**Hon. Moses Ogeto:** I wanted to inform her that Hon. Speaker. Thank you.

**Hon. Mary Mwami:** Thank you so much, point taken. I stand here as a person under command. I have been a teacher for very many years, a principal, a lecturer of psychology and I know human behavior. I am also a publisher, my book is in the curriculum, some of your children are reading my books. I am a very well versed person and God has gifted me in very many areas.

*(Applause)*

*(Point of Information)*

I stand here as a Kenyan who is very disturbed by the trends in this country. That, leaders want to be leaders to load it on their subjects, we are supposed to be servants of the people. The leaders who have been here before say that people wondered how they came. I think by the time we will be through with the case; we will not even be able to talk. We have been a bad example; we have done gymnastics on TV. If there was an Oscar Award in Kenya, we could have worn it. We do things that sometimes we wonder what legacy we are leaving to our children.

Madam Speaker, I am standing here to oppose this motion and everybody who has stood has said that they are supporting this motion. The reason why I am against this motion is that, the law should have been followed so that it can be an example to the people in this country that one should not take leadership

and because you have carried yourself in such a way - I have seen pictures of ourselves before we came to this Assembly – we were nothing, with dust on our shoes. We came here and milked the county; right now Nairobi has been gazetted to have collected the least revenue ever in its history.

I am a sad Kenyan because it means that we are not going to have the things needed in our health sector and schools. I stand here to say that; the seat should have been declared vacant. I believe that Abdi Hassan has qualities of a good leader but as a psychologist, I can tell you that he needs to master the attitudes that he has towards people before he can go on. Because if we allow him and God help him to become an MP, and he becomes the Majority Leader in the National Assembly, things will be bad in this country. He needed to go and when he comes back and God allows him, he would have been humbled and become a great leader.

The law says that when a person misses eight (8) consecutive sittings, the seat is declared vacant. The Powers and Privileges Committee did a mistake, you should have declared that seat vacant, that is following the law. This could have helped our leaders including the ones we are having currently, we would be known that when we take any leadership position, we are supposed to serve the people. We are not supposed to milk the Service board until it is unable to function.

As a special elect, I did not have an office. But when Madam Speaker came in, she has helped us to get one personal assistant. We were supposed to be given three but somebody was busy milking the Service Board. I agree with my Minority Whip that, we need to set order and an investigation is instituted so that we know what they did wrong that has made this Assembly to become what it is. The position of the Clerk was declared here to be vacant. Madam Speaker can you advertise that position; we don't want an act of terrorism.

I did teach at the University of Nairobi one time in the department of Architecture, and one of my students is here in this Assembly as a Clerk Assistant and he remembers me saying this. We were given topics to choose from, and I chose terrorism. In an act of terrorism, you don't have to do what people do out there, it is what exactly is happening here in this Assembly. Where you look at a woman and decide that she does not deserve to be the Speaker, an MCA ---

*(Applause)*

– that is an act of terrorism that is not supposed to be in the year 2020 and in the 21<sup>st</sup> Century. An act of terrorism can even be done in religious circles and can also be done by governments and so on. We are a government and we will not allow acts of terrorism by whoever for whatever reasons.

I am standing here to oppose this motion that says that he should be suspended for four months. For me, the seat should be declared vacant so that it can be an example to the rest of us. So that when we come here we don't boast thinking that we own the world and thinking that others can do nothing. I stand to oppose, thank you Madam Speaker.

*(Applause)*

**Hon. Jeremiah Themendu:** Thank you Madam Speaker. First, I support the motion and secondly I would like to apologize to you because somebody came into this assembly one and a half years ago and lied to us and we impeached you, which was very wrong.

*(Applause)*

As I stand here today, I would like to say that I see the wisdom in you and the most important thing right now is for Nairobians to get services in their Wards. We don't see anything good from the previous leadership. I can give an example with my Ward, we don't have even a single capital project. The reason is that they were allocated according to whether you know someone. With you here, I know everything shall be well. With the Director General being in charge of Nairobi, I think that things will go well.

Madam Speaker, stand firm and make sure that whatever we pass in this assembly is implemented and Nairobians will be happy with this assembly. Thank you Madam Speaker.

*(Applause)*

**Hon. David Ayoi:** Thank you Madam Speaker for catching my eye. I stand here to paraphrase a saying in Kiswahili that says; '*Mkuki kwa nguruwe ni mtamu, lakini kwa binadamu ni mchungu*'. Hon. Abdi the Member for Matopeni Ward is on record for abusing everyone because he is intoxicated with power. I respect this Hon. Member for he has been here for the third term, he is a senior in this House. But he sees himself as a king and nobody is valuable to him. Hon. Kiguathi is a senior member and a grandfather to this House, he has been here for 25 years. He cannot even his colleague, they should learn from our current leaders how justice is being administered to everyone. These people have been leading this House with an iron fist.

Mine is to tell my brother that even our Speaker had a court order for a year and nothing changed but for him, we must change. Hon. Ariviza was astounded by Hon. Ibrahim. Hon. Ariviza had to go for nine months but for him to get a court order so that he can continue being here disturbing members and insulting everyone. He is even on record insulting Hon. Tuju that he has been bribed. But now Tuju is good because he is defending him to come back. We will not allow him to come back and disturb everyone here. He insulted Governor Sonko but now he is good because he is somehow leaning to him.

I want to tell Hon. Ibrahim that we want justice and for that to be done he is supposed to go home for four months like others. I beg to support, Madam Speaker.

**Hon. Charles Thuo:** Thank you, Hon. Speaker, this is indeed a great day. As I support the motion before the Assembly, I would like to seek amendments but if it is not allowed, I want to register my regret that the committee did to stick to the law. It is regrettable and should not be allowed. The people who made that law are people of great minds and had envisioned a situation where people are supposed to earn their pay.

Hon. Speaker, being an MCA is a job like any other. It is not different from that of a Clerk, a policeman, a doctor, or teachers. We get paid for the work we do. That is the reason why the writers of our Constitution stated clearly that if you miss eight (8) sittings, then you must get a written permission from your boss who is the Speaker. In short, it says that; you cannot fail to go to work for eight days without consulting your boss. If a doctor fails to report to work for eight days, they will definitely be fired. And when they are given a chance to explain why they have not been coming to work, they insult the people who are asking those questions. That cannot be allowed, Madam Speaker.

The precedence that is going to be set by that ruling is going to ruin this House. Members will not be working. We must set the records straight, that if you do not come to work you will be fired. We have many competent Nairobians who can serve that seat of an MCA, nobody was born as an MCA. You asked for that job and you must do it and you must be liable to supervision by your seniors. Nobody has a blank

cheque as far as earning a salary is concerned, you must earn your pay. Hon. Speaker, he must explain what he was doing for the 11 sittings that he missed which spreads for about three months. In short, he illegally earned a salary without working, which is theft. He never returned his salary for not attending the sittings. Hon. Speaker, he has not even attended committees since November 2019.

*(Applause)*

We may be lenient, but people have to adhere to the law. I am very disappointed by the committee for being so lenient to Hon. Ibrahim. The positions of influence that we hold are not in vain if you aspire to be the Majority Leader, then you have to lead by example. The only time that Hon. Ibrahim has attended this House was when hoping to be declared a leader or coming to push his agenda and when he does, he only contributes to that agenda and leaves.

Hon. Speaker, we took the same oath of an MCA, nobody was elected to be a Majority Leader, Minority Leader, or a Chair. We were all elected to be MCAs which is our core business and that is what we are paid for. The core business of this phone is to make calls and that is why when doing anything else when a call comes, everything else stops until the call is over. Our core business is being MCAs and that is what we must do. It does not matter the positions of privilege in this Assembly. Being a Majority Leader, a Chairperson or a Whip is a mere privilege, it is not a right. If you don't come to this Assembly because you are not the Majority Leader and you expect this Assembly to sanction such decisions, we are not going to accept that.

Hon. Speaker, committees are a miniature of the whole and are run on behalf of the Assembly. The chairpersons do their duties on your behalf and the decisions made in the committee are the decisions of the Assembly. Therefore, when somebody does not attend committees, it shows a clear disrespect of the law and Nairobians who pay taxes so that you can get paid. It is a shame for someone to be a leader and continue earning a salary and continue stealing, it is not right Hon. Speaker.

I don't want to oppose the motion but I wish someone out there is going to challenge our decision today. We need to set a precedence, we need to tell everybody, not just Nairobi, all MCAs in Kenya that if you don't attend the Assembly, you will be sent home and somebody will take up your seat. This should start with Kayole, Matopeni Ward. We may even have the first 'handshake candidate' in that Ward. There is no shortage of people to serve Nairobians and serve Kenyans. We are going to push that to the end, if you don't work, you must not get paid. Hon. Speaker, I beg to support, thank you.

**Hon. Speaker:** Mover!

**Hon. Jared Akama:** Thank you very much Madam Speaker. Even as I reply, I have listened keenly to the Hon. Members of this Assembly talking with wisdom as they respond and we appreciate it. I want to point out some issues on the Powers and Privileges Committee that need to be clarified. A county Assembly or any committee has powers to summon any person to appear before it to give evidence or provide information for; Clause 1 says that; this assembly sits at the level of a high court. You mentioned a certain court order and I am wondering a committee that is at the level of a high court can be challenged by a lower court or of the same status. You must rule on that but I would like to clarify what Hon. Ariviza has said, that this committee has three ways of imposing punishment but we opted for this one because we do not want to look like we are terrorists.

Madam Speaker, you know very well that in peace and conflict reconciliation we normally define terrorism as an act of instilling fear. If you always instill fear to fellow members, then you automatically qualify as a terrorist. Having given this verdict, it is not cast on stone. Upon completion of the punishment, it is subject to review. The Powers and Privileges Committee has the power to review if a member does not change.

*(Applause)*

Therefore, I want to assure Madam Ariviza even as she opposes, that this committee has the powers to review or even renew. We want to advise members that at times it is good to seek advice which can help you. I pity Hon. Abdi because perhaps his friends or his lawyers have advised him to go to court, opening a can of worms. As you have heard somebody can go to court and challenge the decision which has been made by this committee. It is good to advise friends and in the right way. I want to assure members that his committee will always carry out its duties with integrity and within the law. We are not after victimizing anybody and what we have done is to set records and following the precedence that has been set before. We believe that what we have done is within the law.

I want to take this opportunity with a lot of humility to appreciate the members for supporting this motion. I also take this opportunity on behalf of the Chair to appreciate all the members of the Powers and Privileges Committee for burning the midnight oil to ensure that this House gets this report on time. Having said that, I beg to reply. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Members, before I put the question, it is important to note that the Speaker is the Chair of that committee but I made a decision to excuse myself always from the committee until they finalize their business, they bring it and we execute it so that I don't find myself in conflict of interest. There is an issue that was raised; 'the prophet of doom'. This is not very good, the President and the General are not prophets of doom. Yes, Hon. Whip?

**Hon. June Ndegwa:** That particular statement was made by one of our members and it is even in one of the WhatsApp groups of the Water Committee, he called the NMS the prophets of doom.

**Hon. Speaker:** I said the other day that there is a law on cybercrimes. Some of these things that you put are not good and to call the NMS a prophet of doom, I will not allow that at all. Because it is like saying that the authority that brought NMS is a prophet of doom. This has to go on *HANSARD*; that this House is not going to abuse NMS or the President because he is the owner of NMS and he said it clearly. Hon. Members let us respect some of these things.

Lastly Hon. Members, I want to put it very clearly and I repeat, before I put the question.; this report is of a member of this House who was sworn in as Abdi Ibrahim Hassan. You know the law, and I have given examples of Baba Yao. These people went and gazetted those names; there is a process and law that allows you to adopt a name. Since that was never done, we know that the person who took the oath whose ID name reads.

This is a precedence and if you want to ask Hon. Wandayi, he will tell you that my mentor, Hon. Muturi, punished him. He went to court but he was told that this is parliament, he had to finish his punishment.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, I hereby direct now that the Assembly has adopted the report of the Select Committee on Powers and Privileges into the investigation of the alleged absenteeism from the assembly plenary sittings by the Hon. Member for Matopeni/Spring Valley Ward Hon. Abdi Ibrahim Hassan, I now wish to make the following directions:

Hon. Abdi Ibrahim Hassan shall not be allowed in the Assembly plenary sessions for the next four months' Assembly sittings and shall cease to enjoy all the privileges that he is entitled to by the virtue of being the Member of the County Assembly. The Office of the Clerk together with the Serjeant-at-Arms are hereby required to enforce this decision by the County Assembly. The decision is not subject to review by any authority in accordance with Section 10 of the County Assembly Powers and Privileges Act 2017 which provides that; *No proceedings or decisions of a county assembly or the Committee of Powers and Privileges acting in accordance with this Act shall be questioned in court.* It is so directed.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members there being no any other business, stands adjourned until Tuesday 9<sup>th</sup> June 2020.

*(The House rose at 11.40 a.m.)*