



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

SPECIAL SITTING

Thursday 9th January 2020

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have a communication to make.

DELIBERATION ON THE LEADERSHIP CRISIS IN THE COUNTY

Hon. Members, I wish to make a communication regarding today's sitting.

Hon. Members, first and foremost let me wish you all a happy new year. I trust that you had a wonderful festive season with your family and friends. Welcome back. The year 2020 is a spiritual year. Biblically, 20 is a complete number. It is a perfect waiting period which signifies fullness. It is our obligation to ensure that the pledges we made to wananchi are fulfilled.

Hon. Members, as you may all be aware, the Nairobi City County Assembly's special sitting for today was published in the Kenya Gazette on 8th January 2020 under the Gazette Notice No. 56 and pursuant to the provisions of Standing Order No. 30, with the sole purpose of deliberating on the leadership crisis experienced in the County and seek a way forward.

For the avoidance of doubt, Hon. Members, Standing Order No. 30 (4) provides that, and I quote; *"Whenever the County Assembly meets for a special sitting, the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the*

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County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.”

Accordingly, Hon. Members, the office of the Speaker is in receipt of a message from H.E the Governor of Nairobi City County, vide letter ref: NCC/GOV/VOL1/JAN/20/001 dated 6th January 2020, nominating one Ms. Anne Kananu Mwenda to the position of Deputy Governor.

(Applause)

Hon. Members, the Assembly has since sought Legal Advisory from the Office of the Attorney General and The Supreme Court on Monday, 6th January 2020 under Supreme Court Advisory ref: 1 of 2020. I therefore urge all parties concerned to be patient since it is in the interest of all of us to have a legally and politically stable County.

Hon. Members, I therefore invite you to soberly debate these issues knowing very well that the future of Nairobi is on our shoulders. I also wish to remind you to uphold the provisions of Standing Order No. 94 on the sub judice rule as you debate this matter.

For clarity, the said Standing Order provides as follows: - “94 (1) *Subject to paragraph (5), no Member shall refer to any particular matter which is sub judice or which, by the operation of any written law, is secret.*

(2) A matter shall be considered to be sub judice when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.”

It is, so guided.

(Applause)

MOTION

MATTER OF COUNTY IMPORTANCE

Hon. David Mberia: Thank you, Madam Speaker for giving me this opportunity to move this Motion on this special Sitting.

THAT, aware that Article 183 (3) of the Constitution of Kenya, 2010, provides that County Assembly while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs; further, aware that Part 12 of the County Governments Act, 2012 provides for the delivery of County Public Service where the County Government and its agencies have an obligation to deliver services within its designated area of jurisdiction; further aware that in the delivery of the services to the public, the County is to observe the principles of equity, efficiency, accessibility, non-discrimination, transparency, accountability, sharing of data and information, and subsidiarity; concerned that the current leadership crisis in the County Executive part and the suspension and interdiction of some officers have slowed down the process of service delivery to the residents of Nairobi thus denying them their rights; further concerned that the County has various pending bills which has continued to be a major economic policy challenge facing the County Government having inherited a huge debt from the defunct City Council thus exposing the County to high-interest rates and other unpredictable costs elements as the debt

trend has been increasing from one year to another; acknowledging that the National Government has put to task the county governments to clear all pending bills to ensure efficient and effective service delivery to the public across the country; this Assembly which is the representative of the people of Nairobi should look into the unfolding of events in the County leadership and repercussion to service delivery, to the public with a view of developing mechanisms to ensure that residents of Nairobi receive timely quality services without straining.

Madam Speaker, as a County Assembly and as a legislative arm of Nairobi County Government, we have three mandates which we were elected to represent the people at the ward level. These are; representation, to legislate for the County Government, and to oversight the County Executive.

Madam Speaker, as far as I am concerned, the members of this House have failed badly in their oversight roles. We appropriate billions of shillings for the County Executive to spend money, but as the legislative arm which has the authority to oversight over those billions, we have failed terribly.

As leaders, we are here to acknowledge that there are problems and crisis in this county. As a functional arm in this Government, we must provide leadership. For example, a human being was created with two hands, the left and right hand, if the right hand is cut off you must feed yourself with the left hand. Even if both hands are cut off, a human being must find a way of feeding him or herself. We are here to show Nairobians that as much as the County Executive Arm is destabilized, we as members of this House and Legislative Arm must show Nairobians leadership.

Madam Speaker, we all know that the County Government is not heading in the right direction. This is because the revenue collection as dived from Kshs. 4 billion last year to Kshs. 2.2 billion as we are speaking. We must know what exactly has happened after the contract of Jambo Pay was terminated and another platform was put in place to ensure proper collection of revenue in this County.

Madam Speaker, we must be independent as a House to ensure there is proper oversight over the County Government and its spending. It is not the business of the Senate to oversight the County Government. The constitution gives members of county assemblies the overall oversight over the spending of billions allocated to county governments.

Therefore, Madam Speaker, as much as we are waiting for the Treasury and the Senate to ensure that the County Government have financial autonomy from the County Executive, we must ensure as leaders that through office as the legislative leader of the County Assembly that we exercise our authority of oversight without fear or favor, sycophancy or political affiliations.

(Applause)

Madam Speaker, some people say that the County Government is fully constituted. That is a fallacy. There is no way a county government is fully constituted when you get a CEC member holding two or three dockets and most of them are in an acting capacity. There is a serious problem in the constitution of the County Executive Members. We as the members of the House should have a sober, deliberate and honest conversation with each other moving Nairobi forward.

Madam Speaker, as we are speaking now, we do not know what is happening in the other sectors like Health and Infrastructure. All other sectors have stalled because most of the officers there were suspended. Even those without court cases are still at home.

Madam Speaker, the County Public Service Board has a duty to ensure those staff who were suspended and have no cases in court should be brought back to work to ensure Nairobians get their services of which they pay taxes in billions. We do not know what is happening at Rates Department, Legal Department and other departments since they are not working, they have stalled. As a House, we must show leadership.

There is Nairobi Regeneration Committee which was formed by His Excellency the President. As members of this House, we really do not know whether that committee is still functional or not. Madam Speaker, at your direction, we want that committee to be brought back to life to ensure that through National Government and in conjunction with the County Government that there is service delivery to the County Government. As a House, we should not bring political differences here on the floor or outside the floor. We must ensure that Nairobians get services, which they dearly need and pay taxes for them. It is not about any individual. We are not here to discuss any individual. As leaders, we must show leadership and therefore we are here to give direction to Nairobians and ensure them that their taxes, which they pay for, are spent very well to the last penny.

Madam Speaker, before I call my friend and colleague to second this Motion, I want to bring to the attention of all the Members that my motion of 'One Ward One Vote' which we agreed here at the Kamukiji will be coming this February when we resume from recess.

(Loud consultations)

Hon. Speaker: Order! This is not a market where people are shouting, Hon. Members! You know where to press if you want to debate.

Hon. David Mberia: We are 85 members who are elected from wards. I can assure you that this Motion must go through. We have wards to develop. In the next financial year, every ward to get at least a Kshs. 100million to ensure that Nairobi is developed.

(Applause)

If a ward is developed, a constituency is developed, then the entire County will be developed too. I beg my friend and brother the Majority Leader, Hon. Thuo Wakarindi to come and second this Motion. Thank you.

Hon. Speaker: Hon. Members, when a mover is moving a motion, we should keep quiet to listen to the motion. If you have anything to contribute, you have to wait until we second and propose so that you can do so.

Hon. Charles Thuo: Thank you, Madam Speaker, I rise to second and support this Motion from my colleague. We are here today because we have realized that we cannot continue to stay there on holiday and seem that we cannot come back to work when it is clear that Nairobians are not sure what is happening, what type of services they are going to get and whether it going to be of value.

Madam Speaker and Hon. Members, we have a legal duty to ensure that our people will get services. I know we have not stalled but people need to be reassured and it comes from actions. We cannot keep sending hope and giving people mere words without seeing and without them feeling that we are doing something about it.

I would like to congratulate my colleague here because our business today, tomorrow, the day after and until the end of our term it is to ensure that our people get services. We are faced with a situation that was not even envisaged by constitution drafters. It only us that can salvage the situation. That is why I agree with the mover of the Motion that the Regeneration Committee that had been created by His Excellency the President should actually be operationalized. We should start seeking on how we can start working on it and know why it stopped because it is another avenue that might help in service delivery.

Madam Speaker, we must also do something about the county revenue because with our Governor not in office and father figure in the county lacking, we might now have some members of the staff go rogue. There is a problem because when money is stolen out there and when people misappropriate funds before they get to the cash office or accounts, then it is not possible to follow them through accounting. When we say that money is not being collected the way it should be done and it is less than what it has been collected before and the people who voted for us are still paying the same amount of money that they were paying before, then it means that there is a missing link between where the money is collected and when it is banked. Then we have a duty to ensure that all money that is paid by Nairobians get to the County and it does the purposes that it was intended for.

It is therefore very important that all members of this Assembly remain sober and agree to work on the issues which are in front of us without emotions, sideshows and without trying to play to the gallery. We agree that the issues at hand are either big or small issues that we can handle depending on the way we approach them. The serious of the matter cannot be overstated.

I am calling upon all the chairpersons, vice-chairpersons and all the members in different committees that it is time to stand up to the task and act. The chairmanship you have been fighting for so long, it is now time to act. I want to inform the members that we are going to decide on the chairs that do not do the services that the Nairobians needs at this particular time.

We are aware that we had some struggle and rough force here and there regarding the leadership of this Assembly but that is behind us now. We must now agree to move forward. If someone is still fighting back, we should ask them to postpone that fight. Let us deal with these issues of helping Nairobians.

It is only through committees that our members are able to carry out the role of oversight in the proper way because it is in the committee that we can sermon the chief officer, do a site visit, and we can look into the account and the operation of the County Government.

Therefore, Hon. Speaker, I beg to support this Motion and second it. Thank you.

Hon. Speaker: Hon. Ronald, I hope that you are not recording with your phone in this sitting. Put your phone down!

(Question proposed)

Hon. Speaker: Hon. Emily Oduor!

Hon. Emily Oduor: Thank you, Madam Speaker and happy new year to all the members of the County Assembly of Nairobi. I stand here to support this Motion. Madam Speaker, I remember when you came back you realized that we had so many statements from members that were not answered. I think that they were running up to 50 and we had no answers. It was not the will for this Assembly that we did not have the answers, I will throw this to the Executive. Every time we called them to give us answers on what was going on, the answers were always, "I do not know or I am acting." Because of this, they have dragged this County behind. Every time we go for a meeting you find, as the way my Minority Leader has said, we all have acting CECs that cannot lead us because we have no idea. We have also realized the minute a CEC starts working within a short period of time, he has either been transferred or thrown out. So, we do not have any continuity and without it in the Executive, we actually cannot deliver any services to the Nairobians.

There are so many things that are currently pending. We sit every year to talk about the Finance Bill, which is then put in the Finance Act, and nothing happens after that. We cannot even collect enough revenue in the County. Once we pass these bills they become an act and they are then swept under the carpet simply because someone will tell you that I was transferred and I do not know anything about it.

Therefore, I am appealing to you Members and Madam Speaker, that we should take change and move this County forward without any hesitation and it should be done as soon as possible. Thank you, I support the Motion.

Hon. Speaker: Hon Mark Mugambi.

Hon Mark Mugambi: Thank you, Madam Speaker, apologies if it is indeed wrong. I think it is not wrong because I believe the media are also covering it live.

Hon. Speaker: Hon. Ronaldo, if want to become a media person, we shall release you to go up there, but if you are a hon. member, it is wrong in terms of parliamentary procedures. Proceed on your debate.

Hon Mark Mugambi: Thank you, Madam Speaker, I thank the Hon. Minority Leader for his wise decision for calling us from the recess to address this urgent matter that is affecting Nairobians. As an elected leader, I feel it is wrong to draw salaries from the county yet we are not offering services. We can see from the happenings from the ground that things are indeed not right.

We have many potholes within the CBD, which is the hub of this great country, and this is due to the nonfunctioning of the systems. We have been fighting for the better part of the last two months and I believe it is the high time we took charge as the Assembly by putting efforts into revamping our Executives and make sure they are working for Nairobians that brought us here.

Madam Speaker, I understand that the president had given until 31 December 2019 to settle the pending bills. The better part of the month, we were fighting and we are now in January. I think we can push so that we can have the contractors and the suppliers paid so that at least they can gain hope that they had with us.

Madam Speaker, just the other day we advertised for WDF projects. I can tell you it is a hassle for the elected leaders because the contractors are not interested in our projects because of non-payments of these projects and the suppliers.

Madam Speaker, also in the spirit of making Nairobi great, you have just advised us about the nomination of the Deputy Governor. I would also like to ask or urge or leadership to deeply consult with our parties so that

we can expedite this thing because I think we are against time. We are short of time. For the elected leaders, most of us have not achieved 10% of the manifestos we promised our voters. If we go for elections now, most of us will not see the door of this Assembly. It is high time that for the two remaining two and half years, we put our efforts in serving Nairobianians so that they can see whether they can have mercy on us come 2022. We must make this city greater than when we found it. Thank you, I beg to support.

Hon. Speaker: Thank you. Hon. members, don't push me on the wall, let us respect the sitting.
Hon. Minority Whip.

Hon. Peter Imwatok: Happy new year, Madam Speaker and the hon. members. Also, happy birthdays in advance. In case I will not have time to attend yours, I have wished you in advance.

Madam Speaker, in history of our Parliament, this is my 7th year being a County Assembly member. It will define my life and the lives of generations to come that sat a son of a peasant forklift driver from shop 052, Kenya Railways, who then became a watchman of Kenya Railways while he was in form four in Eastleigh High School. It defines clearly that a son of a toilet cleaner in Makongeni J5, Door 10 and a hawker of jeans trousers, can stand today and define the history of our county.

As my able Minority Leader has put it, we the people of the republic of Kenya entrusted this Constitution to ourselves, the 123 members of this Hon House. My Minority Leader has spoken on behalf of the opposition side. In the history of politics, the opposing side must always provide an alternative to the government. We have been on autopilot mode as a county for two months now. It is time to learn the play either on the water, the rock or on the forest. History will always explain and ask us questions. At that time the pilot will have suffocated. While you were on board, what was your contribution?

Under the Constitution, the great people of Nairobi, in particular the people of Makongeni, Kaloleni and Mbotela bestowed that trust on this young man from the hills of Teso. The plane has to land safely with the people of Nairobi. That is the essence of our special sitting called by my able leader of Minority. This House has a jurisdiction and the premise to make sure that we land the plane that was bestowed on us under our Constitution.

Madam Speaker, our Minority Leader has spoken about the challenges of our community. I have always said that I was not elected only to represent the interest of the people of Makongeni, even that hawker has a right to be represented by me. In that corner when I was sworn in, I swore to protect the Constitution and sovereignty of all the people.

Madam Speaker, the issue of pending bills must be addressed by this House because we are representing those people who elected us.

(Applause)

In the last supplementary budget we passed in this House, it was a notion of sorting the pending bills where our small scale business people have done business with the county. It is unfortunate that three lawyers were paid a tune of Kshs. 970 million yet our small scale business people in this county have not been paid.

Madam Speaker, as a House, we urge your able leadership that the forthcoming pending supplementary bill before this House, we will not pass it unless the small scale business people are paid. I

met a lady called Sylvia who was my neighbor at 680 Hotel where I had a private office. She closed her office because she owed the county about Kshs. 3.6 million. She has walked in these corridors for the last one year. She has no opportunity to meet the brokers of the century. That any business you did before the current government came into place, you have to part with 30% so as to be paid.

As we move forward----

(Point of order)

Hon. Speaker: What is the point of order, Majority Leader?

Hon. Charles Thuo: Thank you, Madam Speaker, I want to remind my colleague and my friend that this is a special sitting that discusses matters that are very specific and that have been gazetted. I might or might not agree with what he says, but it is unfair to discuss and mention persons when there is no substantive motion. Thank you.

(Hon. member rose on a point of information)

Hon. Speaker: He has already sat down; I don't think he needs to be informed. Minority Whip, I know we are talking about pending bills as a crisis. I want us to have facts.

Hon. Peter Imwatok: Madam Speaker, I agree in totality. The Majority Leader is raising a pertinent issue, but the motion says that we must discuss county matters of importance including debt trend in our county. When I speak, I speak with evidence and if required to be validated, we can validate it with the taxman that Munika Company Advocates was paid Kshs. 250 million by a stroke of a pen. I am ready to defend that.

Madam Speaker, my leader has spoken about the trend in our county. As we sit here today, we are not only representing the wards that elected us but also the staff of this great County Government that work to provide services to our people.

In a recent Kumukunji that we held, we spoke about almost hundred staff who had been fired not procedurally and they are in court. In your communication, you said that we should not touch anything before court because it will be prejudice to the court process. There are staff who were fired via WhatsApp and others through Facebook. That is not a mode of communication in Public Human Resource Management Policy.

Hon. Speaker: Hon. Minority Whip, this is a matter that investigative organs took this morning. Allow me to request members to refrain in talking about the staff because the EACC has already picked on it.

Hon. Peter Imwatok: Madam Speaker, allow me to withdraw that. I want to narrow myself to a position whereby the legal framework must be a challenge from this County Assembly. Justices Maraga and Philomena Mwilu used to ask during presidential petition very simple questions. As we move forward under your communication on the issue of Deputy Governor which we oblige to follow, the question which we want also the fourth estate to raise before our legal experts is the question of a letterhead. Is a letterhead a public document or a private document? The law cannot work retrogressively. I have a benefit of doubt that in this House, I sat with Hon. Warutere to pass Emblem Act and Seal Act for this county.

When you look at the State Officers Act, it enumerates who a state officer is. I want this to be on HANSARD. It is also a challenge to the supreme court who we are seeking advisory from and the Attorney

General; whether a letterhead is a public document or a private document. Madam Speaker, I beg for more time to allow me expound on this. The essence of my question is to challenge the jurisdiction of the law. We must rely on the precedence that have been set by the courts on the definition of a 'state officer' and instruments upon which a state officer acts when he is in a position of power.

As I wind, I want to remind the House of the theory of a crippled society. When in the village and crippled, you will die. You have to make a choice to move to town----

(Point of order)

Hon. Speaker: What is the point of order?

Hon. Peter Warutere: Madam Speaker, the Member's time is up.

Hon. Peter Imwatok: I have asked permission to add me five more minutes because the ideas and articulacy are there.

(Laughter)

Hon. Speaker: I give you two minutes to finalize.

Hon. Peter Imwatok: Madam Speaker, I was saying the theory of a crippled society. When in the village and crippled, you will die. But it is better to move to town and die but there is food in the stomach. I know we have food in our stomachs but we have to die. I am not ready to die someone else's death.

This County Assembly has been treated to a theory of the chicken feather pluck off. This is a typical example that you can go home and do it. Take a chicken and pluck all the feathers and put it down and see who it will follow. It will follow the person who plucked it because it has hope that you will return the feathers.

(Loud consultations)

Hon. Speaker: I hope you have finalized.

Hon. Peter Imwatok: Because of the plucking of the feathers, we all must follow the Nebuchadnezzar of our time---

(Hon. Charles Thuo spoke off the record)

Hon. Speaker: Order, Majority Leader! The more you interfere, the more you go with his time. Let him finalize.

Hon. Peter Imwatok: For us to land the plane safely and make sure that business people in Nairobi-- I have just come from the Ministry of Water where we had a meeting with the Board of Water. The Board of Nairobi Water and Sewerage Company is in question the way they have been running six months down the line. *[EXPUNGED]*

Hon. Speaker: Order! Withdraw that from the HANSARD!

(Hon. member rose on a point of order)

Hon. Speaker: What is the point of order for when we have nobody on the floor? He has finished.

(Hon. member spoke off the record)

Hon. Speaker: It was not him to withdraw but those who are managing to withdraw.

Hon. June Ndegwa: Thank you, Madam Speaker and happy new year to all the hon. members in the House.

Hon. Speaker: Each member who contributes has three minutes. When you see the red light, you stop. Majority Whip, I will give you five minutes.

Hon. June Ndegwa: Thank you. Madam Speaker, the intention of this special sitting was not to whine. It is such a pity to come to this hon House and start whining about the problems that we have. We need to bring sobriety and show that Nairobi County Assembly and the County at large can be stable. What I hear from the members and the mood of the House is that we need to show that there is perpetual succession even if the Governor is going through whatever he is going through.

I am pleading to every member who speaks after me, with your guidance, to come up with solutions. We already know what the county is going through. What else are we bringing on the floor of the House? What else do we want to tell Nairobians? I would like to hear that we as an Assembly are stamping authority and calling on to the County Secretary to just give us a report on the number of CECs and chief officers that we have. Are they suspended and on what grounds where they suspended? Can they be brought back? Do they have corruption cases or not? We don't want to go ahead and pretend that we can do the work of the Executive. Ours is to oversight and to give directions. Madam Speaker, that is something I would like to hear from the members and the leadership of this Assembly. From today, I would like to ask that we as the leadership sit down to ask these fundamental questions. We need to know the state of affairs in this County; not from hearsays and from the media people but facts that are on the ground.

Madam Speaker, I would also like to hear what plan we have on revenue collection. I am being told that the Parking Department is the one that brings a lot of revenue in this city. But there are fights between the Parking Department and the Inspectorate Department. People getting into each other's job. This House should be able to bring all the job descriptions from the Public Service Board to direct every person to do their job. We were not elected or special elected here to come and not give directions in this House. If the revenue has gone down, remember Nairobi is 60% of the country's GDP, that means the rest of the country goes down with us.

I have heard of cases in the Planning Department that there are issues about the former Chief Officer. Do we understand what the Planning Department does? How many people it employs in this town? I want to give a short explanation. If you are planning to build a house in Nairobi, you take your drawings to the Planning Department. After that you will go to the ground. You will need masons and materials. There is a mama mboga who will come and cook food for the workers. You will need electricians etc. Are we sitting in this Assembly to discuss our problems or to give solutions? I do not want people to confuse and say that we are taking over the actions of the Governor. We are just asking those departments to give the Governor that hope that things can work. That he does not have to think about how people are not collecting revenue while he is having his own issues. All I am calling on is for this county to work.

Madam Speaker, I remain nominated by Jubilee Party. The President, who is my party Chairman is fighting corruption. Let us not get it wrong that we want to return the people who have corruption cases in

court. What we are saying is that we are supporting the president in this fight against corruption. Even if corruption is here, let us not lie to ourselves. If we are here and selling water from Nairobi Water, that is corruption. So, the President will come and sort us on the floor of this House. Rumour has it that people are taking money from the Legal Department or the Roads Department. If there is corruption here, he will find us here. So, can we just be sober and do what Nairobians brought us here to do.

Lastly, I want to speak on the supplementary budget that my able Minority spoke about. What I would like us to demand from the Executive is a proper stipulated itemized ward based supplementary budget because at the ward level is where we get development. If we are asking for KShs. 100 million, let us collect the amount and give to each ward because that is where our mandate begins.

Madam Speaker, off the curve, I want to speak about people who are saying they are buying seats because we have said that we are going to return the people who were maybe illegally from office. If let us say a chief officer is earning KShs. 300, 000 times 12 months, that is 3.6 million. But he is willing to give KShs. 25 million. What is he trying to tell us? Let us not lie to ourselves but come out of here with resolutions that we can show what we are all about in this Nairobi County Assembly. Thank you.

Hon. Speaker: Hon. Michael Ogada.

Hon. Michael Ogada: Thank you very much, Madam Speaker. First, thanks a lot for allowing us to have a special sitting. It is great that we have an opportunity to reflect about the county. That is what I have stood to talk about. Members have spoken and have looked at some of the things that are ailing the county. I am happy that everyone accepted that we have a problem. Just as the Majority Whip has put it clear, as a county, we need solutions to some of our issues. What has brought us here is to look at ways of getting solutions to some of the few issues that we have.

Madam Speaker, to start with, one thing that boggles the minds of some of us is that we acknowledge that we have a problem. When we try to propose some of the few ways of how to come out of those problems, then it becomes an issue. Many of the have not agreed that we have those problems. If we did agree, then we would be looking for solutions.

The first problem is the County Public Service Board. As an Assembly, we need to look into it. We have people on suspension. As you are putting it that there are investigations, investigations will not stop us from doing our work.

Hon. Speaker: Order!

Hon. Michael Ogada: I am not talking about investigations but the Service Board. The Service Board knows that they should have a specific duration in which they have to look at disciplinary matters so that in case somebody is out on a disciplinary issue, that person is supposed to be back in certain time. We have over 100 staffs who are on suspension and not taken to court. They are on full salary and sitting at home doing their businesses. They are robbing the county. That is why we are not getting development. If they are working for the county, then they are supposed to be paid. If you can't stop their salaries, basically you are telling us those people have no mistake. Service Board need to explain to the Assembly what is going on.

The other issue is about revenues. When my colleague started talking, he spoke about potholes. It is not only about potholes, there are problems all over. We don't have medicine in our health centers. The supplier is not being paid. KEMSA is not being paid because we don't have money. That is the welfare, the

health of our voters. You get money but instead of buying medicine, you pay a lawyer. Your priority is not right, not unless there are many things inside it. We need to give right priorities.

I remember my friend Hon. Karani, Utawala Ward MCA. There is a stretch of around 100 meters full of potholes that people can't pass from Nyayo Estate. They have gone for demonstrations more than thrice in almost six months. These people can't get helped. I tried to follow it up but they said they didn't have marram. When I finally checked, they told me the marram is there but then there is no fuel. It is now one full month when fuel of one truck is not there but you can still afford to pay KShs.970 million to a lawyer. Your priority is wrong.

We need to look at the priorities of how to do these things. We have got garbage all over. I overheard people who collect garbage saying they are not being paid that is why they can't collect. When we checked last, their budget is almost exhausted. Now a supplementary budget is supposed to come and assist us to help them continue collecting garbage. We have a problem that if we pass the supplementary budget, who will sign it? In the event somebody assists us to get a person to sign who is not supposed to be signing it, then that person who is the CEC Finance is an acting person who has no mandate and authority. She will not be allowed. We are in a total dilemma. We are confused. This Assembly needs to stop sycophancy which was said by the Minority Leader. We need to give leadership. We are too many to be sycophants.

(Laughter)

We need to give directions. Those things must be signed and services must be offered.

Hon. Speaker: Hon. member, are you calling your colleagues sycophants?

Hon. Michael Ogada: I withdraw. I said they should not be sycophants; I didn't say they are sycophants.

(Laughter)

Hon. Speaker: Proceed, you have withdrawn.

Hon. Michael Ogada: Madam Speaker, we have got youths in green overalls all over who have been demonstrating. Some of them come from my Ward. These are young boys and girls who have not been paid for seven months. There is no money. Their representatives cannot talk on their behalf. In fact, they have a page which they call it 'ten over ten' or something like that. They have added all elected MCAs. We cannot be able to help because, where do I go? *Nitaenda wapi?* I cannot help. There is no money and we still want to say that the Government is not functioning, it is not. This Government is not functioning and we need to accept that.

It is upon us to make sure that we put systems in place to make sure that the Government functions. Sometimes we are misguided by assuming that by supporting someone will make us to be re-elected. I have been elected thrice, it doesn't help. That is why I do not visit governors in their offices. I never went to Governor Kidero's office and I have never gone to Governor Sonko's office because it will not help me. That is the secret.

Let us focus on service delivery, serve the people and do what is right. Let us not allow the county to remain on auto pilot forever. We cannot have a Planning Department where the technical guys are all absent; they have been chased away. You cannot chase a technical person. A medical doctor who has

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gone to school for seven years for a degree and you sack him through WhatsApp? You need to have some manners. You need to respect these things. An Engineer taking five years in school and you sack him just like that, things don't work like that. You need to have some manners when dealing with these kind of things. These are people who were busy in school when you were busy doing some other things. We need to respect them. We are spoiling people's families by sacking someone whose first born is in standard two and you say he is corrupt and he is not taken to court. He cannot be employed again and you are busy eating people's money pretending to be rich. We don't work like that, that is the actual position.

(Point of Order)

Hon. Speaker: What is the Point of order?

Hon. Michael Ogada: I have finished Madam Speaker, thank you very much.

(Laughter)

Hon. Speaker: Order! Majority Leader, what is the issue?

Hon. Charles Thuo: There is only one Speaker in this Assembly called Madam Elachi and---

Hon. Speaker: Proceed.

Hon. Charles Thuo: Thank you, Madam Speaker. People should start respecting the Speaker even those who did not want her to be the Speaker. This is a Special Sitting which has a specific agenda---

(Loud consultations)

Hon. Speaker: Order! He is also on a point of order.

Hon. Charles Thuo: Thank you, Madam Speaker.

Hon. Speaker: Order! I know. He is the Majority Leader. Sit down, Hon. Ogeto we are not in a match.

Hon. Charles Thuo: I am on a point of order.

Hon. Moses Ogeto: Number what?

Hon. Charles Thuo: This is disrespectful. Can I name this member?

Hon. Speaker: Order, Hon. Ogeto! Hon. Ogeto, the Majority Leader of the Jubilee Party is speaking. I can also do it on you and you know that. So let us respect the leadership of this House.

Hon. Charles Thuo: I know they may not like you but you are going to contain them under the law.

Hon. Speaker: Majority Leader, tell us what is the issue.

Hon. Charles Thuo: Thank you. Hon. Speaker, my right to be heard is very clear. What I am saying is that this is a Special Sitting and we have specific business to discuss in this sitting. We are discussing the crisis that we are in and I like most of the things that the hon. member said are right. When you talk, please let us talk about solutions and how we can get out of this. I urge members to be patient and don't be emotional. Let us talk about solutions and then from there we can decide on the way forward and everybody will be happy about us. Thank you very much.

Hon. Speaker: I also respect you Minority and you know that. I agree, can we have solutions for Nairobians? Everyone has an opinion to what he says as long as it is within the parliamentary language. Let us respect. Get your time and you can say what you want but let us respect that.

Hon. Peter Warutere: Thank you, Hon. Speaker, I rise in support of this motion. This reminds me of some great words that were spoken by J.F. Kennedy in 1952, he said and I quote; “*Ask yourself what you can do to your county or country and not what your country can do for you*”.

Moving out of that I know---(Off the record)

In progressive window, we talk about three A's, admittance, acceptance and action. We admit it--- (Off the record) --- talk, keep on talking some very sweet English, it will not help Nairobians. We must start now moving from this Assembly and talk about the six-point plan what is it that we can do for this great county. We were elected to oversight and while we are at it, we must help the Executive in ensuring that at least we admit their leakages, and fundamental issues that are not there. There are systemic issues that must be addressed by us. It is not good for us to sit with very beautiful attires and suits and expect that we do not have an obligation. We have an obligation for *Wanjiku* and it must come from us. I am sure we can sit down here and talk like we are not part of the solution. This business is not about the Executive alone, we must now pick the broken pieces from here and ensure that we fix Nairobi.

When I was elected, and I am glad I have been elected for two terms, *Wanjiku* gave me a specific purpose to ensure at least I give provision for what she needs. I must do exactly that and I hope that as my Majority Whip has said, we need to pick it from here, let us ask ourselves, what is it that we can do for Nairobi County? Because if we procrastinate and just sit there, saying that there is somebody eating money or doing what, what then are we telling Nairobians? We must start now by preaching hope by saying, yes indeed we have issues. Like the committee that I head, it has systemic issues that we can sit as an Assembly and as a committee and try on focusing on what we need to do in terms of fixing the issues.

I am glad that we have an opportunity and the legacy that we can leave as a people is to start thinking of the quick fixes that we can provide for Nairobi. I am happy we have an opportunity three years down the line. There are things that we have not done right but I believe as we sit down, the Nairobi that was there in 2017 is not the one in 2019, we have moved a mile or two but again we are not where we wanted to be. Let us struggle and strive to be where we anticipated and wanted to take Nairobi.

I hope the mood of all us starting today is to shift from rhetoric, talking and we go to number three in terms of actionable plans. Let us start thinking about other people, there is that bit that you can do as a person. How I appreciate as I sit down and when I listen to the son of pastoralists talking about where he has come from. To me history does not matter, what matters is where we are going. I said it and I repeat that when we came here, we purposed to change Nairobi. There are many things that are wrong but what will define our leaving is the actionable plans that we will leave with that door.

Therefore, I pray and implore my good friends that we move from rhetoric, talking about what is there. What has been there cannot help Nairobi, it needs hope. We can only talk of hope when we talk about a six-point actionable plan like what we need to do after this Assembly. I know people are going to talk about where we are, what has happened, but that is history. We cannot eat history. What we need now is to sit as a people and admit that we are in that hole, then focus on how we can get out of this hole and ensure that Nairobians have good education, good health and all their aspirations met at their point of need.

I hope moving forward we will move this motion from where we are and agree that we are in that hole and agree on what to do to fix Nairobi.

I rise in support of this motion and I want to thank the Minority Leader for feeling that we have a need and a desire to change Nairobi. As we move from here, let us have a deliberate attempt by all committee chairpersons to work on quick fixes to address the leakages that are there and ensure that at least we have money that we can supply in terms of supplementary budget and take Nairobi to the next level. Thank you, Hon. Speaker.

Hon. Clarence Munga: Thank you, Madam Speaker for giving me an opportunity to debate on this very important motion before us. Let me also take this opportunity to congratulate our Minority Leader for taking a bold step of convening this special meeting to discuss about the welfare of Nairobi County.

Madam Speaker, I was elected by people from Kabiro Ward and I have been receiving calls from all quarters in Kabiro Ward asking about the status of Nairobi County. Having been elected to represent the interests of my people, the bottom line is, our people are worried about the service delivery of Nairobians. That is the reason why I stand where today to emphasize that we need to ensure that service delivery to mwananchi is taken care of despite the challenges that we are going through now.

Madam Speaker, my second point goes to the heads of all the sectors of this county; that is Health, Roads, and Environment. We need to ensure that the heads of all these departments plus their accounting officers--- because in this assembly we passed the Budget and the Appropriation Bill giving the Executive powers to ensure that they use the resources for service delivery for Nairobians. For that, I want to re-emphasize the commitment of this House when it comes to oversight. This is the time that we need to empower our committees to ensure that all heads of departments are accountable in terms of oversight and ensure that they deliver services.

There is an aspect that our Minority Leader has said in terms of the pending bills. We cannot overrule it. The National Government has said that the pending bills must be paid. Let us ensure that the contractors have confidence to supply and construct our roads, our hospitals and ensure that Nairobians get value for money. On pending bills, we need to ensure that the right people are paid, and this County Assembly has a responsibility. That is why Mheshimiwa was talking about what are the priorities of this county? Do we pay lawyers or do we pay contractors?

On the last aspect, Madam Speaker, there is an issue of revenue. In January, February and March, this is the peak that the county collects a lot of revenue. It is the responsibility of this County Assembly to ensure that officers who have been mandated to collect revenue of this county make sure that revenue is collected to the maximum. If we miss the target, we are talking about not implementing what we have passed in this County Assembly.

Lastly, Madam Speaker, as an elected member representing the interests of the people of Kabiro, I urge this House and all the sector heads that we need to have a round table meeting with them so that they can assure us and Nairobians that service delivery will be the core mandate of this county. I rest my case, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Members, I can see that many of you want to contribute and I want to ensure that each one does three minutes. I want to take you to Standing Order No.112. Try much not to repeat what

has been said, your agreements used by other members in the debate and try to stick to the three minutes so that each one of you speaks. Hon. Jagero.

Hon. Millicent Jagero: Thank you, Madam Speaker and happy new year to all hon. members. I rise to support this motion and I will start with the pending bills. We all know that when the government took over, there were accrued pending bills of over Kshs. 66 billion that was there. That is the reason why a Pending Bills Committee was formed. Verification Committee was formed that was led by one Professor PLO Lumumba. After the report that he gave in March, a total of Kshs. 23 billion was legitimate and was further audited by the Auditor General and came to a total of Kshs. 11 billion. So far Kshs.4.1 billion has already been paid to the suppliers and the small contractors that have done work in Nairobi.

As a county today we need to ask ourselves, how much and what is the balance that is remaining in the pending bills? How much is going to be paid and when are the bills going to be paid? I believe that the Gazette Notice was very clear, we were to come with solutions and not whine in the Assembly.

Secondly, I will speak on the issues of the Executive. Yes, they are in the offices and when they do not carry the files or data with them, there is someone who acts in their capacity and it is their obligation to come and implement what they have been mandated to do by their boss. There is no excuse in saying that they are sacked every time they are not working or they are not implementing. They are very slow in implementing. We need to know the reason as to why they do not implement as per the time the Assembly's obligation in overlooking them.

Thirdly, we all understand that learning is not confined to the four walls of a classroom. When they are sacked from their offices, it is not about their degrees. We have 80% of the investors who are very successful and is not about their education. It is about performing your duties and roles and not about the number of degrees that you have. You would rather have that degree and stay at home and do your work diligently or come and perform without those degrees because we want services delivered, we do not want to know the importance of your papers. Knowledge is power but the implementation part is more powerful than what they are telling us about their degrees. Thank you, Madam Speaker.

Hon. Kennedy Obuya: Hon. Speaker, happy new year and all Hon. Members. This is a beautiful day for the citizens who I represent of Imara Daima Ward. I want to congratulate my Hon. Minority Leader for being a candid leader and seeing the sense that indeed Nairobi has a problem.

Hon. Speaker, I rise to support this motion and from the developments of yesterday and last week, humanity needs hope, the world needs hope. It is true as a global community we all have challenges from home and at the national level. But hope always drives humanity. Our Governor was candid enough from the communication that you gave us, it gave me hope. It is the same hope that I will give to the people I represent that indeed the Governor still has the citizens of Nairobi and Imara Daima interests at heart.

(Applause)

Hon. Speaker, the Deputy Leader of the ODM party, the party that I have fought for and will fight for-- The ideals and principles that we stand for, one of them is fighting corruption, and the other is bill of human rights. Hon. Speaker, the Council of Governors (COG) Chair is none other than the Deputy Party Leader H.E Wycliffe Oparanya. In his wisdom as the COG Chair, he said that the gesture of the Governor of Nairobi by

nominating a Deputy Governor is indeed in good will and it is important for the development of Nairobi City County.

(Applause)

Hon. Speaker, informed by the developments of the communication that you gave us today and informed by development from the COG which is a sister stakeholder to devolution, the people I represent requires that at this moment I must be very sober and must speak with the voice of reason without inciting anybody. It is true that we have a problem, but there is a gesture of a solution which is the submission of a nominee to the Office of the Governor is by itself ---

Hon. Speaker: Hon. Obuya, you know you have anticipated debate and you have started a very different debate. You are going to put many of us and even the said nominee in a lot of trouble for nothing. I would like you to go back and look at your points properly. Kindly stick to the special notice.

Hon. Kennedy Obuya: Hon. Speaker, I stand guided. However, Hon. Speaker---

(Point of Order)

Hon. Speaker: What is the point of order Hon.---

Hon. Peter Kimuhu: Thank you, Hon. Speaker. I am rising in support of what Hon.---

Hon. Speaker: Is that a point of order, Hon. Member? Proceed, Hon. Obuya. I have said, let us stick to our motion. Let us not bring sideshows. Let us not destroy the goodwill of what the Governor has done. Let us not do that, stick to the motion.

Hon. Kennedy Obuya: Hon. Speaker, I want to thank my brother for supporting me, thank you senior.

Hon. Speaker: Withdraw that. Hon. Obuya, you might be thinking it is a joke, you will mess so many things. Let us follow the law and not put our special sitting into question by any lawyer out there please. Do not put the nominee into problems because of this.

Hon. Kennedy Obuya: Hon. Speaker, I stand guided. I wanted to speak on the strength of Standing Order No. 43. I wanted you to guide us from the communication that you made, on Standing Order 43 (a), please guide and direct us that the message be dealt with forthwith or (b), appoint a day for consideration of the message you gave us---

Hon. Speaker: Order Whip! Hon. Member for Imara Daima, I will want to guide you and one day you will remember that. If anything happens to the same name, you will carry the responsibility because you know very well that when a special sitting is put in a Gazette Notice, it has its mandate. The moment you go out of that, you bring a question to this Hon. House. I have asked you in a very honorable way to stick to the motion of today.

Hon. Kennedy Obuya: Hon. Speaker, I stand guided. It is true that we have a crises and we need a solution. It is also true that the solution lies with us. I wanted to remind hon. members that in the quest for seeking for solutions, let us not overstep our mandate of oversight and assume the position of the Executive, let us remain overseers. Thank you, Hon. Speaker, I beg to support.

Hon. Leah Supuko: Thank you, Madam Speaker and happy new year to all of us. I rise to support the motion and I don't want to dwell on the issues that other members have already mentioned. One of the hardest decisions made in life is to choose which bridge to burn and which to cross. As we choose the bridges that we want to use, Nairobi County must move on.

It must move on in the sense that services to Nairobians must be realized. Because we have been told to give the way forward or solutions. Two of the solutions that I would like the House to follow are; to strengthen or the Liaison Committee to take their job seriously plus all the committees. When I came here, I never saw the seriousness of hon. members in their committees and you cannot oversight people that you dine with. You either choose the bridge that you want to cross or the one to burn.

By saying that, Madam Speaker, we were told to talk on facts, and I have one fact this afternoon. I was in the Ministry of Water with the CS, PS and other stakeholders of water. The reason we were called with my able Chair of Water Committee and the Minority Whip who attended that meeting was because the regulator which is WASREB has already risen a red flag on the Nairobi Water institutions. That is one fact that I got to know this afternoon. It is a serious issue because water is life. The issues that the regulator had forwarded to the Minister is that Nairobi Water Company is not performing its mandate, we are not in other words giving Nairobians the services that they need. That is one fact that we came to know about this afternoon and we should deal with it because we are the oversight body to oversight Nairobi Water Company.

Lastly Madam Speaker, I want to support the Minority Leader for bringing this motion for us to discuss the issues that are facing Nairobians this afternoon. But I want to disagree with him on one issue, of one vote, one ward.

(Applause)

Madam Speaker, you are a lady and I don't want to imagine that one day, you will agree to follow one ward one vote. We, as nominated ladies here, are not here by mistake. When I started coming here, the notion is that we never put any poster. But I worked for my party day and night. I want to finish by putting the men on notice that we are not here as flower girls. We are here to represent Nairobians. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Minority Leader, order! You are my Minority Leader. Deputy Minority Whip.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I wish all Hon. Members a Happy New Year. Hon. Speaker, I also thank the Leader of Minority for this special sitting. The motion is very clear. That the service delivery under the current leadership has failed. Hon. Speaker, for us to achieve, revenue collection must meet the set targets. For us to achieve service delivery in this city, as the Rt. Hon. Raila Omolo Odinga and the President said, there should be no corruption. For us to get medicine in various hospitals and dispensaries, for us to ensure that all roads in Nairobi have been tarmacked, corruption must not be an issue in Nairobi county. So, this motion has ensured that it has captured that. For service delivery to be achieved, this government must accept that it has failed.

Hon. Speaker, for us to achieve the intention of this motion, this government should not sack employees who have gone to schools to gain technical support to guide this government. That one must be stopped. For us to achieve what the motion is saying, Nairobi Regeneration Committee must come back. The

committee was very clear. It had the 4 agenda; housing, health, infrastructure and other responsibilities of young people who don't have employment. It unfortunate that the youths have started begging for money regarding work they did. This government has failed. As I conclude, I would wish the Leader of Majority respects the Standing Order.

Hon. Speaker: Order! Order! We finished that.

Hon. Moses Ogeto: I am sorry. As I finish, the point must be very clear that you don't just stand up without naming which type of point of order. That must be very clear to them. As I finish, this Assembly must form a very serious committee which will ensure that in the next three months, Nairobi is in a safe place. As I finish, this financial year, they must allocate Kshs. 100 million or more to each ward for service delivery. Hon. Speaker, I beg to support.

Hon. Speaker: Hon. Ogeto, I just remind you that you have already told us that we shall have the Regeneration Committee to proceed with its work. We have committees in this House. We have chairs. I would want to urge the Government side that you are the chairs of this House. Take responsibility so that we don't get into this lacuna we have in now. Chairs of committees, take responsibility. Hon. Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Madam Speaker. I want to make my submissions regarding the motion that is before this House. While doing so, I would like to encourage the Leader of Minority that when that motion comes, I will be happy to move it. One ward one vote. Hon. Speaker, there are complains outside of these walls. They are saying that Nairobi City County Public Service is marred with abuse of power, discourtesy, corruption, injustice, misbehavior and undue delays when there are pertinent issues that are needed.

Hon. Speaker, this is the Jubilee administration. I want to remind you that prior to that, there was an administration. This administration found an institution that was so weak in structures, so frail in its ethics, so massive in its corrupt practices, that was expected to deliver what the Leader of Minority is saying that quality service without straining would have been a wild dream. Now, we are boasting. We are boasting of an institution that has come stride by stride, step by step, towards the delivery of quality service without straining.

Hon. Speaker, we can critique, but when we critic, let us give credit to where credit is due. I would like to submit factually several things before this House. One, the report of the Controller of Budget 2018/19 said that the Nairobi revenue has increased from Kshs. 10.1 billion to Kshs. 10.25 billion. That is 1.4% increase in the revenue that is collected. That is what we need not to go down. We are saying that as a House in this present challenge, the revenue should not go down. Hon. Speaker, revenue is a compilation of many things. It is in the Transport Sector, Health Sector and others. We are saying that all those should be watched and oversighted to make sure that they are doing their work. They should not go down.

Let us talk about wage bill reduction. The wage bill reduced by 7.4% from Kshs.14.84 billion to kshs.13.74 billion. We have heard several times talks about ghost workers.

(Point of order)

Hon. Speaker: There is a point of order.

Hon. Peter Imwatok: I am on point of order under Standing Order No. 96 on responsibility for statement of facts and more so in the rules of parliamentary practices and debates. That any Member

debating must not read from a script. Hon. Speaker, guide this House. Is Hon. Mbugua on Google reading to us facts from the Central Bank or from his expertise?

Hon. Speaker: What is your point of order?

Hon. Peter Imwatok: The fact that it says a member is responsible for the accuracy of any facts---

Hon. Speaker: What has he not said?

Hon. Peter Imwatok: The issue of revenue is in the public domain. That the revenue collection in this County under the Budget and Appropriation Committee and the Chairperson is seated---

Hon. Speaker: Hon. Minority Whip, are you saying that the report of the Controller of Budget is wrong?

Hon. Peter Speaker: Yes, because we have not verified whether it is a statement or fact.

Hon. Speaker: Order Whip! You know the report. Sit first so that I guide you a bit. The report of the Controller of Budget was tabled in this same House. You never stood at that time to dispute that you have facts that are much better than the facts that have been printed, gazzetted in this republic because it carries reports not just for Nairobi but the 47 counties. So, I wish that you withdraw that statement that the report of Controller of Budget is wrong.

Hon. Peter Imwatok: I was speaking on parliamentary practices Hon. Speaker. If a Member has to debate, he is not going to show us a laptop as he debates. So, we cannot verify instantly whether they are statements or facts. Let the Serjeant-at-Arms check if he has notes on his desk.

Hon. Speaker: Every Member is allowed to have notes. The only thing they are not allowed is to read something like a newspaper. We shall ask for facts because this is a house of facts.

Hon. Peter Imwatok: It is my right to ask for facts. We stand with the law. Is he reading?

Hon. Speaker: I want the Serjeant-at-Arms to check. Does he have a laptop?

He has no laptop. Hon. Minority Whip, you must withdraw and apologize to him. It is not fair. He does not have a laptop.

Hon. Peter Imwatok: I withdraw the Controller of Budget, but the fact remains that he has a document he is reading from.

Hon. Speaker: Is he reading as a newspaper? In parliamentary practices, you are allowed to have facts. You have taken his time. That is why the Standing Orders ask you to substantiate whether they are facts. That is why we agree when we are debating and when dealing with figures, you must come with facts. I can also order to table the facts.

Hon. Peter Imwatok: That is why we say that the current dispensation order during this quarter is in public domain. We cannot misrepresent in this Assembly by saying that the revenue is going up.

Hon. Speaker: What has he misrepresented?

Hon. Peter Imwatok: By saying that revenue collection has gone up by 1.4% It is wrong.

Hon. Speaker: Order! Order! Majority Whip, what is it?

(Hon. June Ndegwa spoke off the record)

Proceed, Hon. Mbugua. Hon. Members, you know, sometimes, it is important to respect the order of the House. Yes, you are allowed to have your facts. You are not allowed to read it as a newspaper. I didn't see him read. So, proceed until the Speaker's eye catches what you are reading.

Hon. Mbugua Kabiro: Thank you, Hon. Speaker for protecting me.

Hon. Speaker: You have one and half minutes to finalize. Proceed.

Hon. Mbugua Kabiro: Hon. Speaker, I was talking about the wage bill reduction and I want to urge my hon. colleague to confirm with the Auditor General's report and be reading the Controller of Budget's report which comes to the floor of the House.

This current administration has eliminated most of the people we would call ghost workers. People who used to be present in the payroll but absent in the place of work. The biometric identification of staff was a solution that was done in this current administration that we loud it. We cannot allow someone to introduce ghost workers. That is a solution that I am giving.

Hon. Speaker, let us talk about the development expenditure and the road infrastructure. Factually, for the last two years, there has been 123 kilometers of road done. I would want to say that you do not start a city's solution from inside out. Go to the outskirts of Nairobi and other placers. Roads are coming back into the city. Once that has been sorted, the city will be dealt with and congestion will be sorted out. We should not let that go down. The 100 kilometers of road that are scheduled for the next two financial years should be hampered by any of us.

Hon. Speaker, healthcare is one of the dockets that have been frustrated by the previous administration. Let us talk about the different hospitals. We have Mbagathi Hospital, the Mutuini Hospital, and Pumwani Hospital which is now rated as one of the best maternity facilities in East and Central Africa. We do not want Pumwani Maternity Hospital to go back to where it used to be. We all know what it used to be. We cannot say that the CV of Pumwani Hospital is not known to us. We are watching those cartels.

(Point of order)

(Loud consultations)

Hon. Moses Ogeto: Hon. Speaker, I am on a point of order. The spirit of the motion is very clear. In the last paragraph, we are acknowledging that there is a crisis. We should be within the limits. Hon. Speaker, protect me from my Whip here. That is why you had told off Hon. Obuya because of being out of context.

Hon. Speaker: What is out of order?

Hon. Moses Ogeto: He has called me a cartel.

Hon. Speaker: No. Withdraw that. He didn't call you a cartel. What is out of order?

Hon. Moses Ogeto: He is out of order because he is trying to tell us the performance or what the government is doing, but the motion is very clear that we are acknowledging that there is a crisis in Nairobi. I am a member of Health Committee and what he is trying to say is not true. Let him confine himself within the motion.

Hon. Speaker: When I listened to your colleague on the floor, he gives the performance, yes, but he questions that we should not allow ourselves to disintegrate from what has been achieved. All he is saying

is that this has happened. If you are indeed an oversight House, let us not go down to what has been done. Hon. Kabiro, you have 5 seconds to close.

Hon. Mbugua Kabiro: Madam Speaker, they have disrupted my thought process. If you can add me one minute. Thank you. I cannot start by talking about the performance of funded projects. The World Bank, through its project, lauded this administration for implementing most of their projects. The projects were worth Kshs.18 billion. This is not a small amount of money.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! You know, when you are given your time, people respected it. There are many who want to speak and I would not like us to disrupt others when they are giving their--- Order! He is debating. Finalize, Hon. Kabiro.

Hon. Mbugua Kabiro: Hon. Speaker, in fact the world bank institution will be rolling out the next project that will help Nairobi to be better. The Danish DANIDA has funded the health projects and they have lauded the city county of Nairobi for executing their projects in good time and properly.

Hon. Speaker, let us talk about the war on corruption. The EACC survey of 2018 placed Nairobi City County where it never used to be. Nairobi City County used to be among the top 20 most corrupt counties. In the 2018 report, they never featured among the top 20. That is an advance that we have made. The solution that I as a Hon. Member ask this House to do is that we look at the challenges that we are having right now. Let us have an independent committee that will look at the current situations and guide. Let the committee be composed of Hon. Members, few professionals and other people who can help Nairobi get out of this cage.

In partnership with the National Government, let us also support the regeneration program. That will happen because the co-chair of the program is His Excellency the Governor Mike Sonko. Let us not wish away that fact. Let us support, but let us be watchful of the people who are coming to destroy and those coming to take us back to where we were and let us look forward stride by stride towards a better Nairobi. Thank you very much.

Hon. Kennedy Oyugi: Thank you, Hon. Speaker for the opportunity. Let me begin by visiting my old time friend, Martin Luther King Jr. He said that we may have come from different ships, but we are all in the same boat. As a House, we are two sides; Jubilee and NASA. But here, we are in one boat called the Assembly of Nairobi. Indeed, there is a problem in the county. No one owns the problem. Neither Jubilee nor ODM owns the problem. It is our problem.

I want to begin by supporting the motion. My Leader of Minority, I am proud of you. I begin by word of advice to both the Leader of Majority and Leader of Minority. Let us all work with the Governor, but let us not go to bed with the Executive. The reason why I am saying this is because we all recently saw the acrimonious fallout between the then Leader of Majority and the Governor. It was because they were working together and they were in bed. It is a food for thought. Where the rain started beating us is as a result of the then leadership who opted to go to bed with the executive instead of oversighting it. I want to give you a practical example. I also want to point out a number of sectors. Let us start from the health department. We

have a serious problem at KEMSA. Have you ever heard the Health Chairman complaining about that? He hasn't because he is in bed with the Executive.

To proceed, we have a problem at the environment. There is garbage everywhere. Have you ever heard the Chair of Environment complaining? No. Because he is in bed with the Executive. We have a problem in Transport and there is a serious demonstration.

(Point of order)

Hon. Speaker: What is the point of order?

(Loud consultations)

Order! Yes, Chair.

Hon. John Muthiga: This is the time to look for solutions. It is not time to say that the chairman did not talk. We are looking for solutions.

Hon. Speaker: What is your point of order?

Hon. John Muthiga: My point of order is that he should not stand there and say that we have not been talking. He is misleading the House. Hon. Oyugi, are you misleading the House? How do they sleep in bed? I want you to use a language that Kenyans will understand because when you say they are sleeping in bed, nobody understands what you are saying.

Hon. Speaker: I would wish that you use a language that the people of Nairobi understand. What do you mean by "they are sleeping in bed"?

Hon. John Muthiga: Hon. Speaker, I am a man and so is the Governor. What I mean to say is that I only sleep with a woman.

Hon. Speaker: Order!

Hon. John Muthiga: I am very straight, Madam Speaker

(Loud consultations)

Hon. Speaker: Order! Order!

Hon. John Muthiga: Madam Speaker---

Hon. Speaker: No, Hon. Warutere.

Hon. Kennedy Oyugi: Madam Speaker, this is a question of mastering words of English. I have not said that the Chairman for Environment is sleeping in bed with the Executive. What I meant to say is that they are on bed but not sleeping in it

(Laughter)

Hon. Speaker: Order!

Hon. Kennedy Oyugi: Madam Speaker---

Hon. Speaker: Order Hon. Oyugi! Order Chair! I need clarification on this so that we do not put this on HANSARD. Get the right language Hon. Oyugi

Hon. Kennedy Oyugi: Madam Speaker, that is a phrase. I am not referring to sex but a working relationship.

Hon. Speaker: Proceed.

Hon. Kennedy Oyugi: Alright. Madam Speaker, I am advising chairmen of committees that moving forward, we should learn to work with the Executive and not be in bed with them. This is because if we are in bed with them then we cannot effectively conduct our oversight role. Hon. Ogada lamented that there have been three demonstrations in a span of six months in Utawala ward because of portholes that have not been repaired. Reason being the chairman of transport was in bed with the Executive and could not effectively reprimand them to repair the said road.

Therefore, moving forward, we want effective oversight of the Executive. We have spoken of suspension of staff to the tune of 100, where has the Committee of Labour been. It is because they are in bed with the Executive and if that were not the case then probably, the issue would have been addressed. Moving forward, I want the Labour Chair, his committee and the County Assembly Service Board to look into why staff were suspended. I represent an area that is prone to fire, Kibra yet I have never heard the Chair for Culture complaining about disaster funds because he is in bed with the Executive. Moving forward, we need him to take charge and take the funds off the Executive where Nairobianians can access it at any given time. The Minority Whip and Hon. Ogada spoke of a tune of Kshs. 900 million being paid to lawyers. This is a shame---

Hon. Speaker: Hon. Oyugi, I gave everyone one request and we should not repeat ourselves.

Hon. Kennedy Oyugi: I am talking about a different thing. Madam Speaker.

(Point of order)

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

Hon. Peter Warutere: I have a right to reply since I have been mentioned. I wish to inform my very good friend that as a Government, we cannot play the role of the opposition. It is the work of the opposition to make sure that they raise issues on the floor when they arise. Why are chairpersons working with a Jubilee Governor? It is because we are in the same Government. Looks to me like the opposition is sleeping on its job. We will not teach you on what you need to do as an opposition.

Hon. Speaker: Hon. Warutere, what is your point of order?

Hon. Peter Warutere: Hon. Speaker, I am at pains when my very good friend talks of what we are unable to do yet today we were able to pay Kshs. 35 million to KEMSA. He does not know that and does not want to be informed. This is a House of rules and procedures and we should talk from a point of knowledge.

Hon. Speaker: I wish you informed them of the same when you were giving out your contributions

Hon. Peter Warutere: Thank you but I just had to inform him.

Hon. Speaker: Thank you.

Hon. Kennedy Oyugi: Madam Speaker---

Hon. Speaker: You have ten seconds remaining

Hon. Kennedy Oyugi: Madam Speaker, Hon. Emily Waitthaka has donated her time to me.

Hon. Speaker: Who?

Hon. Kennedy Oyugi: The primary responsibility of a member of the County Assembly as enshrined in the Constitution are three; legislation, representation and oversight. You cannot be a member of the Executive. That is a shame. The Minority Whip spoke of the Executive paying Kshs. 900million at the expense of KEMSA. We have a PAC Committee as a watchdog and have never received any report from them indicting a member of the Executive because the leadership is in bed with the Executive.

Therefore, the day we will realize that our primary responsibility as members of the County Assembly then the problems affecting the County will be a thing of the past. I need your attention Madam Speaker

Hon. Speaker: Your time is up.

Hon. Kennedy Oyugi: In conclusion, I wish to note that it is important to work with members of the Executive but not to be in bed with them at any given point. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, this is a special and timely sitting. Therefore, I will give three members from each side to contribute since we do not put the question but give directive and thereafter I shall close the session. Hon. Muthami Grace

Hon. Nancy Muthami: Happy new year members. I stand here to support this motion and congratulate the Minority Leader. Also, I disagree with him because we are not here as special elect by default but as a result of the Constitutional mandate on the two-thirds rule. Let us respect each other as we undertake our roles. Thank you

Hon. Speaker: Hon. Rose Kula

Hon. Rose Ogonda: Thank you Madam Speaker. I rise to support this motion. Before I state the condition of the residents of Kware ward, I want to say this to the women in this House. I was once abused as these men have started but I went ahead and put up posters in my ward. Therefore, just pray to God so that he opens your ways. Secondly---

Hon. Speaker: Proceed

Hon. Rose Ogonda: I want you to pay attention to what I am saying. It is good to give credit where due. Standing here I wish to say that I have a road called Kware-Kimondo Road that was done with the administration of Governor Sonko. Members of the Executive are not taking members of the Minority here seriously. For example, a lady contractor was paid Ksh. 7.8million to do a road in my ward and immediately disappeared. Whose job is it to go to the ground and oversight? The road is impassable. I went to see the acting chief officer for roads and the site engineer and from the look of things nothing is going to be done. There is no ongoing business in that place because there is no road therefore how do we expect them to pay us license? I beg the transport committee to resume and walk to the various wards and take action on the matter. Let me not put it as Hon. Oyugi did but I ask that we do not sleep on this matter. Lastly, garbage is everywhere and contractors have not been paid. Does it mean that we have to wait for the Governor to come back so that they can be paid? This is the year 2020 and we move together or we part ways. Blame games are being pushed to the Governor and I am left to wonder what is the role of the chair of departments, directors, chief officers and the ministers of those departments.

(Applause)

Hon. Rose Ogonda: I pity myself for having been elected. This is not a laughing matter. How are we going to pay the youths who are working tirelessly?

Hon. Speaker: Your time is up.

Hon. Rose Ogonda: I am winding up, Madam Speaker.

Hon. Speaker: Two seconds.

Hon. Rose Ogonda: The Minority Whip and the Majority whip are slow learners judging from the way they are talking. Therefore, you need to accept that because we will get there. We vetted the Public Service Board and only three were good for the job. The rest were forced upon us. What did they expect us to do? Let all the chairmen work hard.

Hon. Speaker: Hon. Wahinya.

(Hon. Wahinya spoke off the record)

Hon. Speaker: You have two minutes.

Hon. Peter Kimuhu: Thank you, Madam Speaker. I will make my contribution short because I can notice that most members are tired.

Hon. Speaker: You have two minutes.

Hon. Peter Kimuhu: Agreeable. Let me register my support for this motion that has been introduced by Bwana Mberia. It speaks about things that we are going to be doing as a House for the rest of our lives. We have two and a half years to go and we will have the time to discuss all that is mentioned here. How I wish that you put some effort to bring a motion that has substance that is more fundamental.

Hon. Mary Mwami: Point of order.

Hon. Peter Kimuhu: Let me proceed, Madam Speaker. When our Governor faced some difficulties one month ago, I felt that we were coming to a halt. How fortunate we are that the Governor had already put in place the necessary machinery in terms of governance that is holding Nairobi as we all know.

Hon. Speaker: You have one minute to go.

Hon. Peter Kimuhu: I support Hon. Ken Obuya in saying that one solution is to bring forward the name of the nominated Deputy Governor so that someone takes over in operations.

Hon. Speaker: Order! Let us not bring a debate that is not on the floor.

Hon. Peter Kimuhu: I stand guided.

(Hon. Minority Whip spoke off the record)

Hon. Speaker: Withdraw that Minority Whip.

Hon. Peter Kimuhu: I do not need him to withdraw.

(Point of order)

Hon. Charles Thuo: It is not right to allow the Minority Leader to continue imposing improper motives to members. It is not right and it must stop.

Hon. Speaker: What are you talking about? He is not on HANSARD.

Hon. Peter Kimuhu: Can I conclude, Madam Speaker?

Hon. Speaker: Conclude.

Hon. Peter Kimuhu: The leadership on the other side is heckling me and it is quite unfortunate. Be humble enough and let others speak just as we have listened to you.

Hon. Speaker: Order, Minority Whip! You cannot be heckling at others like that. It is not right. Take this as the last warning.

Hon. Peter Kimuhu: Thank you, Madam Speaker for protecting me. These are issues that we will continue to tackle until we exit the House. Therefore, I propose that---

Hon. Speaker: Order Members! When a member is in support of their leader it should be treated as his opinion. Finalize because we want to close.

Hon. Peter Kimuhu: A recent survey by the EACC showed that the County Government had moved from being top 20 to number 47 on the most corrupt list. Let it go on record and I insist that the Minority Whip made a very bad statement.

Hon. Speaker: He was not on HANSARD.

Hon. Peter Kimuhu: We are not here to talk of any impeachment and his allusion to it was very wrong.

Hon. Speaker: Order Hon. Wahinya!

Hon. Peter Kimuhu: There shall be no debate in respect to that matter here.

Hon. Speaker: Order!

Hon. Peter Kimuhu: Thank you, Madam Speaker.

Hon. Speaker: Hon. members, the year 2020, Nairobi County cannot be a marching field, especially from the leadership. We must respect the House. Everyone has a right to his or her own opinion regardless of whether you like it or not and that is why you have the standing orders to guide you in case you feel that you need to intervene. This is a motion that does not have a question, instead I will give directions.

Hon. Members I thank you for your candid contributions. It has shown how mature we have come and I know that we shall rise from this crisis stronger than before. I want Kenyans at large to be patient as we address this matter and address precedence.

Consequently, hon. members, I have the following directions to give.

1. Bribery allegations:

Hon. Members, we have been elected by a majority of Nairobians to represent them in this Assembly. The constitution in Article 260 categorizes MCAs as one group of state officers. On the conduct of state officers, Article 75 of the Constitution provides as follows; *“A state officer shall behave whether in public and official life, in private life or in association with other persons in a manner that avoids any conflict between personal interests and public or official duties, comprising any public or official interests in favor of a personal interest or demeaning the office the officer holds.”*

Equally, Hon. Members, the leadership and integrity Act 2012 section 29 provides that; *“A state officer shall not knowingly give false or misleading information to any person.”* Further, the said act requires all of us to ascribe to a code of conduct in accordance with Section 40 and

any breach of the same amounts to misconduct of which the state officer may be subjected to disciplinary proceedings or removal from office.

In the same vein, I wish to remind you Hon. Members that the Constitution of Kenya creates two levels of Government comprising of the National and 47 Counties.

- a. At the County level, the Constitution under Article 176 creates county governments comprising of county assemblies and county executives that are separate and distinct in terms of functions and operations. The County Assemblies under article 185 have been mandated to legislate for the County Government and to exercise oversight over the County Executive committee and any of its organs.

With the foregoing Hon. Members, my office is perturbed by unfounded allegations that officers from the Planning Department who are on suspension have raised money to bribe a section of members including the office of the Speaker in order to influence their return to office. These allegations are being peddled around by Hon. Anthony Kiragu, who is the immediate former chairperson of the Sectoral Committee of Planning and Housing. This is an allegation that this Assembly let alone the office of the Speaker cannot take lightly.

As such Hon. Members, I direct that any member with such information direct it to the relevant state agencies in particular the DCI, the EACC to take up this matter and unravel the truth.

- b. Doctrine of separation of powers:


Equally, Hon. Members, I also remind you of the Standing Order No. 34 on the need to stick on the subject of today's sitting. I will not entertain any deviations whatsoever. We cannot be the judge, the jury and the executor on such weighty matters. I also remind you on our roles as members of the County Assembly, which is to legislate, represent, and oversight.

Hon. Members, with that revamping of the Nairobi City regeneration committee due to the good work that has been done by the Nairobi regeneration committee appointed by the Excellency the President, I direct that the same is revamped and proceed its work together with the County Executive to ensure effective service delivery to the residents of Nairobi and particularly on the following areas. Nairobi Water and sewerage company to provide water rationing schedules to the residents of Nairobi. The Executive to ensure that they partner with Kenya Urban roads authority KURA in tarmacking and maintenance of County roads. All pending bills be cleared. Solid waste management- the Executive to develop a structured work frame on how to deal with the refuse collecting firms.

Hon. Members, I want to reiterate that 2020 is not the year to defame people. If you suspect that somebody is corrupt then you know the institutions to go to. Therefore, this Honorable House will not allow anyone either on social media to drag somebody's name without giving facts.

ADJOURNMENT

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Hon. Members, there being there no any other business, the House adjourns based on the calendar of the House to February 2020.

The House rose at 5.40 p.m.