



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Thursday 18th February 2021

The House met at 2.30 p.m.

Hon. Speaker (Mr. Benson Mutura) in the Chair

PRAYERS

Hon. Speaker: Hon. Members we are experiencing some technical hitches and our ICT team are working on it, so, bear with us. Members, we are now good to start. Leader of Majority do you have something.

Hon. Abdi Hassan: Thank you, Mr. Speaker Sir. With your indulgence, before we commence with the business of the House, I would like you to ask Members to stand in a moment of silence for our departed elder and leader Senator Yusuf Haji because the business before us was midwived by him. I think, I will bring a Motion to ask this House to allocate one road in honour of Senator Yusuf Haji. Thank you Mr. Speaker sir.

(Members stood in a moment of silence in honour of Yusuf Haji)

Hon. Speaker: Thank you. You can be seated! Clerk proceed! Order Members! What is the agenda Clerk?

COMMUNICATION FROM THE CHAIR

THE BUILDING BRIDGES INITIATIVE (CONSTITUTIONAL AMENDMENT) BILL, 2020

Hon. Speaker: Thank you, Hon. Members, I have the following communication to convey: Hon. Members, without appearing to pre-empt the debate on the business of today's sitting, I wish to take this opportunity to inform you that in today's sitting we are set to respond to the highest call of our duty by exercising a constitutional mandate.

Hon. Members, you will recall that on Tuesday, 9 February 2021 and pursuant to Article 257 of the Constitution of Kenya, the Building Bridges Initiative (Constitutional Amendment) Bill, 2020 was introduced

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in the County Assembly and committed to the Sectoral Committee on Justice and Legal Affairs for consideration and reporting. The Committee has since considered the Bill and sought the views of the public in accordance with Article 196 of the Constitution. Accordingly, the Committee shall be tabling its report in a short while.

Hon. Members, the report is only meant to help you make an informed decision and I will request the Clerk to circulate to all Members immediately it is tabled. However, at the end Hon. Members, you will be required to make an independent decision.

Hon. Members, may I also take this opportunity to welcome honorable members who have come to grace this and follow the proceedings, starting with our very own Hon. Johnson Sakaja the Senator of Nairobi. At the Public gallery, we have Hon. Racheal Shebesh CAS Gender. (*Applause*) We also have Hon. Maina Kamada, (*Applause*), Hon. Babu Ownio MP from Embakasi East (*Applause*) and am not sure whether there are some other Members. Once they come we shall recognize them. Sorry, my area MP and good friend, Hon. George Aladwa. Thank you. I will be introducing the others who will be coming in.

(Loud consultation)

Hon. Speaker: Order Members! Clerk can you get a mic we are not audible.

PAPERS

SUPPLEMENTARY BUDGET ESTIMATE FOR THE NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD AND THE NAIROBI CITY COUNTY EXECUTIVE FOR THE YEAR 2020/2021.

Hon. Abdi Hassan: Thank you Mr. Speaker sir, pursuant to Standing Order 228 I beg to lay the following Paper on the Table of the Assembly today Thursday 18th February 2021: The Supplementary Budget Estimate for the Nairobi City County Assembly Service Board and the Nairobi City County Executive for the year 2020/2021. Thank you Mr. Speaker sir.

THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE CONSIDERATION OF THE CONSTITUTION OF KENYA AMENDMENT BILL 2020

Hon. Joseph Komu: Thank you, Hon. Speaker, pursuant to Standing Order 191 I beg to lay the following Paper on the Table of the Assembly today Thursday 18th February 2021: The Report of the Sectoral Committee on Justice and Legal Affairs on the consideration of the constitution of Kenya Amendment Bill 2020. Thank you.

NOTICES OF MOTION

CONSIDERATION OF THE CONSTITUTION OF KENYA AMENDMENT BILL 2020

Hon. Speaker: Chairman, Committee of Justice and Legal Affairs.

Hon. Joseph Komu: Thank you, Hon. Speaker, I beg to give notice of the following Motion that the County Assembly notes the report of the Sectoral Committee on Justice and Legal Affairs on its consideration of the Constitution of Kenya Amendment Bill 2020 laid on the table of the Assembly on Thursday 18th February 2021 and pursuant to Article 257 (6) of the Constitution of Kenya approves the Constitution of Kenya Amendment Bill 2020. Thank you.

STATEMENT

Hon. Speaker: Hon. Paul Shilaho

Hon. Paul Shilaho: Thank you, Mr. Speaker, I was advised by the Clerk that it has been postponed to next week since we have so many businesses today.

MOTION

THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON CONSIDERATION OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020.

Hon. Joseph Komu: Thank you, Hon. Speaker, the Sectoral Committee on Justice and Legal Affairs is one of the Sectoral Committees established to pursuant to the provision of standing order 203 of the Nairobi City County Assembly standing orders.

The Committee's mandate pursuant to the provision of Standing Order 203. Third Schedule is, amongst others, to investigate, inquire into and report on all matters relating to; *“Constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights; city inspectorate and enforcement.”*

The Committee on Justice and Legal Affairs comprises of the following Members of the Nairobi City County Assembly whom I wish to recognize

No.	Member	Ward
1.	Hon. Joseph Komu, MCA- Chairperson	Kahawa Ward
2.	Hon. Francis Ngesa, MCA- Vice-Chairperson	Dandora IV Ward
3.	Hon. Cecilia Ayot, MCA	Laini Saba Ward
4.	Hon. Millicent Okatch, MCA	Special Elect- Women
5.	Hon. David Ayoi, MCA	Gatina Ward
6.	Hon. Doris Kanario, MCA	Special Elect - Women
7.	Hon. Elijah Mputhia, MCA	Njiru Ward
8.	Hon. Millicent Jagero, MCA	Special Elect – Youth
9.	Hon. Jairus Omayo, MCA	Lindi Ward
10.	Hon. Antony Kimemia, MCA	Uhuru Ward
11.	Hon. Esther Nyangweso, MCA	Special Elect - Women

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12.	Hon. John Kyalo, MCA	Kwa-Njenga Ward
13.	Hon. Maina Njoka, MCA	Kariobangi North Ward
14.	Hon. Margaret Mbote, MCA	Kariobangi North
15.	Hon. Millicent Mugadi, MCA	Ziwani Ward
16.	Hon. Moses ogeto, MCA	Kilimani Ward
17.	Hon. Muchene Kabiru, MCA	Uthiru Ruthimitu Ward
18.	Hon. Patrick Musili, MCA	Hospital Ward
19.	Hon. Mwangi Njihia, MCA	Woodley K. Golf Course
20.	Hon. Kennedy Obuya, MCA	Imara Daima Ward
21.	Hon. Asil Mohammed	Special Elect- Women
22.	Hon. Susan Mukungu, MCA	Special Elect –Youth
23.	Hon. Mary Njambi, MCA	Special Elect- Women
24.	Hon. Osman Khalif, MCA	South C Ward
25.	Hon. Patrick Logedi, MCA	Kamukunji Ward

(Applause)

The Committee is under the technical facilitation of the following officers:

No.	Officer	Title
1.	Ms. Cammelyn Anguche	Senior Clerk Assistant
2.	Mr. Adam Kibwana	Senior Clerk Assistant
3.	Ms. Daisy Kariuki	Senior Legal Counsel
4.	Ms. Judith Aron	Clerk Assistant
5.	Ms. Lillian Kyembeni	Office Assistant

Hon. Speaker, I wish to take this opportunity to thank all Members of the County Assembly for reaching out and disseminating the propositions contained in the BBI amendment Bill, 2020 to their electorates and for encouraging their active engagement on this civic and constitutional duty.

I also thank the Members of the public for submitting both their written and oral submissions during the public participation exercise, as the same were valuable in shaping the decision of the Committee and the County Assembly at large.

Equally, Hon. Speaker, on behalf of the Committee on Justice and Legal Affairs, I take this opportunity to thank the Offices of the Speaker, Office of the Clerk of the County Assembly and the Legal Department and not forgetting the Tables and Journals Office for the logistical support accorded to the Committee during the entire process.

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Finally, on behalf of the Committee, it is my pleasure and duty to present to the Nairobi City County Assembly, the Report of the Sectoral Committee on Justice and Legal Affairs on consideration of the Constitution of Kenya (Amendment) Bill, 2020.

Further, Hon. Speaker on the Constitution of the Committee I wish to expunge the name of one Millicent Jagero, sorry for that error. Hon. Speaker, I beg to move that the Assembly adopt the report of the Sectoral Committee on Justice and Legal Affairs regarding the Building Bridges Initiatives (BBI) Constitution of Kenya (Amendment) Bill, 2020.

Hon. Speaker, the Independent Electoral and Boundaries Commission (IEBC) submitted the constitution of Kenya (Amendment) Bill, 2020 to the Nairobi City County Assembly vide letter reference VRE/212/BBI dated 26th January 2021 and pursuant to Article 257 (4) of the Constitution of Kenya 2010 for consideration.

Article 196 one of the Constitution of Kenya 2010, mandates the County Assembly to facilitate Public participation and involvement in the legislative and other business of the Assembly and its Committees.

Further, Section 87 of the County Government Act 2012 set out the principal of Citizens participation in the Counties. Article 257 (5) further provides that if the Independent and Electoral and Boundaries Commission is certified that the initiatives meet the requirements of this article the Commission shall submit the draft Bill to each County Assembly for consideration within three months after the date it was submitted by the Commission.

The Constitution of Kenya (Amendment) Bill, 2020 under the Building Bridges Initiatives (BBI) sponsorship have been duly submitted to the County Assembly, was, therefore, laid on the table of the County Assembly by the Majority Leader on Tuesday, 9th February 2021. The Bill was subsequently committed to the Sectoral Committee on Justice and legal affair for consideration.

Further, pursuant to the provision of standing order 131(3) the Committee held sort the views of the public on the Bill on 17 February 2021. Article 157(6) of the Constitution of Kenya 2010 dictates timeline for consideration of the Bill to be 3 months from the date submitted by the Constitution.

Hon. Speaker, Article 196(1) of the Constitution of Kenya 2010 mandates the county Assembly to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Further, section 87 of the County Government set out the principles of Citizens participation in the Counties. At a meeting held on Wednesday 10 February 2021 the Committee deliberating on Constitution (Amendment) Bill resolved to undertake public participation. Two Memorandum were submitted from the Members of the public to the Clerk's office.

Hon. Speaker, upon examination of the submission from the public participation forum and meeting conducted on Wednesday 17 February 2021 at Charter Hall and the oral submission presented to the Committee by the Members of the public the committee observed the Bill seeks to:-

1. Increase of County revenue allocation from 15% to 35% and the establishment of a Ward Development Fund that will take 5% of all the county governments' revenue towards, which will greatly transform the lives of Kenyans by taking more resources and development to the grassroots;
2. Provide tax holidays for young person's starting micro and medium-sized businesses;
3. Ensure tenders shall be settled within sixty (60) days;
4. Establish a social security fund where the aged will receive monthly stipends and also proposes the enhancement of the capacity of the NHIF to roll out free and comprehensive medical cover for all people over 65 years of age in Kenya;
5. Establish a Health Service Commission to address the welfare of health workers and improving the healthcare system;
6. Protection of whistle-blowers and providing them part of proceeds from corruption cases;
7. Establish a business incubation Centre in every ward;
8. Expand the National Executive that shall guarantee national inclusivity;
9. Ensure Accountability of the National and County Executives to the people through Parliament;
10. Guarantee the Two-Thirds Gender rule; and,
11. Ensure harmony amongst Kenyans.

Finally, it regularizes the Ward Development Fund of 5% to all Counties Government, revenue in each year divided among all the Wards in the County. It also ensures that the County Governor will also appoint 50% of MCA's to hold the positions of CEC's.

In light of the submissions from the public participation exercises contained herein and pursuant to the provisions of Article 257(6) of the Constitution of Kenya, 2010, the Sectoral Committee on Justice and Legal Affairs hereby recommends that the Nairobi City County Assembly approves the Building Bridges Initiative (BBI) Constitution of Kenya (Amendment) Bill, 2020.

Hon. Speaker, I beg to move and call upon Hon. Kennedy Obuya of Imara Ward to second. Thank you.

Hon Kennedy Obuya: Thank you, Hon. Speaker. As a Member of this great House and a Member of Justice and legal Affair Committee, am privileged on this great day on behalf of many equal Members to second this great Motion. Our great Chairman has said much, however, as I second the Motion kindly allow me to highlight one reason why personally as a citizen of Nairobi, I would and I will support Building Bridges Initiative (BBI).

Hon. Speaker, Article 18(a), the Bill proposes to insert a new Article into the Constitution to inculcate virtues and engender the principles of national ethos, comprising the spirit of oneness, honesty, integrity, and to set out moral principles to be adhered to by every citizen. The responsibilities include the duty to promote harmonious living with other citizens, to pay taxes and to contribute to national development among others.

Hon. Speaker, all has been said, we have done public participation and I want to congratulate the entire Membership of the Nairobi County Assembly for turning out in large numbers. I also want to congratulate the citizens of Nairobi who took it upon themselves the responsibility to come for public participation, they gave out their views and as Members of the Justice and Legal Affairs Committee we captured that and I thank God that citizens of Nairobi *en masse* supported that this document be adapted by this Assembly as it is. I beg to second.

(Question proposed)

Hon. Geophrey Majiwa: Asante sana Mheshimiwa Speaker. Mimi nasimama nikiunga mkono mjadala huu na ninashukuru sana Mtukufu Rais Uhuru Muigai Kenyatta, na ndugu yake Waziri Mkuu Raila Amolo Odinga kwa mawazo ambayo waliketi nayo kama Wazee wawili ambao wanajali nchi ya Kenya na wakaona ni muhimu sana kuwe na amani na utengamano kati ya Wakenya ili tuweze kuendelea na shughuli zetu pasipo chuki wala ukabila.

Mheshimiwa Speaker nashukuru sana Wabunge ambao wamekusanyika hapa siku ya leo ili kuhakikisha huu mswada umepitishwa na hii katiba imerekebishwa kulingana na jinsi ilivyo pangwa kwa ratiba yake. Tangu Kenya ilipopata uhuru, hii ndio mara ya kwanza tunaona marekebisho ya katiba ambayo imemjali Wanjiku kwa kweli na kwa hali. Mheshimiwa Speaker, marekebisho ambayo yako ndani ya hii katiba ambayo tumepewa mswada ya leo ni muhimu sana kwetu kama viongozi ambao wamechaguliwa na watu kwa sababu ya kuangalia maslahi yao, hizi marekebisho tumepata siku ya leo zitahakikisha ya kwamba fedha ambazo zilikuwa zinatumika katika serikali kuu zitarudi chini kabisa na ziweze kufikia yule Wanjiku kabisa. Zingine zimekua zikisemekana ni za Wanjiku lakini kwa sasa tumepata kabisa ile inafikia Wanjiku kwa sababu marekebisho ya katiba ambayo tumepata siku ya leo inaleta asilimia thelathini na tano iteremshwe chini pale kwa mama mboga ili aweze kusaidika kwa mambo yake ya maendeleo na kwa uchumi na afya. Kwa hivyo Mheshimiwa Speaker naunga mswada wa hii siku ya leo mkono na ninajua ya kwamba wenzangu wote wamekubaliana na hii mswada ya kwamba hii ni katiba ya Wanjiku ki ukweli na kwa hali. Asante sana Mheshimiwa Speaker, naunga mkono.

Hon. Abdi Hassan: Asante Mheshimiwa Speaker, Mheshimiwa Naibu wa Speaker ametufunza leo tuongee kwa lugha ya Kiswahili, na nafikiri tutafwata hiyo mwenendo, Mr. Speaker.

Kwanza ningependa kuchukua hii fursa kushukuru Rais wa Jamhuri ya Kenya na aliyekuwa Waziri Mkuu wa Jamhuri ya Kenya Bwana Raila Odinga, kwa kutuletea BBI. Kikao cha leo si kikao cha kawaida, si kwa sababu ya mswada ambayo iko hapa mbele yetu, lakini kwa sababu ya mwelekeo wa mbele wa Kaunti hii ya Nairobi na nchi nzima Mheshimiwa Speaker. Tunavyokumbuka miaka kumi na moja iliyopita ama kumi

na mbili, tulipitisha katiba ya 2010, na baada ya kupitisha hiyo katiba tumeitumikia kwa miaka kumi na mbili na sasa tumelewa shida ambayo iko ndani ya hiyo katiba. Wale ambao wanasema sasa hatuhitaji marekebisha kwa katiba ya mwaka 2010 walikua moja wa kusema hii katiba ya mwaka 2010 iko na shida na inafaa kuangaliwa. Wakati wa kuangalia hiyo imefika na ni sasa. Na tungelipenda kuwaambia sasa waungane na nchi nzima na Nairobi kuhakikisha hii mswada umepita.

Mswada hii Mheshimiwa Speaker iko na manufaa mengi sana. Unaelewa, kila baada ya miaka tano, wakati wa uchaguzi na baada ya uchaguzi, hii nchi na Kaunti la Nairobi inakua na vurugu mingi sana. Hii katiba imepata dawa ya hiyo shida. Sababu ya Wakenya na watu wa Nairobi hasa kupigana ni kwa sababu ya uongozi wa hii nchi. Tunaelewa makabila wanapigana kwa sababu wanaona hakuna mtu ambaye ako huko juu anawaakilisha wao, na lazima tuelewe tuko makabila 44 Kenya hii na ni vile Mungu ametumba na ni vile Mungu ametuleta kwa hii Jamhuri ya Kenya na lazima tutambue hiyo. Hii katiba imetibu hiyo na makabila zote tukipitisha hii BBI itaona iko miongoni ya wale wanagawa keki ya hii nchi na mambo ya fujo haitaonekana tena ndani ya hii nchi. Saa ile vita inafanyika, sisi wana Nairobi ndiyo tunaumia sana.

Mheshimiwa Speaker lugha ya Kiswahili ni ngumu sana lakini lazima tuliongee. Wamama wa Nairobi hasa wakati wa fujo wanaumia sana ndani ya hii jiji la Nairobi. Nchi ya Kenya imekua kazi yake ni siasa miaka mbili, tunaenda kura,, tunapigana mwaka moja, tunarudi siasa miaka mbili. Hakuna wakati wa kukuza uchumi wa Kenya kwa sababu ya kupigania uongozi wa hii nchi. Hii BBI ikipita, siasa ikiisha kila mtu ataridhika na wananchi wataanza kupambana na hali ya uchumi na kujenga uchumi. Sisi kama wa Nairobi, hii BBI imetuletea manufaa mengi sana. Manufaa hayo ni kama hizi:- ya kwanza, tukupitisha BBI tutakua na constituencies kumi na mbili (12), hii inamaanisha pesa pia imeongezeka, tutakua na zaidi ya bilioni moja, milioni mia mbili imeongezeka kwa mkoba wa jiji la Nairobi kupitia wawakilishi wajumbe katika constituency. Hii inamaanisha watoto wale walikua wanapata bursary ya elfu kumi ama elfu kumi na tano, kwa mfano kama constituency kule ninatoka, Embakasi ya kati, inasemekana itagawanywa ikuwe mara mbili. Inamaanisha kama watoto walikua wanafaidika watoto mia tano, sasa watafaidika watoto elfu moja kwa sababu pesa imeongezeka ya bursary.

Mheshimiwa Speaker utanisamehe, nasahau nachanganya na kizungu kwa sababu kiswahili si kazi rahisi. Mheshimiwa Speaker mgawo wa pesa ya County, Nairobi itapata muongezeko ya zaidi ya bilioni ishirini. Hiyo inamaanisha tutakuwa na hospitali bora, madawa zitapatikana, maji itakua, muendo msingi itatengenezwa na Nairobi itakua imepata maendeleo kikamilifu, bora wananchi wa Nairobi wasituchagulie yule mtu walichagua ambaye bunge la Nairobi ilimpeleka nyumbani. Tunataka viongozi ambao wana tabia ya hali ya juu, viongozi ambao wanaheshimu kura ya wananchi ndio saa zile unapewa uongozi uongoze wananchi, uchunge pesa ya wananchi. Mheshimiwa Speaker, unajua katika hii BBI Ward zimesemekana zipewe asilimia tano katika bajeti ile ambayo inakuja katika kila county. Hiyo inamaanisha pesa inakuja pale mashinani kabisa. Wananchi watakua wanapata pesa ya kuweza kusema wanataka nini na wafanyiwe, na hawa wawakilishi ward ambao unawaona hapa Mheshimiwa Speaker, watakua na kitu ya kuambia wananchi wao, tumepewa pesa fulani mnataka tufanye nini. Saa hii hawana. Saa hii kama huskizani na Governor, wewe huwezi pata maendeleo kwako, lazima uimbe wimbo ya Governor ndio upate maendeleo. Na sisi

nafikiria wananchi wanapotuchagua wanaleta ballot sita, hutakikani uende uwe mtu wa kuimbia Governor. Inatakikana unasifu Governor akifanya kazi mzuri, na akifanya kazi mbaya unamkashifu kwa sababu hiyo ndio sababu wananchi wamekuchagua, lakini huwezi fanya hivyo kama unajua nikifanya hivyo mkoba utafungwa, hakuna maendeleo utaleta kwa wananchi wako na baada ya miaka tano utapelekwa nyumbani.

Mheshimiwa Speaker pia ningependa kuwaambia wale wanapinga BBI ya kwamba BBI ni kitabu nzuri sana, ni mswada nzuri sana, tuungane tupitisha hii BBI, wakati wa siasa ikifika tutapiga hiyo siasa. Na ningelipenda nikimalizia, kuwaambia wale wanafikiria watazuia wenzao kuuza sera ya BBI wasijaribu Nairobi, wajaribu sehemu zingine. Sisi Nairobi tuta deal na wao, tutahakikisha hakuna mtu anavuruga mikutano zetu, tutahakikisha wananchi wa Nairobi wanajua manufaa ambayo iko ndani ya hii mswada na ningependa kuwahakikishia Rais wa Jamhuri ya Kenya na aliyekuwa Prime Minister wa Jamhuri ya Kenya, Nairobi itakua County ambaye itapitisha BBI na zaidi ya watu milioni moja.

Mheshimiwa Speaker, kwa hayo mengi, ningelipenda kuunga mkono. Asante.

(Applauses)

Hon. Speaker: Thank you. Leader of Minority.

Hon. Michael Ogada: Bwana Speaker, wengi wamesema niongee Kiswahili na wanajua ni shida na itabidi tuyazungumze---

Hon. Speaker: I can't get what you are saying---

Hon. Michael Ogada: Members, the Speaker has instructed me to talk in a language that he understands better and I must respect and obey my Speaker.

Mr. Speaker Sir, the document before us, one thing we can assure the public is that it is going to get 100% support from this House. This is the only Assembly that I know where everybody is going to vote yes because of what is contained in the document.

I want to start by really thanking our Justice and Legal Affairs Committee for burning the midnight oil to really look at the document as it was presented to them. They have not taken much time to really look at it, one, because it was a good document, and two, because they were properly facilitated and they were able to deliver.

Bwana Speaker, according to the report they have presented before us, one thing that we need to agree on is that everything in that document is good, everything in that document can only be bad to people who are evil at heart, people who don't love the aged because the aged have been taken care of in that document. And if you don't love the aged, definitely you will oppose that document. The youths have been taken care of in that particular document. Them who are starting their businesses, you have heard from our chairman, they are given a tax holiday in order to thrive in their businesses. So if you oppose this document, definitely you are telling the youths that you don't want them to get the tax holiday, so in other words, you

hate anything good that they are going to do for themselves and instead you will be happy to give them wheelbarrows. So that one, as Members of this House, we might not be supporting.

Mr. Speaker Sir, when you look at this document, it takes care of the Members of this County Assembly and the whole country in general. Because one, as my counterpart has spoken, you do realize that in terms of funding, the Assemblies have had issues. You had to have a Speaker who is a sycophant to the Governor so that the funding of the Assemblies could flow, if you got a Speaker who was tough, hard, rigid and a person who follows the law, it became difficult for us to be funded. That thing has been cured in this document. So we are going to have a Speaker of your caliber, a person who is never compromised, never cheap, never a sycophant. That is the Speaker we want to have and the country is going to have in future.

Mr. Speaker Sir, the Members are talking about development in their Wards, it became difficult for some few of us here to really access proper development in their wards because we refused to follow people blindly. You had to follow someone blindly, walk to the office blindly, and sing there blindly, so that you get a blind development. Some of us were not willing to do that. And that is why they made certain decisions, and the decisions were very beneficial to the Members of this County Assembly and Nairobi in general. So, that has been cured in this document, because at least in terms of what is going to really be devolved, 35%, I can tell Members of this House that our budget is going to be around 60billion. Just imagine 5% of the 60billion being given to Members to really work in their Wards. At least every Ward is not going to get less than 30million. Anybody who opposes this document is opposing development in terms of the 30million in Wards, which we cannot agree with. Members of this House cannot agree with that.

Mr. Speaker sir, another thing which is a problem and you will realize that sometimes back I even stood in this House and said that the leadership of this House are becoming 'connish'. Why did I say so? This is because they could give huge tenders and ask the public to bid but after the public has executed the projects, they don't communicate with them, they don't pay them, and they don't care. In other words, they were stealing from the innocent people of this country, and we could not allow that. We said we had to bring this to an end, and this we did.

People are going to be paid but we don't have to go back to where we came from, this is why the document has come to give instructions to whoever is going to occupy that office, that within 90 days everyone who would have worked for the county should be paid. We are going to stop the people who are planning to be Governors in future and have intentions to steal from the public, that has been cured by this document.

Mr. Speaker sir, because I know we don't have time and all the Members would love to speak, the other thing is that I was speaking to Hon. Osman about, and he was telling me how was he going to be a Cabinet Secretary at one time? And he was planning to go to Ijara to contest for parliamentary seat and was not sure if he was going to win. I told him because he is sure of retaining his seat in South C, it is guaranteed that you are going to be the next Cabinet Secretary for Devolution in the County of Nairobi as a result of BBI.

(Applause)

BBI has brought life to many people, there are many good things in this document. Mr. Speaker sir, one thing that I can confirm with the republic of Kenya, Nairobi is totally in support of BBI. If you see Hon. Senator Sakaja sitting next to you, what do you think about what is going to happen during referendum? You see Senior Kamanda sitting there, Hon. Alandwa, Hon. Babu Owino, and Hon. Racheal Shebesh, what do you see? You are seeing Nairobi as a whole, who is going to oppose this document?

(Applause)

All Nairobians are behind H.E the President of the Republic of Kenya and the former Prime Minister Raila Odinga. Members as we pass this document, a warning shot to them that have bad behavior, bad character like - *wale wengine*. That, in Nairobi we don't entertain nonsense neither jokers, we entertain only serious people who love people. if you don't love the aged, the youth, business community, then we don't love you, and if we don't, we don't need you. If we don't need you, don't visit us because we don't want you, that is it.

(Applause)

Hon. Members, we are going to support this document and pass it a 100 percent. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you.

(Loud consultations)

Order! You know there is precedence on how we are supposed to debate in the House and we are following the sequence. The Majority Whip!

(Loud consultations)

Before Hon. Warutere, because of precedence, let us have Minority Whip and then we come to Warutere.

Hon. Peter imwatok: Hon. Speaker, I have been informed that our microphones are working now. I also rise to support this motion of Building Bridges Initiative (BBI). As my Leader of Minority has well put it, Nairobi is the capital city of Kenya and today is indeed a unique day. If there is someone out there who is doubting the unity of purpose for the great people of Nairobi, I think your answer is embodied in this sitting today and as explained by the Leader of Minority.

Seeing Senator Sakaja for the very first time sitted with us, is a plus, Senator you are welcome to our Hon. House. You can see how magnificent the House is. For the Senator and all the dignitaries sited here today, this House is going to make a decision under Article 1 of the Constitution on behalf of the people of Nairobi. This country needs a way and as we all know the city of Nairobi generates 60% of our GDP.

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Therefore, if the Nairobi City County Assembly today decides to pass the BBI, it means that the other 47 assemblies have no choice but to follow suit.

Hon. Speaker, I don't want to repeat what my leader has spoken about, I want to go straight to the benefits of BBI to Nairobians. BBI has given us as Nairobians what we have always voted for especially when it was unfashionable to do so, we had to make a decision and do so. You are aware that some of us since we were elected in 2013, we have been beggars in the Governor's office for development in our respective Wards. For now, BBI is increasing revenue allocation from 15% to 35%. If you go to last page of the BBI Report, you will realize that out of 15 billion Nairobi is given an additional 14 billion. That means that from the shareable revenue, the County Government of Nairobi will receive 30 billion shillings up from 15 billion shillings.

Hon. Speaker, plus our own revenue which is approximately Kshs 15 to Kshs 17 billion shillings, will now be before the Planning Committee valuation roll which is being updated. It means that we are able to collect another Kshs 25 billion totaling to Kshs 55 billion budget in Nairobi. Hon. Speaker this takes me back to six years ago at Chester House swimming pool when Hon. Chege Mwaura the MCA for Ngara, Hon. Ogeto the MCA for Kilimani, Hon. Dr. Wilfred Oluoch Odalo from Mathare and Hon. Michael, the mover of the first motion ever of the Ward Development Fund, we sat at the swimming pool and crafted the Ward Development Fund.

Hon. Speaker, it has not been easy to realize the dream but we decided to dream and today the BBI has enshrined the dream of four young men who were reading the County Government Act, the Public Finance Management Act and the Constitution, now is a reality in the Constitution. We pay our respect to the mover of this motion, the then MCA for Umoja I Hon. Mike, forever this county is indebted to you.

Hon. Speaker, there is something that I want to point out, that Nairobi County has a population of five million during the day and four million Kenyans during the night. Therefore, one person, one shilling is the way to go. Our county is a beneficiary of BBI because we are getting 12 additional constituencies. As the incoming Governor of Nairobi in 2022, I will be very proud to lead a county with 29 MPs, with 148 MCAs. I am sure that my first address before this House then, will be on how I will distribute more than Kshs 16 billion to Ward Development Fund.

(Loud consultations)

Therefore, Hon. Speaker, this is a plus to our people. With the 12 constituencies for those aspiring to be MPs in this House like Hon. Senator Mofire and then we have Mugabe for our county, Hon. Paul Kados, we have professor Ogada. Did you know that BBI allows us at any given time not to pay our revenue allocation on the audited financial years of the National Parliament? It will be on the immediate audited financial years. This will give the county an impetus that there will be no more waiting or watching the Senate on revenue division.

Hon. Speaker, did you know that at any given time the BBI that we have created the most powerful seat of the leader of Opposition under Article 107 which I am designing on how and who will occupy that seat because I am seeing a potential candidate. We have catered for all of them. Hon. Kamanda, we have taken care of those who are going to be the leader of opposition in this BBI document. We are just waiting for them while we are allocating them offices and they will be there.

Hon. Speaker, for us as a county, as my leaders have spoken, the Leader of Majority and the Leader of Minority, our House is 'handshake'. You will see it when we start voting whether there is any vote that will go against the 'handshake' between the President and Rt Hon. Raila Amolo Odinga. As the Whip of the opposition side, we believe in moving two steps ahead and one step behind, we are still advancing. We started from 2013 leading from the front the Constitutional changes and we were brought back one step, and we are ahead again now. We are going to bring changes in this county and I believe as the incoming Governor that soon no county will be more prosperous than Nairobi County. I ask all the Hon. Members here, that in my government I will never appoint any CEC from outside.

(Applause)

I will appoint all CECs within you because we know what we go through as a county. We know what we have gone through Hon. Senator, but I must say here today before you that these members deserve what it takes--- *(spoke off record)*

Hon. Speaker, as I wind up I want to say this, that we have no choice to pass the BBI report as it is. We are waiting on the ground because we will not come again in this chambers to debate about BBI. We will be speaking in the corridors of Kileleshwa, Mugumo-ini, Mathare, Viwandani and every corner of this city. Hon. Senator, we are humbly asking please for our message to go out there, Nairobi is a very peaceful county, we love peace so much and we believe peace is the only way. But if you do not want peace, please do not cross the line, we will suspend peace temporarily and deal with you. Thank you Hon. Speaker for the time.

Hon. Speaker: Hon. Waithera!

Hon. Waithera Chege: Thank you Mr. Speaker. We were wondering whether there is no gender balance in this assembly. Allow me to start by thanking you and thanking the Committee for Justice and Legal Affairs. The leadership of this assembly has had a chance in different forums that have been organized by the Committee of Justice and Legal Affairs, and therefore I hope and I know that the MCAs sitted here today are properly informed to make a decision today.

Mr. Speaker, allow to engage this House on a few gains especially for women in the BBI. I wish to take my colleagues to Article 7 of the BBI Report; it seeks to amend Article 82 (1) of the Constitution of Kenya 2010 to allow both men and women who have been running and vying for seats yet they do not get a chance to go to the very end. Therefore, the amendment of Article 82 (1) of Constitution of Kenya 2010 seeks to give sanctions to political parties that don't recognize women in this country.

Mr. Speaker, I wish to remind you that before the entry of BBI, Nairobi has borne the burden of violence in this country, women and girls have really suffered whenever there is violence. This violence has been as a result of divisive politics and the prefix of the summary of the BBI highlights divisive politics as one of the things that it seeks to bring a solution to.

Mr. Speaker, allow me also to take my colleagues to article 9 of the BBI. It seeks to amend Article 88 of the Constitution of Kenya by mandating the IEBC to make sure that all the candidates that each political party presents to them have gender balance. This solves the issue of the two thirds gender rule which the National Parliament has not been able to enact. Mr. Speaker sir, one of the things that Kenyans requested during the Public Participation yesterday, is that they have not been understanding how women have been put in the party list. The BBI gives a solution to the issue of party list. Today we will not be giving names according to the seats won but according to the number of votes that any political party has gotten.

We want to support BBI because some of the issues that we have had as women have been solved by the BBI. Mr. Speaker, most of my colleagues have spoken about WDF, the BBI brings the establishment of County Assembly Fund which I don't know whether members are aware of. As a county assembly we thank the Committee of Experts for thinking about the County Assembly Fund. And as my Minority leader has said, some the issues that we have been fighting about here, is failure by the CECs to answer questions that have been brought before the floor of this House by members.

Therefore, with this BBI, we will be having Members of the County Assembly who will be appointed to be CECs. We have no problem having our MCAs becoming CECs.

Mr. Speaker Sir, many people have been talking about Article 43 that talks about economic and social rights. If you go to Article 50 of this BBI, it seeks to amend Article 203 of the Kenyan Constitution. Allow me to read in part. It says, "Article 203 of the Constitution is amended in Clause 1 by inserting the following paragraphs immediately after Paragraph 4; the need to ensure their payment of the economic and social rights guaranteed under Article 43. Not only that, on the Ward Development Fund (WDF), the BBI goes ahead to say that you are only allowed to implement projects that have functions under Schedule 4 of the Kenyan Constitution that where the county government is mandated to implement those functions. So, the MCAs will not go outside of their mandate. The money that WDF seeks to give MCAs will be helping in solving the issues of the functions under Schedule 4.

I am also happy to note that BBI has also allowed us to have now Constituency Development Fund (CDF) in the Constitution unlike before where Parliament has been seeking to act legislation to allow for CDF.

Mr. Speaker, we have been having fights between Senate and the counties concerning revenue allocation. This BBI seeks to heal that problem. Article 56 of this BBI authorizes the Controller of Budget whenever there are those divisions. It allows the Controller of Budget to get money from the Consolidated Fund. It goes ahead to say that 50% of that money from the Consolidated Fund will be given to the counties to use in the meantime as both the Senate and the county governments continue with their fights.

Mr. Speaker, I know there are so many Members who want to speak. However, we do not want to forget the youth. Article 237 of this BBI establishes the youth commission. The mandates of the commission are highlighted there. I don't want to go through it.

Mr. Speaker Sir, we know that for sure Kenyan Constitution gives a very specific mandate to the MCAs. I want to quote Schedule 4 of the Kenyan Constitution where it allows the MCAs to mobilize the electorate. It is a special mandate given by the Constitution of Kenya 2010. Mobilize the members of the public to give them information on any constitutional amendment. I want to seek this House that even after today's debate, once we pass this BBI, let us go to the community and enlighten the members of the community about the gains of this constitutional bill.

I wish to thank the Members and ask them to pass this BBI. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Members, may I take this opportunity to recognize the presence of Hon. Waihenya Ndirangu, MP for Roysambu.

(Applause)

Hon. Peter Warutere: Thank you, Hon. Speaker for catching my eye. Thank you for recognizing the presence of my MP, Hon. Waihenya Ndirangu. Allow me to weigh in on the many remarks that have raised by the leadership and other Members that have spoken before me. Nairobi is a unique county. When Nairobi sneezes, the rest of the counties catches the cough. Today is a historic day. When history is written, as custodians of all residents who live in this City, we will have occupied our space. I am grateful that as I rise to support this well thought document, I have looked at the document. I have walked with my people on many hanging fruits that are in this document.

As I was coming today from Central Kenya, I passed through Nyeri and Murang'a. I can report to this House that the mood there is very good. I want to appreciate the people from that part of the country. There was a senator who said he had done sampling there and reported that people there had an issue. We want to castigate the sentiments of that senator that the people there are not supporting BBI. We are here in support of BBI. We come from that region and our voice must be heard. There are many things in this good document that makes us support the BBI. Just on record I have looked at equity in terms of looking at the fairness in terms of representation. We are looking at the resources following the votes. BBI advocates for fair representation and fair resource distribution among all Kenyans.

Two, there is a bottom up approach whereby BBI recognizes the ward at the lowest but most crucial unit of development and wards it a constitutionally protected kitty to transform projects. That said, I think it is critical to know that we have had issues because we did not have a proper sitting in this dispensation. Once these things are done within the frames of the Constitution, I am sure as MCAs we will have all in terms of gains ensure that at least our days will be going to be much better.

Lastly, there is the element of boosting war on corruption by capping hearing determination and hearing of graft cases that have been set within a period of two years. There are many good things in this document and the best we can do is to persuade you Members to ensure that as we enter in this annals of

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history, we will be the ninth County to pass BBI and then expedite this to Wanjiku out there. Thank you, I support.

(Loud Consultations)

Hon. Speaker: Order, Hon. Members! May I also take this opportunity to recognize the presence of Hon. Imran, MP for Kibra.

(Applause)

Hon. Members, I want to advise you, we are having a challenge with ICT. This being a historical moment, I believe all of you are going to have a say in this. So, you may be forced to do the manual roll call. Due to that, it may take time. Let us have one more Member so that we can proceed to the next item. Hon. Mofire.

Hon. Jeremiah Themendu: Mheshimiwa Mwenyekiti, ahsante kwa kunipatia nafasi hii niweze kuchangia mswada huu kutoka kwa Kamati yetu ya Sheria. Kwanza, nimesoma Kitabu hiki cha kubadilisha Katiba. Itatusaidia hasa MCAs ambao wamechaguliwa---

(Loud Consultations)

Hon. Speaker: Order, Hon. Members!

Hon. Jeremiah Themendu: Wale wanapinga hii Katiba, wakati tulipopitisha Katiba ya mwaka wa 2010, walijaribu kupinga. Tunasema ya kwamba Katiba ya Kenya imesaidia---

(Loud Consultations)

Hon. Speaker: Order, Hon. Members! Order! Hon. Member, wind up. I give you one minute to wind up.

(Loud Consultations)

Hon. Speaker: Order, Hon. Members! Order! May I call the mover to reply.

Hon. Joseph Komu: Thank you, Mr. Speaker.

(Loud Consultations)

Hon. Speaker: Order!

Hon. Joseph Komu: Thank you, Mr. Speaker. Considering the mood of the House, we are in a historical moment where the largest Assembly in the Republic of Kenya will shortly be passing this document

(Loud Consultations)

Hon. Speaker: Hon. Members, Order! This is the last warning, you may find yourself out if you are not going to behave in an orderly manner, especially for you ladies. Mover?

Hon. Joseph Komu: Hon. Speaker. Considering that the largest county assembly in the Republic of Kenya, second to the National Assembly, would be making history by passing this document. Also, considering the commitment of Members to turn up in large numbers, I wish to appreciate you for showing the desire, the desire and the appetite to pass this document. I beg to reply. Thank you.

(Loud Consultations)

Hon. Speaker: Order, Hon. Members!

DIVISION

ROLL CALL VOTING

(Question put and the Members of the Assembly proceeded to vote)

AYES: Hon. Abdi Hassan, MCA Matopeni/Spring Valley; Hon. Michael Okumu, MCA Embakasi; Hon. Elias Okumu, MCA Kileleshwa; Hon. John Nyumu, MCA Ruai; Hon. Alvin Palapala, MCA Kitsuru; Hon. Jayendra Malde, MCA Parklands/ Highridge; Hon. Joseph Wambugu, MCA Karura; Hon. Paul Shilaho, MCA Kangemi; Hon. Maurice Onyango, MCA Mountain View; Hon. Fredrick Njogu MCA Kawangware; Hon. David Ayoi, MCA Gatina; Hon. Clarence Munga, MCA Kabiro; Hon. John Mukiri, MCA Mutu-ini; Hon. Peter Kimuhu, MCA Ngando; Hon. James Kariuki, MCA Riruta; Hon. Moses Ogeto, MCA Kilimani; Hon. Samuel Kabiro, MCA Uthiru/Ruthimitu; Hon. Anthony Karanja, MCA Waitthaka; Hon. David Mberia, MCA Karen; Hon. Maurice Gari, MCA Nairobi West; Hon. Jared Ondieki, MCA Mugumoini; Hon. Osman Abdi, MCA South C; Hon. Kennedy Oyugi, MCA Nyayo Highrise; Hon. Cecilia Ayot, MCA Laini Saba; Hon. Jairus Omayo, MCA Lindi; Hon. Solomon Magembe, MCA Makina; Hon. Abraham Njihia, MCA Woodley/Kenyatta/Golf Course; Hon. Lawrence Odhiambo, MCA Sarangombe; Hon. Naftaly Mathenge, MCA Githurai; Hon. Antony Gatune, MCA Kahawa West; Hon. Pius Mbono, MCA Zimmerman; Hon. Peter Warutere, MCA Roysambu; Hon. Joseph Komu, MCA Kahawa; Hon. Samora Mwaura, MCA Clay City; Hon. Geoffrey Mbuthia, MCA Mwiki; Hon. Anthony Ngaruiyah, MCA Kasarani; Hon. Elijah Mputhia, MCA Njiru; Hon. Geophrey Majiwa, MCA Baba Dogo; Hon. Wilson Ochola, MCA Utalii; Hon. Jared Okode, MCA; Mathare North; Hon. Fredrick Otieno, MCA Lucky Summer; Hon. Naftali Ogola, MCA Korogocho; Hon. Kennedy Obuya, MCA Imara Daima; Hon. John Mulyungi, MCA Kwa Njenga; Hon. Evans Otiso, MCA Kwa-Reuben; Hon. Stephen Gikonyo, MCA Pipeline; Hon. Rose Ogonda, MCA Kware; Hon. Julius Njoka, MCA Kariobangi North; Hon. Peter Wanyoike, MCA Dandora Area I; Hon. Silas Matara, MCA Dandora Area II; Hon. Charles Thuo, MCA Dandora Area III; Hon. Francis Ngesa, MCA Dandora Area IV; Hon. Samuel Mwangi, MCA Kayole North; Hon. Jeremiah Themendu, MCA Kayole Central; Hon. Fredrick Okeyo Kayole South; Hon. John Muthiga, MCA Komarock; Hon. Stazo Omung'ala, MCA Upper Savannah; Hon. Nicholas Ouma, MCA Lower Savannah; Hon. Patrick Karani, MCA Utawala; Hon. Paul Kados, MCA Mihango; Hon. Mark Mugambi, MCA Umoja I; Hon. Joseph Ndonji, MCA Umoja II; Hon. Benson Macharia, MCA Mowlem; Hon. Robert Mbatia, MCA Kariobangi South; Hon. Mark

Ndung'u, MCA Maringo/ Hamza; Hon. David Mbithi, MCA; Viwandani; Hon. Antony Gathumbi, MCA Harambee; Hon. Peter Imwatok, MCA Makongeni; Hon. Paul Irungu, MCA Pumwani; Hon. Osman Adow, MCA Eastleigh North; Hon. Patrick Logedi, MCA Eastleigh South; Hon. Faud Hussein, MCA Airbase; Hon. Daniel Muturi, MCA Nairobi Central; Hon. Chege Mwaura, MCA Ngara; Hon. Peter Njau, MCA Pangani; Hon. Millicent Mugadi, MCA Ziwani/Kariokor; Hon. Herman Azangu, MCA Landimawe; Hon. Waithera Chege, MCA Nairobi South; Hon. Patrick Mbangula, MCA Hospital; Hon. Wilfred Odalo, MCA Mabatini; Hon. David Okelo, MCA Huruma; Hon. Redson Onyango, MCA Ngei; Hon. James Wambui, MCA Kiamaiko; Hon. Immapet Kemunto, MCA Special Elect; Hon. Mbugua Kabiro, MCA Special Elect; Hon. Susan Mukungu, MCA Special Elect; Hon. Leah Supuko, MCA Special Elect; Hon. Ruth Ndumi, MCA Special Elect; Hon. Laura Mwendu, MCA Special Elect; Hon. June Ndegwa, MCA Special Elect; Hon. Muthami Nancy, MCA Special Elect; Hon. Joyce Kamau, MCA Special Elect; Hon. Doris Kanario, MCA Special Elect; Hon. Jacinta Wanjiru, MCA; Special Elect; Hon. Mary Njambi, MCA Special Elect; Hon. Elizabeth Kuria, MCA; Special Elect; Hon. Kariuri Wanjiru, MCA Special Elect; Hon. Margaret Mbote, MCA Special Elect; Hon. Beatrice Waithera Gakunyi, MCA Special Elect; Hon. Rose Matista, MCA Special Elect; Hon. Carolyne Mayunzu, MCA Special Elect; Hon. Hafsa Khalif, MCA Special Elect; Hon. Ann Catherine Akinyi, MCA Special Elect; Hon. Emily Oduor, MCA Special Elect; Hon. Millicent Okatch, MCA Special Elect; Hon. Jackline Apondi, MCA Special Elect; Hon. Esther Nyangweso, MCA Special Elect; Hon. Mellab Lumalah, MCA Special Elect; Hon. Emily Waithaka, MCA Special Elect; Hon. Malenya Eve, MCA Special Elect; Hon. Catherine Okoth, MCA Special Elect; Hon. Mary Mwami, MCA Special Elect; Hon. Eunice Wanjiku, MCA Special Elect; Hon. Asli Mohammed, MCA Special Elect.

NOES: Nil

Hon: Speaker: Hon. Members, the total number of Members who are seated in this Assembly are 109. Those who voted on Zoom are five. So, it brings the total to 114. Members.

AYES: 114

NOES: Nil

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 114 votes to Nil)

(Applause)

Hon. Members, having considered, debated and approved the Constitution of Kenya Amendment Bill, 2020, pursuant to Article 257(6), which states that: *If a county assembly approves the draft Bill within three months after the date it was submitted by the Commission, the Speaker of the County Assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the County Assembly has approved it.*

The Speaker undertakes to fulfill that at the rise of this Assembly. Thank you.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon Members, there being no any other business, the House stands adjourned to Tuesday 2nd February 2021 at 10.00 a.m. Thank you.

The House rose at 5.05 p.m.