



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Tuesday 12th April 2022

The House met at 9.30 a.m.

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

PRAYER

QUORUM

Hon. Speaker: Clerk, confirm if we have quorum.

(The Clerk –at-The Table confirmed there was no quorum)

(Quorum bell was rung)

(The Clerk-at- The Table confirmed there was quorum)

I understand we have quorum. Proceed to the first order.

MOTION

MOTION OF PRIVILEGE PURSUANT TO STANDING ORDER 53(2) RESCINDING DECISION OF THE COUNTY ASSEMBLY

Hon. Speaker: Did you have a statement, Minority whip?

Hon. Peter Imwatok: Hon. Speaker, I rise on a Motion of privilege and the subject of Motion is rescinding the decision of the County Assembly pursuant to Standing Order number 53 (2).

Hon. Speaker, pursuant to Standing Order number 56(h), I beg to move the following Motion; THAT aware that section 13 of the County Government Act 2012 as read together with section 11 of the County Assembly Services Act 2017 establishes the County Assembly Service Board whose functions amongst others is to constitute offices in the County Assembly Service, appoint and supervise office holders and determine and review the terms and conditions of service of persons holding or acting in the offices of the service; noting that on the 26th October 2021 at 2:30 p.m., this County Assembly adopted the 6th report of the sectoral committee on Justice and legal Affairs whose recommendations as worded had a net effect on

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demoting, and or sacking several officers of the County Assembly services; observing that in demoting and sacking the officers, the County Assembly usurped the powers of the Service Board and denied the affected officers the right to fair administration action guaranteed under Article 47 of the Constitution; cognizant that under the established Commonwealth parliamentary practices and procedures, legislatures are bound not to discuss on the floor of the parliament matters affecting staff of parliament which matter should be handled by the administrative bodies governing parliament; appreciating that in adopting the foresaid report of the sectoral committee on Justice and Legal Affairs, the Assembly erred both in law and established parliamentary practice. Now therefore pursuant to Standing Order 53(2), this Assembly resolves to rescind its decision taken on 26th October 2021 at 2:30 p.m.; adopting the 6th report of the sectoral committee of Justice and Legal Affairs and the said report be expunged from the records of the County Assembly.

Mr. Speaker, on this Motion, I am privy to the fact that am one of the persons who moved a very contradictory statement in this Assembly that I vehemently and immediately withdrew because as per the law, it was not anchoring well. As a privileged House, we will not be her in the coming month or so and so we should correct that which we did wrong and personally I will be very apologetic to the staff of the Assembly for bringing this to the House I beg that this be taken into consideration and the report be expunged from the records. The Board should be independent as enshrined in the law. I beg to move this Motion of privilege.

Hon. Speaker: Very well. Clerk. I am advised that it can be seconded. Hon. Kabiro to second.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker sir. I wish to raise my voice and second the Motion that has been moved by Hon. Peter Imwatok. In accordance to Standing Order 53(2), I agree with him fully. Thank you very much, I second.

(Question proposed)

Hon. Speaker: I do not see any request to debate. Mover to reply

Hon. Peter Imwatok: My able Speaker, I want to thank you and the Members of this House. This is a House of rules and procedures as enshrined in law and I am glad that you are correcting what was not right before we adjourn *sine die* so that we leave this House in clean hands. You have guided us well and for that, I thank you. I also want to thank my seconder Hon. Kabiro and may God bless you all.

(Question put and agreed to)

Hon. Speaker: Next order. What is your point of order?

MOTION ON MATTER OF COUNTY IMPORTANCE

Hon. Peter Imwatok: Hon. Speaker, I want respectfully and with a lot of humility to rise on Standing Order on matters of importance to the county. Hon. Speaker, it is my privilege as Member to have what is due to me. It is demeaning to us what we saw on the television and social media Members storming to the office of the Governor and CEC Finance demanding for their meagre salaries.

Hon. Speaker, you have tried so hard to ensure that Members are comfortable to discharge their duties as possible but it is noted the Executive have decided to treat the honorable Members of this House and staff as chicken for hire.

Hon Speaker, I want this House to note that there is a problem in this County Government and one of it is that the finance sector has been taken over by cartels. Today in this chamber, because I may not have any other day so that it goes to record, I want to go on record saying that the County executive as is today is

not in hands the Governor Anne Kananu. The office of Finance Minister, Allan Igambi, is always absentee CEC for Finance. I am informed that after Members stormed the offices of the Governor seeking accountability on how to get their salaries and per diems, some Members put effort to find CEC of Finance and they found him at a club called 40/40. He was later found in a lodging at Koinange streets. As it stands, the CFO for Finance in this county if he is not in Lenana he is in Game suites, if he is not in Games suite he is in Isiolo. This office has brought a lot of disrepute to the county.

Mr. Speaker as we sit here we have a new Clerk who was brought back by the Court of Appeal. The Clerk has met the Governor, has called the CEC Finance, has called the Chief officer but none of them are in office. Albeit the Governor was once found in office and assured the Clerk that we will be paid our salaries. I had privilege to speak to the Governor a day before yesterday and assured that she was going to call the CEC of Finance who is never found on phone unless on WhatsApp.

Mr. Speaker, the county of Nairobi is held by four people. One is our Majority Leader who is now running for the position of Isiolo Governor, Abdi Hassan Guyo. I know many people fear to mention these names. On the same floor I mention Sonko's name without fear of contradiction. I want to ask Nairobians that *Mheshimiwa* Abdi Hassan Guyo is now the Governor candidate for Isiolo county but it is not fair that when Guyo travels to Isiolo he has to travel with the CFO Mr. Sahal. When he is back he comes back with Sahal to Nairobi. This means this county even the garbage collector, even the pensioners cannot be paid unless Abdi Guyo decides and instructs Sahal to pay. Even the governor herself!

It is bad and it must be said. All these shenanigans are happening and they are all quoting the government in this. Hon. Speaker, the CFO of this county has never set foot in office for the last three months but if you go to Lenana suite you find him there, you go to Games suite, you find him there, Koinange street you find him there. It is not possible! This afternoon I will be moving a Motion of censure against the CEC of Finance and CFO Finance because this county deserves the best, especially the Members.

I want it to go on record. The reason why the Clerk is not allowed - and there is collision inside this chamber which I don't want to mention staff names inside the chamber. The Clerk Edward Gichana, substantively appointed, approved and vindicated by the Court of Appeal is not supposed to be given rights to run this county assembly. Hon Members I want to shock you. The reason why Edward Ombori Gichana is not supposed to come anything close to finance as accounting officer is very simple. Hon. Speaker it will shock you this Assembly that has never paid staff salaries and to Members holds an account with Cooperative bank called Caller account with a net balance of Ksh. 313 million, run by a staff called Adah Onyango, Castro and former Clerk Ngwele in aid of one Abdi Hassan Guyo, which I don't fear.

Hon. Speaker I also throw this ball to you; we need a forensic audit on the Co-operative Bank operations with the County Assembly. I have never heard of a bank giving conditions to its clients on who is to be the signatory or who is not to be. As the Chairman of the Board, no one should question your signature including the CEC of Finance.

I am aware that you and the Board in your wisdom certified that all the signatories which were not there should be removed and be replaced by the substantive Clerk to make decisions. But because of the control of this offshore account called 'caller account' – a call account in accounting terms is an account whereby if the institution has a case with a particular individual, money is reserved in that account so that in case this individual wins a case against the institution, the money is used to pay that individual.

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Hon. Speaker, I am not aware of such a case in the County Assembly of Nairobi where it holds such a call account at Co-operative Bank. I want to read the account number for the record; the County Assembly of Nairobi through the said account at Co-operative Bank as at 27th March 2022, the balance was Kshs 313 million. The account number is 01146232417500. Hon. Speaker, as the head of this institution, you are also staring at prison because of the call account and why it has been opened without the authority of the Board.

I sit in the Loans Committee, and for us to open an account for the committee, the Board has to approve. Unless the Board that you chair Mr. Speaker will tell Members that you have a call account and there is a case in court that requires us to put aside 330 million shillings every month which has not been spent. As Members of this House we may not sit again but we must say the truth as it is. That, the County Assembly of Nairobi has been held ransom by the three members from the same ethnic group. The NCIC can invite me and I will appear there. One Member has taken the entire County Assembly at ransom despite the fact that we impeached Sonko; he is one Abdi Hassan Guyo.

I am also reliably told---

Hon. Speaker: Hon. Member, I rule you out of order on that one because you are going to substantiate the allegations.

Hon. Peter Imwatok: I will substantiate, Hon. Speaker. The reason I am saying so is because Abdi Hassan Guyo is my friend and the Majority Leader of this County Assembly. The head of COB and the CFO in this County Assembly is from the same ethnic group. Even the Governor of this city has no powers whatsoever to execute any financial decisions. The CEC of Finance is a puppet of the three musketeers.

Hon. Speaker, I know we are going for elections but let history speak for us that we said on the floor of this House that three members from the same ethnic group have held the County Government at ransom. Mr. Speaker, stand firm and make a decision that will change the entire life of this institution. This afternoon I am going to move a Motion censure against one Allan Igambi and the musketeers. I beg to lay this before the House.

Hon. Speaker: Very well Member. Those allegations are very serious, I direct the Clerk to immediately after this sitting write to the CEC Finance, Allan Igambi to substantiate those allegations. On the issue of the Co-operative Bank account, it is equally serious and I instruct the Clerk to write to the Co-operative Bank and we can have our external lawyers to do a forensic audit of that account. At the same time, we are going to report the same to the Central Bank so that they can also come on board so that there will be no bank that is running amok and not taking the Members earnings seriously. Thank you.

PROCEDURAL MOTION

ALTERATION OF THE ASSEMBLY'S CALENDAR

Hon. Waithera Chege: Thank you Mr. Speaker. I beg to move the following Procedural Motion titled; alteration of the assembly's calendar. Pursuant to the provisions of Standing Order No. 29 (4), this assembly resolves to alter its calendar adopted on the Thursday 20th February 2022 and adjourn today Tuesday 12th April 2022 and resume its sittings on Tuesday 24th May 2022 at 9.30 a.m.

Mr. Speaker, thank you for giving me this chance to move this Procedural Motion. You will bear me witness because I have been on record on the floor of this House begging the sitting government to address some of the very many issues that we are seeing in Nairobi today; I want to be specific on the garbage

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collection in Nairobi and nothing has happened to date. This has been necessitated by the failure of committee chairpersons to either act or do proper oversight on the County Executive. Because of their unavailability even to do these meetings, I do not see the reason why we should proceed because they are busy doing their campaigns. Some of the nominations are to be held this Thursday and it is only fair that we go for recess to allow the Members to concentrate fully on their nominations. Many of the nominations are being held between this Thursday and next month.

The second reason Mr. Speaker, is because those nominations are running. Even after the nominations the IEBC calendar is very clear that the candidates have to proceed and present the nomination certificates to the IEBC. If you compare the party and IEBC calendars, you will realize that we are not likely to have quorum. I have been a Whip in this House and we have actually been begging Members to contribute to the meetings virtually or appear in the House physically, and we have not succeeded.

Therefore, allow me to ask Hon. Kiragu to second the Motion so that we can go for recess to deal with our nomination issues. Thank you Mr. Speaker.

Hon. Anthony Karanja: Thank you Hon. Speaker. I want to second this Motion and add that there cannot be a timelier Motion than this one. I believe the whole assembly is supporting this because we are struggling in our committees to run the usual business of the committees. I will hate a situation where this assembly would lose a very hard working MCA like Hon. Imwatok in the next assembly. I would like to see him in the next assembly so as to benefit from his experience and wit.

Hon. Speaker, if we continue keeping such a person in this assembly to do business now, he might be surprised on the 21st. We want him to come back so that me and him can put notice to the Executive, that they will be held responsible in the next government for everything that they are doing that is not right. I personally want to put on notice Governor Kananu, that, she is the CEO of this institution and she must make sure that things go right.

This idea of the CEC Finance operating from a lodging is not acceptable. I want to second this Motion and ask our people to go to the *mashinani* and make sure that they have enough time to enable them come back to this assembly. Thank you.

Hon. Speaker: Thank you

(Question proposed)

Hon. Speaker: Sorry, I have been guided. *'To resume its regular sittings on Tuesday 24th May 2022 at 9.30 a.m.'*

Hon. Mark Mugambi: Thank you so much Hon. Speaker. I stand also to support the procedural Motion by Hon. Waithera. Like my brother Hon. Kiragu has alluded, most of us are going for the party nominations in a few days' time. We shall need ample time on the ground to try to salvage our images which have been tainted by a dysfunctional county government for projects not completed and not done.

Hon. Members need time to go and explain themselves to the electorates and see whether they will be given a life line to represent them in this House in the next assembly. Therefore, Hon. Speaker I support this Motion.

Hon. Speaker: Thank you.

Hon. Jeremiah Themendu: Thank you Hon. Speaker. I rise to support the procedural Motion. It is timely because we are heading for nominations. This country belongs to us all and political parties are for

Kenyans. We need to be given time to go and participate in those nominations. We have had many challenges in this assembly and I think it is time for the Members to go and relax and seek votes from their constituents.

When we will be coming back in May, we shall be able to transact the business of the House without much ado as we experienced yesterday. I support the Motion, thank you.

Hon. Speaker: Thank you Members. There being no other request, I call the mover to reply.

Hon. Waithera Chege: Thank you Mr. Speaker. I also want to remind Members that the committees will be ongoing as scheduled virtually. I beg to reply, thank you.

(Question put and agreed to)

Hon. Speaker: Next order!

MOTION

POLICY ON MANAGEMENT AND STANDARDIZATION OF COUNTY HOSPITAL EQUIPMENT, VALUATIONS, SERVICING AND REPLACEMENTS

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I beg to move the following Motion:

Aware that Article 43 (1) of the Constitution of Kenya 2010, provides inter alia that; Every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; further aware that Paragraph 2 of Part 2 of the Fourth Schedule of the same Constitution, provides for County Health Services including but not limited to, promotion of primary health care as devolved functions for execution by the County; noting that recent years have witnessed major advances in medical technologies that have been responsible for earlier and more accurate diagnoses, more effective treatments, and the ability of people to live longer, healthier lives; concerned that the management of the County medical devices have remained sub-optimal resulting to under-utilization of huge-investment medical devices, wastage of resources as a result of investing in medical devices that do not meet priority health needs of a given section of the populace, investment in medical devices which are incompatible with existing infrastructure, sometimes low quality, or do not function properly; acknowledging that medical devices and equipment are critical components of healthcare system and play a critical role to ensure delivery of quality health services in line with the Constitution, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to develop a policy on management and standardization of County hospital equipment including valuation, servicing and replacement.

Mr. Speaker Sir, this Motion is as simple as it is just making sure that there is standard equipment, in all hospitals regardless of their placement in any locality in Nairobi.

Mr. Speaker, standardization means reducing unnecessary variation in a process. There are several hospitals in Nairobi and the benefit of standardization would have been that staff and other patients do not waste time before or during any patient visit. There are certain places require standardization and I would like to list them. The first is on laboratory and let us have standard things on laboratory. The other one is theatre; we should have standard theatre and should be present in Mama Lucy, Mbagathi and Pumwani.

Hon. Speaker, standardization requires just planning and nothing much because these things will be present in all these hospitals if there is proper planning and purchasing of this equipment. You would then ask what are these things that are required for standardization. we have heard and seen the NMS do a tremendously well in making sure that Hospitals are functional and we have seen the launch of Tasia Hospital,

Uthiru Hospital, Mukuru kwa Ruben, Kayole II, Kibera South and Kianda 42. All these hospitals are now functional and many others. I think there was a schedule to launch like 24 Hospitals within a certain time and we have never had a proper servicing plan of equipment which has been bought by different procurement entities for hospitals now.

Some of this equipment, I would suggest be standardized include hospital stretchers that require certain ways of adjusting them for a patient to be allowed to use. certain sophisticated things like defibrillators. It allows for the maintenance of a certain rhythm on a heart rate or breathing. I would have spoken about the EKG which is an Electro Kilogram, which is a facility that allows or measures the electrical mechanisms of a heart over a period. When you go to a private hospital, you are put for a few other things that you are now they can monitor your heart and whether you are susceptible to certain things like Cardiac arrest. A classic example is a device that is used for holding a scalpel holder that thing is the one that helps in the theatre to slice anybody when a certain procedure has to be done. That thing has to have a period of which it can be used they are highly susceptible to rust and when it rusts it can affect the patient with another more serious problem than what you will be trying to solve.

Hon. Speaker, ultrasound machines should be standardized and these things they allow like when you are moving staff, an example from Mbagathi Hospital and you are moving them to Mama Lucy they should not be some time or learning. This is because patients are coming in every day and there should be not a learning curve that should be met so that somebody can know how to use a certain device. These devices should be very standardized as what is in Mama Lucy should be on the other side and even the supplier who supplies should also be there.

This standardization helps in the stabilization of departments ideally and this decreases the learning curve of the staff whenever you have to use a certain device as it improves workflow efficiencies and decreases mistakes. As you would not like to go to the theatre table and have somebody do a mistake on you and become more like an experimental animal.

The biomedical engineers get it easy when they have to service all the equipment from different hospitals. If you get a device from either Philips, Crown, or Samsung it becomes so difficult when a biomedical engineer has to then go through every hospital trying to learn something new for them to restart that machine if it has broken down.

Hon. Speaker, it also allows for you to get these machines cost-effectively, as when you buy them in bulk you can get some discount on it and you can get what people do like purchasing organizations can give you certain discounts that you can benefit as the county will be benefiting heavily from that.

Hon. Speaker, I would go on and on trying to explain all these things about medical equipment because that is my field. I would just want to ask that we support this and that we have standardized medical equipment facilities be it small or big or be it facilities that are in Kibera, Mukuru Kwa Njenga, Kwa Ruben, Mathare or even Waithaka where the bishop comes from.

Therefore, it is something that I highly support and I am just saying that a policy has to be made and let us have this policy as quickly and more even quickly before we exit in this Assembly so that we can pass it. I thank you very much for this opportunity and I would like to call the Hon. Jeremiah Karani Themedu to second this Motion. Thank you.

Hon. Jemeiah Themendu: Thank you, Hon. Speaker, for giving me this chance and thank Hon. Kabiro for the good Motion that he has brought in this House because health is very important and for all governments in the whole world. If we do not have a healthy population then even human resources cannot be achieved.

Hon. Speaker, I also concur with Hon. Kabiro that we need to standardize the equipment that we have in our county hospitals and dispensaries. I think like Mama Lucy, for example, there is equipment that is not there like when a patient is to be examined or needs an MRI they do not have them. I do not know whether in Mbagathi we have them or not but what I know in Mama Lucy they do not have it.

Therefore, I like to support that if the equipment that is being bought for example like in Germany, let all the equipment be bought from there so that when we transfer those staff from our dispensary or hospitals, already they will be knowing what to be done concerning the same for the work to be easy.

Hon. Speaker, I think we can take that matter seriously and urge the county executive and the NMS to take charge and make sure that equipment is standardized. Hon. Speaker, I second the Motion. Thank you.

(Question proposed)

Hon. Speaker: I understand that no Member wants to respond therefore may call the move can reply.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker once again, for this opportunity and I would wish to reply by saying that the three categories of machines are the theatre, laboratory and imaging machines need to be standardized.

There has to be a service plan so that who every supply those machines should then give a servicing order over two or three years. So that we can make sure that those machines are functional and incorrect state to make sure that they save alive.

Hon. Speaker, having said that, I would wish to thank Hon. Themendu, among many others who have supported at heart, in mind and soul. Thank you very much and beg to reply, thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, may I take this opportunity to wish all the Hon. Members who are contesting, retaining their seats or looking for higher seats; may I wish them well. At the same time, I know that the honorable Members are people of decorum and I believe that the election or the nomination process will be peaceful. I urge that you remain focused, so that this country even after the election, that you shall still be leaders and have so many other roles that we can be able to play. Thank you.

There being no other business the House stand adjourned until Tuesday 24th May 2022 at 9.30 a.m. Thank you.

The House rose at 11.05 a.m.