



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Tuesday 13th December 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Honorable Members, I have a communication to make but you will allow me to read it in the next few minutes. Clerk, you may proceed.

PAPERS

Hon. Speaker: The Chairperson, Water [committee]

REPORT OF SECTORAL COMMITTEE ON WATER AND SANITATION ON THE COMMITTEE'S INDUCTION WORKSHOP

Hon. Redson Onyango: Pursuant to Standing Order No 196, I beg to lay the following Paper on the Table of this Assembly today, 13th December 2022:

The First Report on the Sectoral Committee on Water and Sanitation on the Committee's induction workshop held from 24th to 27th November 2022 in Mombasa County.

I beg to lay.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Chair. Committee on Labour and Social Services?

Hon. Kamau Fiunifu: I serve in that Committee. We will expedite the matter when we resume business come 2023.

Hon. Speaker: Honorable Member, you have taken up a responsibility which you have no idea of. You are out of Order! These are Papers laid before the Assembly. Can we have the Chairperson to lay the committee's report on the workshop held from 24th to 27th November 2022. Do you have it?

Hon. Kamau Fiunifu: I have it.

Hon. Speaker: Chairperson committee on Water?

Hon. Redson Onyango: I have done so.

Hon. Speaker: Okay, you may be seated. Committee on Trade and Tourism? Committee on Environment and Natural Resources?

REPORT OF ENVIRONMENT AND NATURAL RESOURCES ON THE COMMITTEE'S INDUCTION WORKSHOP

Hon. Kamau Fiunifu: Thank you, Hon. Speaker. Pursuant to Standing Order No 196, I beg to lay the following Paper on the Table of this Assembly today, 13th December 2022:

The First Report on the Sectoral Committee on Environment and Natural Resources on the Committee's induction workshop held from 14th to 17th November 2022 in Mombasa County.

Thank you, Hon. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Chairperson, Public Investment Committee? Chairperson committee on Early Childhood Education and Vocational Training?

REPORT OF CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING
ON THE COMMITTEE'S INDUCTION WORKSHOP

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. Pursuant to Standing Order No 196, I beg to lay the following Paper on the Table of this Assembly today, 13th December 2022:

The First Report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the Committee's induction workshop held from 14th -17th November 2022 in Kisumu County. Thank you, Hon. Speaker.

(The Paper was laid on the Table)

COMMUNICATION FROM THE CHAIR

VISITING GUESTS FROM MAKONGENI WARD

Hon. Speaker: I have received a notification from the honorable Majority Leader that we have guests at the public gallery. Madam Evelyn Chantel, Brenda Mary, Emily Melel, Dorcas Wanjiku, Rossieta Mukongo, Linet Owino.

(Applause)

Those are members from Makongeni Ward who have come to show solidarity with the Majority Leader in the House and to confirm whether indeed he is an active Member in the House.

(Laughter)

NOMINATION FOR PERSONS FOR APPROVAL BY THE COUNTY ASSEMBLY
FOR APPOINTMENT AS CHIEF OFFICERS

Hon. Speaker: Honorable Members, I have a communication to relay to the Assembly, today, 13th December 2022 on Messages from the Governor.

Honorable Members, Standing Order No 45 (1) relating to Messages from the Governor provides that:

The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.

In this regard, honorable Members, I wish to report that on Thursday 8th December 2022 at the rise of the County Assembly, I received a message from His Excellency the Governor Sakaja Arthur Johnson, CBS, vide a letter reference Legal Notice 438/2022, dated 2nd December 2022.

Honorable Members, the message regards the nomination of persons for appointment as chief officers for various sectors and sub-sectors. Accordingly, Hon. Members, I now wish to convey the message.

Honorable Members, pursuant to Section 45 of the County Government Act, 2012, his Excellency the Governor has nominated and forwarded the names of the following persons to this Assembly for vetting, approval and appointment as chief officers for various departments.

<u>Nominee</u>	<u>Sector/ Subsector</u>
1. Priscilla Mahinda	Office of the Governor
2. Asha Abdi	Finance
3. Winnie Gathangu	Economic Planning
4. Wilson Njoroge Gakuya	Revenue Administration
5. John Murungi Lintari	ICT infrastructure
6. Victor Otieno Ogolla	Digital Economy and startups
7. Tirus Wainaina Njoroge	Smart Nairobi
8. Ahmed Mohammed Abdi	ECD and Vocational training
9. Oscar Mufunga Igaida	Youth, talent and sports
10. George Mutiso Musembi	Social services
11. Boniface Karimbi Nyamu	Mobility
12. Geoffrey Kimutai Tirop	Works
13. Lucky Ogutu Okudo	Energy and Lighting
14. Cecilia Wangari Koigu	Lands
15. Patrick Analo Akivianga	Urban Development and Planning
16. Marion Nyawera Rono	Housing, urban planning
17. Janet Omollo Opieta	Public service
18. Justus Gathenge	Burrows and sub county administration
19. Tony Michael Kimani	Security and compliance
20. Bramuel Wesangula Simiyu	Disaster Management and coordination
21. Zipporah Njeri Mwangi	Business and opportunities
22. Elizabeth Njeri Njau	Markets and trade
23. Godfrey Akumali Atiel	Cooperatives
24. Ibrahim Otieno Nyakach	Environment

25. Collins Omondi Kamol	Food, agriculture and natural resources
26. Oscar Omoke	Water and sewerage
27. Geoffrey Omoke Mosiara	Health facilities
28. Tom Machira Nyakaba	Public Health
29. Irene Njeri Mochoki	Medical services
30. Bernard Buluma Kulokhoma	Wellness, nutrition, school feeding
31. Lydia Wambui Maitha	Public participation, citizen engagement and services
32. Clement Rapudo Sijenyi	City, Culture, Arts and Tourism
33. Maryam Dubow Dahir	Gender and Inclusivity

Honorable Members, Standing Order No. 48 of our Standing Orders, read together with Section 7 of the Public Appointments County Assembly Act, 2017 provides and I quote;

Upon receipt of notification of nomination for appointment to an office under the Constitution or any other legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant sectoral committees of the county assembly for consideration.

Accordingly, honorable Members, I now commit the nominees to the relevant sectoral committees for consideration. Due to the urgency of this matter, the committees are directed to hold their approval hearings on 22nd December 2022 and thereafter table their reports as soon as may be practicable to the House for consideration.

I thank you Honorable Members for listening to the Chair. Clerk, you may proceed.

Hon. Peter Imwatok: Hon. Speaker, if you may allow to alter the sequence of the business to allow us to go somewhere with the Minority Leader for the interest of this assembly on the issue of car reimbursements. Allow us to alter the Order Paper so that I can move the Motion on adjournment before we can proceed to that other office.

Hon. Speaker: Honorable Members, the Majority Leader has made a request to the Chair. It is upon the House to decide whether to defer other businesses according to the sequence of the Order Paper. I have not received any support for the request, honorable Majority Leader. Do we have any honorable Member in support of the said request?

Honorable Majority Leader, please take your seat.

Hon. Mark Mugambi: Thank you, Hon. Speaker. The Majority Leader has clearly stated that they are going to handle the weighty matter on car reimbursements. I can confirm the offices of both Whips have been unable to give satisfactory responses to our Members on when they will get their car reimbursements.

Hon. Speaker, I believe we can alter the sequence as requested by the Majority Leader so that at least the pressure will ease today for both Whips and we can have credible answers to our Members on when they will stop using matatus. As you can see, Hon. Speaker, we do not have a full House across both divides and I believe that Members need to be facilitated with what is dully and rightfully theirs within the next few days. With that, I beg to second the request made by the super Majority Leader. Thank you.

Hon. Speaker: Honorable Members, as requested by the Majority Leader and under Standing Order No. 43 that gives guidance on the order of the business of the Assembly, and by leave of the Speaker, I grant

the opportunity. I must also mention that Motion No. 11 will automatically direct that we adjourn the assembly. This means that we will have to defer the other businesses immediately the House adjourns. Honorable Majority Leader, please.

MOTION

ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

Hon. Peter Imwatok: Thank you, Hon. Speaker and my Minority Whip for standing for me when need be.

Pursuant to the provision of Standing Order No.31 (3), this assembly adjourns until Tuesday 14th February 2023 in accordance with the calendar of the county assembly (regular sessions).

Hon. Speaker, I am happy that we are adjourning today to consider other issues between my office and the office of the Minority Leader and the Whips, especially the issue of car reimbursements which we are going to handle in another office this afternoon. More importantly, Hon. Palapala has promised me some money to shave, that shows how much I have been busy. I hereby accept Hon Palapala's offer for a shave because it has been a long time working for this County since we were sworn in.

Hon. Speaker, I understand the pressure on us especially during the festive seasons is too much. This is a time to bond with our electorates and more importantly with our families. Some of us started campaigns last year in November and we have no time to see our fathers, mothers and our siblings back at home. It is also time to see our constituents while not in hurry to go for a committee meeting, to approve CECs or any other engagement for the County. Therefore, this is very important for us and even for you to relax. It has been a long campaign and it was very tough for you. You should go and relax with mama somewhere so that next year you will be in good form.

I want to wish honorable Members a merry Christmas and a happy and prosperous New Year. We will be working round the clock to ensure that you are going to get the car reimbursements before Christmas day. We will communicate other things through the Whip's office, if need be. I am aware that the Speaker has allowed committees to go on until 23rd December 2022. I ask the Minority Leader to second.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I would like to second the Motion. In consultation with the Majority Leader, the committees will be back by 15th January 2023 so that we can continue working as we wait the official opening of the Assembly on 14th February 2023.

I also take this opportunity to wish everyone a merry Christmas and nice festive season. You need to tell people that we will be busy on Valentine Day next year because we will have resumed. We will not be available for any valentine activities according to the calendar. Thank you, Hon. Speaker and Majority Leader, I beg to second.

(Question proposed)

(Point of order)

Hon. Speaker: Point of order number, Hon. Member?

Hon. Kennedy Oyugi: Order No. 59 (b)

Hon. Speaker: You are within your rights, Honorable Member, you may proceed.

Hon. Kennedy Oyugi: Thank you.

Hon. Speaker: This is Motion on Adjournment of the County Assembly, call for debate.

Hon. Kennedy Oyugi: Yes. Mr. Speaker, the Majority Leader always pulls the first one. I wanted to do it before but he pulled the first one as always.

Mr. Speaker I wanted to request the House to adjourn to debate on this very important issue of bursaries. As we all aware during the Governor's speech, which was fortunately debated in this House and passed, he said that he wanted to distribute bursaries across the County on termly basis. I wholeheartedly supported the idea but I am reliably informed that the termly basis that the Governor adopted is going to interfere with the initial allocation of bursary forms where we used to get 700 to 1,000 forms.

Let me put it much clearer, Mr. Speaker, for example, if you go to a ward like Lindi with 300 forms, it is a drop in the ocean, it is too little for us who are representing slum areas. Therefore, I wanted to plead with the House that as much as we embrace the Governor's idea, but on this specific one, let us have our forms distrusted the way we used to do. If the Governor want us to do it on a termly basis, then we need to increase bursary allocation.

The reasons why I am moving this Motion is because I have been reliably informed that possibly this week, the bursary forms are going to be ready. If you give me 380 forms as was proposed to take to my people of Highrise, where do I start? I would therefore request for the first allocation. Let us be given the bursary forms as we used to do so that we can give the Governor ample time to rearrange and reorganize his finances.

(Applause)

But for now, let us be given the 1,000 forms as it used to be. Mr. Speaker, for that reason---

Hon. Speaker: Thank you, honorable Member. Can we get some clarification from the Chairperson of the Sectoral Committee on Education, please?

Hon. Perpetua Mponjiwa: Hon. Speaker, thank you for this opportunity. For the honorable Members of this House, when the Governor was here, he talked about the issue of bursaries. He said that at every commencement of the term he will be issuing bursaries. He also increased bursaries from Kshs 4.5 million to Kshs 6 million annually. When he says that the bursaries will be issued at the beginning of every term, it means that there are three terms annually, this mean that every Member will get 400 bursary forms.

Hon. Speaker, I think we all know the process of procuring the forms and putting every administrative processes in place, and so it is only right because of time, that we give the Governor and the education department time to issue these forms as agreed in this House. The Governor came here with his agenda and manifesto, which was debated and you all clapped. There is no time and---

Hon. Speaker: Honorable Member, you are out of order, please. Order, honorable Member! We are not discussing the speech of the Governor but the position of the committee of Education on the way forward on bursary issuance. How many forms have you designated for--- You want to inform her?

(Point of Information)

Hon. Mark Mugambi: Thank you, Hon. Speaker. To the Chair, Education and responding to Hon. Oyugi's plea, we have between now and June, I believe we have two terms left. As you are aware, June is

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the end of 2021/2022 financial year. If we have an allocation of Kshs 6 million in your sector, we can either go the Hon. Oyugi's way, or if we have to go the termly way, perhaps you can give us for two terms i.e. 3 million per term because we only have two terms left. We can then go to the termly in the next financial year 2023-2024. My humble request is to inform you maybe if you have that allocation already we can use it in two terms remaining or we can have the forms in a lump sum. Otherwise, if we can go termly we are set to loss and the money shall be returned.

Hon. Speaker: Hon. Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I am almost short of using hard words on my colleague, Hon. Oyugi because what he is talking about is an Executive process. We deal with the legislative process here and the only person who can remedy that is the Governor. It has nothing to do with the Committee and this House. So, I will take him to the Governor so that he can talk to him. It is not in our place to discuss the number of forms. Thank you.

Hon. Speaker: Kindly, Chairperson for the Education Committee, can you advise the House on the current position and situation of the bursaries for the Members?

Hon. Perpetua Mponjiwa: The current position as I had earlier communicated, the forms were to be issued according to what the Governor had said, which is Kshs 2 million per term. But, Hon. Speaker, I take in the grievances and taking note that we as the Committee of Education are having a meeting with the Executive tomorrow. We will look into it and report back. Thank you very much.

Hon. Speaker: Thank you. Honorable Members, as we proceed for the holiday--- Hon. Chege Mwaura, you have a burning issue? You may you proceed.

Hon. Chege Mwaura: Thank you, Mr. Speaker, I have finally caught your eye and I am happy. Three things before we adjourn, I am well guided by my leader on the issue of the bursaries. When we go for the long recess, we will go when happy. When we open the House in the first week of January, we will still be in our wards and we will be having a hard time talking to our electorate on issues of bursaries. That is why we are supporting the proposal by Mheshimiwa Oyugi. So, courtesy of the leadership that is here, instead of the Minority Leader proposing to take Hon. Oyugi to the Governor, he and his counterpart should follow it up so that we are sure the bursary forms are out before we break off for Christmas and the forms can be filled when we go back.

Two, on the issues of car reimbursements, I am happy with what the leadership has said. I just wanted to add on the issues of loans once the disbursement has been done because our time is limited, maybe the Loans Committee could start off the process for Members to start applying early so that by the time the money hits the account, the ones who can be---

(Loud consultations)

Hon. Speaker: Hon. Members, please!

Hon. Chege Mwaura: The Loans Committee can also give out the forms to whoever wants to ask for that loan so that they can prepare themselves because we are now no longer at 60 months, we are maybe at 54 months. By the time we come back in February, we are still losing months. We can work on the paperwork so that when the money hits the account, the staff can start giving out the money once we are

around here because they do not go on recess like Members. My plea is to our leadership to work on these burning issues between now and when you have given us time to process the chief officers, to work extra hard so that we can at least go with these forms by next week. The car reimbursements and the loans be also disbursed by next week so that we close by around 23rd December 2022, Members will be going home at least with less pressure.

Otherwise, I would like to wish everyone a very successful and restful Christmas period. I am happy to have met all these Members who have come in. I believe that they will be recharged by the time we come back. This is a very energetic and brilliant House in terms of debate and committee work. We are very grateful for this team, Thank you, Mr. Speaker.

Hon. Samora Mwaura: Thank you, Mr. Speaker for catching my eye. I just want to add my voice on the issue of bursaries. I will support what Hon. Oyugi has proposed because giving us 350 or 400 forms to take to our constituents, Members who have experienced know that when you call for a bursary issuance meeting, people who turn up are around 2,000. So, if you have 400, surely, that is setting you up. It is either we go Minority Whip's way of Kshs 3 million, which will be at least 500 people in one term and then the other one.

The Governor was here and he gave his proposal for termly, but given the logistics and the processes that it takes to process those forms, I would urge that we go back to the traditional way of giving the lump sum for a whole financial year because it is easier. These forms take almost four to five months sometimes to process. If we go the termly way, I believe two terms will be colliding, whereby we issue for term one and before they are out, we are in term two. This brings a lot of confusion. Thank you.

(Applause)

(Point of Order)

Hon. Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker for giving me this opportunity. Hon. Oyugi rose on a Point of Order under Standing Order No. 59. I am seeing you are allowing a debate. I stand on a Point of Order under Standing Order No 1. You need to make a clarity because Members are debating on a Point of Order seeking directions but we are just debating.

Hon. Speaker, you need to give a clarity that if you are on a Point of Order under Standing Order No. 36 where we have that Motion of County Importance, it can be debated. Instead, he stood on a Point of Order and you have not given any direction on how it should be debated. We had even requested the mover to reply to his Motion. We don't know where we are. So, it is good for clarity, Hon. Speaker, thank you.

Hon. Speaker: Thank you, honorable Whip. Kindly withdraw the last statement, "we don't know where we are", please.

Hon. Moses Ogeto: Hon. Speaker, I withdraw the statement that we are not sure which Motion we are discussing.

(Laughter)

Hon. Speaker: Thank you. Hon. Ogeto. The Member rose under Standing Order No.59 (b) and he wanted clarification, and it is allowed. But it seems the Chair of Education was not prepared enough to give clarity. Now that the committees are running, you may be a friend of the Committee to get the factual position over the same.

Hon. Kennedy Oyugi: Thank you, Hon. Speaker. I think that you are becoming too lenient.

Hon. Speaker: Order, Hon. Oyugi! You may be seated. At no given time the Speaker can be lenient. I will start with you if you want me to show you my face. Kindly, sit down, honorable Member! You are out of order! May the mover of Motion No. 11 proceed and reply.

Hon. Peter Imwatok: Hon. Speaker, allow me to reply by saying the following; Firstly, as the Leader of the Government in the Assembly, I want to affirm authoritatively that there is a communication on the issues of bursaries, which all the elected Members are required to collect their bursaries on 15th which is on Thursday from the education sector. On the numbers, whether it is 300, 400 or 700, it can be clarified through the Committee of Education, which is domiciled in these facts.

Secondly, to my brother Chege Mwaura who has alluded very important point that we had 60 months after the election but now we have only 56 months. I am reminded that the Governor took our two months before we were sworn in, by my Whip. I want to affirm as the Chair of the Loans and Mortgage Committee that you are free to place your application for the loans as we wait disbursement of money so that our technical team can continue processing your Car Loan and Mortgage. As for your reimbursement, it is what is in the law and it will be done by the Clerk's Office, you do not need to apply, there are few issues you will be told to do.

On the issue of Minority Whip, alluding to two terms, terms never exist in terms of financial but as perpetual education calendar. Therefore, I believe the Executive can make those decisions, as the way the Minority Leader has said, whether to give in two terms or otherwise.

Lastly, Hon. Speaker, I am delighted that the ladies at the public gallery are the reason why I am in his House, they were part of my secretariat in the campaign and I am happy to host them today in my office.

(Applause)

This is also an encouragement to all elected Members and the Special Elect that you invite your constituents to see what you are doing in the Assembly. So, kindly invite your constituents, get clearance from the Speaker's Office and Clerk's Office for them to sit in the gallery so that they can appreciate what you do in this house. For those few remarks, Hon. Speaker, allow me to reply.

COMMUNICATION FROM THE CHAIR

INVITATION BY THE GOVERNOR FOR A SPECIAL MEAL AND WISHING MEMBERS MERRY CHRISTMAS AND HAPPY NEW YEAR

Hon. Speaker: Honorable Members, you are aware that nature has provided that we proceed for holiday; we do not control the Roman Calendar and it has given specifications that we are now in December holiday, so we are forced to oblige it

The Governor made a communication through the Office of the Speaker that he wants to have a special meal with honorable Members before you proceed to your various destinations. It will be at River Side Drive residence on 22nd December 2022 at a time that will be communicated later in the week. So, if you have got other plans, you can reschedule or you can think otherwise.

From the Chair of the Assembly, I just want to wish you Merry Christmas and Happy New Year. For those who will have the opportunity to travel upcountry, let us carry ourselves with a lot of dignity. When you are having celebrations, never forget to put your head out there forgetting that you are honorable Member. You must always look by your side, at the back, front and get to understand the environment and what is expected of you as honorable Member so that we restore the dignity of this House.

We wish every Member to come back in good shape because you might end up celebrating to a level that you are out of your senses and get hurt in a way. Never drive while drunk. For those who normally take Jack Daniel and Johnny Walker, please drink responsibly. Honorable Members, as you celebrate, the male and female counterparts, be responsible. This is the time of the family. If you have a side engagement, please reconsider that stand.

ADJOURNMENT

Hon. Speaker: Honorable Members, the House stands adjourned to next year, Tuesday February 14, 2023. Thank you, Hon. Members.

The House rose at 3.54 p.m.