



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Tuesday 15th February 2022

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms Immapet Kemunto) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, check if we have enough quorum?

(Clerk-at-the-table confirmed there was quorum)

Proceed, Clerk.

PAPERS

Hon. Temporary Deputy Speaker: Yes, Hon. Jagero.

Hon. Millicent Jagero: Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday 15th February 2022:

The Nairobi City County Development Control Policy.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Deputy Speaker: Next Order! Hon. Peter Wahinya, you have a statement to read?

Hon. Members, as per the Standing Order 41 (2) *“Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly.”*

Hon. Odalo, you have a Paper to lay?

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Just for continuity, kindly advise the secretariat to be a bit efficient. Doctors usually need efficient things.

Pursuant to Standing Order No.191 (6), I beg to lay the following Paper on the Table of the Assembly today, Tuesday 15th February 2022:

The Report of the Select Committee on Public Accounts on the consideration of the Report of the Auditor General for the financial year ended 30th June 2018.

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Thank you, Hon. Speaker.

(The Paper was laid on the Table of the Assembly)

NOTICE OF MOTION

Hon. Temporary Deputy Speaker: Hon. Peter Wahinya? Hon. Members, it has come to my attention that the secretariat is misleading the House. Please, ensure that whatever you are bringing on board must guide the Hon. Members on what they are supposed to lay on this Assembly. You stand guided.

I understand Hon. Odalo you have not finished the Notice of Motion. You can proceed.

ADOPTION OF THE REPORT OF THE AUDITOR GENERAL FOR THE FINANCIAL YEAR ENDED 30TH JUNE 2018

Hon. Wilfred Odalo: Hon. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the Report of the Select Committee on Public Accounts on the consideration of the Report of the Auditor General for the financial year 30th June 2018, laid on the Table of the Assembly today, Tuesday 15th February 2022:

Thank you, Hon. Speaker.

STATEMENT

Hon. Temporary Deputy Speaker: Hon. Peter Wahinya Njau via Zoom? The last time, Hon. Wahinya? Next Order!

MOTION

Hon. Temporary Deputy Speaker: Hon. Mutheu.

Hon. Patricia Mutheu: Good afternoon, Madam Speaker?

Hon. Temporary Deputy Speaker: Good afternoon.

MEASURES TO IDENTIFY, TRAIN AND EQUIP NYUMBA KUMI MEMBERS ON HANDLING FIRE OUTBREAKS AND EMERGENCIES

Hon. Patricia Mutheu: I would like to move a Motion that has been long overdue.

THAT, aware that Part 2 of the Fourth Schedule to the Constitution provides for firefighting services and disaster management as a function of the County Governments; deeply concerned that there is increasingly numerous cases of fire outbreaks, particularly affecting markets and informal settlements across the county; noting that these fire outbreaks have caused heavy losses for residents, some of whom have had these incidents affect them repeatedly; recognizing that if the County Executive were to take measures to ensure fire safety precautions are taken in all markets and informal settlements it would help curb the scope of damage caused by the repetitive fires since the response will be timely; realizing that these measures ought to include mapping out hot spots across informal settlements and markets where the repetitive fire outbreaks are notorious; convinced that the County can do this by equipping Nyumba Kumi and select volunteers under it, with the necessary facilities such as fire extinguishers to act as first responders in case of fire or other emergency outbreaks; this Assembly urges the County Executive to urgently take measures to identify, train and equip Nyumba Kumi members and such volunteers under them with the necessary skills and equipment as appropriate to enable them to respond faster to fire and

emergencies in Nairobi City County, especially the informal settlements where rescue services take longer to respond.

I would like to call my friend and ardent supporter, Hon. Millicent Jagero, to second.

Hon. Temporary Deputy Speaker: Order, Hon. Stazo Omung'ala! We are in the Assembly. You can chat later or in a low tone.

Hon. Millicent Jagero: Thank you, Madam Speaker. I want to thank Hon. Mutheu for well thought-out Motion on training of firefighters, not only within the informal settlements but all the sub counties. This training will ensure that there is efficiency in containing fire from spreading further to homes.

Madam Speaker, you will find that most times when there is fire breakout within our settlements, we are not able to contain it because there are no accessible roads. In the Culture Committee, we had proposed that quad bikes be introduced so that they can ease the inaccessibility of the roads. They will be of help once they are introduced within the informal settlements so that they can be able to contain fire on time. Fire extinguishing vehicles that we have cannot access them easily.

Secondly, we have different types of fires. I will only classify three classes that mostly happen within our communities. Class A involves solid materials such as wood, paper and textiles. Class B involves metallic objects. The last class involves live electrical. Live electrical is very rampant within our settlements because we have illegal connections of electricity. With people not having expertise in it, they just connect it anyhow, and it breaks out especially during the rainy seasons.

The extinguishers that we have, Madam Speaker, most of the time you find that when fire breaks out, we take water so that it can be a coolant to the fire. Most of the times the fire doesn't go off because of the classes and those classes have particular extinguishers that need to be used with them. We have water, foam, spray and water mist, fire blanket that helps in cooling and more so that happen within our homestead.

Training the Nyumba Kumi and volunteers that will come on board will help and ease the work of the county in ensuring that once the fire has broken out there is a containment of it within our settlements.

I, therefore, support this Motion by Hon. Mutheu and I second it, Madam Speaker.

(Question proposed)

(Point of order)

Hon. Wilson Ochola: Madam Speaker, I would like to stand on a point of order No. 34. Am I granted, Hon. Speaker?

Hon. Temporary Deputy Speaker: Okay express yourself.

Hon. Wilson Ochola: Thank you Madam Speaker: Motion on adjournment of a matter of County importance. Madam Speaker, I wish to move the following Motion pursuant to Standing Order No. 34.

That aware that the County Assembly is established under Article 174 of the constitution with the power to make law, oversight and represent. Noting that the County Assembly depends on the exchequer in the running of its operations where the organizing and recording of the expenditure of sum voted by the House is the preserve of the accounting officer who in this case is the office of the Clerk of the County Assembly.

Deeply concerned, that the affairs of the County Assembly have grounded due to some individual officers which the County cannot operate the Assembly finance held at the Central Bank of Kenya because of the action by the officer of the County Assembly who has refused to hand over despite being out at the office.

Regretting that the Assembly risk to shut down since members are suffering, unable to access money for ward rents, imprests and per diems and aware that the Assembly cannot be held at ransom and Members are suffering because of few individual officers the Assembly adjourns pursuant to Standing Order 35 to discuss the immediate collapse of the County Assembly. Thank you, Madam, Speaker.

Hon. Temporary Deputy Speaker: Hon. Member, under Standing Order 34 (3) and let me guide the House. *“If the Speaker is satisfied in terms of paragraph (2) and not less than twenty other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.”*

Therefore, I request that if you have Members to support your Motion, and those in Zoom can raise their hands so that we can count. Those Members who are in Zoom and are in support of Hon. Ochola's Motion you can raise your hands so that you can be captured to meet the threshold.

Again, Hon. Members if in Support of Hon. Ochola's Motion and you are in zoom please raise your hands so that you are captured to meet the threshold and I give you one minute.

(Thirteen Members rose or raised their hands on the Zoom platform to support the Motion)

Hon. Ochola did you mobilize your Members well? Hon. Member your Motion will be deferred to another time you only have 13 Members; that is less than 7 Members. Therefore, next time ensure you lobby well and you are not caught in time. We, therefore, go back to Hon. Mutheu's Motion. Debate Members.

(Motion of adjournment deferred)

Hon. Moses Ogeto: Hon. Speaker, first I want to congratulate Hon. Mutheu for bringing this Motion to the floor of this House. Now that we have remained with some transferred functions like a disaster and the spirit of the Motion is very clear that we should urge the County Executive to involve the Nyumba Kumi people for easy accessibility and to set up many emergency fires in the informal settlement, which has been a nightmare in this City.

Hon. Speaker, I believe that this Motion which we have passed in this Assembly including the one from my colleague Hon. Ochola who tried to whip us and we stood in solidarity with the Motion because we know very well the elected Members are unable to receive their dues of rents in their various wards.

They have changed this institution into a kiosk forgetting that this is a perpetual office. I request you to engage the Whips of this House on the matters raised by Hon. Ocholla because the office of the Clerk is perpetual. We request your office to ensure that this Assembly is left at peace. Hon. Speaker, a Member has brought forth a Motion of privilege because a landlord is chasing his staff out of office because of certain individuals---

Hon. Temporary Deputy Speaker: Point of order!

Hon. Moses Ogeto: Hon. Speaker, I am getting back to the Motion. The informal settlements need these services. The spirit of this Motion is to ensure we have uniformity and communication from the office of disaster management to the locals at the estates.

Where Hon. Clarence Munga comes from does not have a fire extinguisher and it takes a long time for one extinguisher to leave from the Central Business District (CBD) to Kabiro ward. It does not make sense that the emergency contact lines are not working.

Therefore, if we engage the Nyumba Kumi elders to be able to engage directly with the Executive and bring a legislative proposal to be implemented for the prosperity of the people of Nairobi. I believe that this Motion will enable her be reelected by her constituents and with those few remarks, I ask the House to support Hon. Mutheu on her noble request. I beg to support.

Hon. Temporary Deputy Speaker: Hon. Matara

Hon. Silas Matara: Thank you Hon. Speaker for this opportunity. Today is a good day because the morning and afternoon sessions have been led by the super ladies from the office of the Speaker. I would like to congratulate our able Member, chair of the Ward Development Fund (WDF), and thank her for the well thought out Motion. This continues to prove that despite all her accolades, she continues to think of ways of help to Nairobians.

This Motion finds an already established structure in *nyumba kumi* and when the Executive start implementing the programmes, there will be structures in place. The Hon. Member represents a slum among many and therefore it is important that the people of Mlango Kubwa ward know that their leader has brought a Motion that will not only cater to them but everyone. After fires, people face a lot of loss that make Nairobi as the capital city face a lot of problems. I therefore encourage the Member to follow up with the Budget committee to make a provision so that this programme is sustainable.

As a County, we have been blessed with more fire engines, therefore this Motion comes in handy, and with an organized structure from the County through trainings then the programme is going to be effected to alleviate the problem that we experience. With those few remarks Hon. Speaker, I beg to support the Motion.

Hon. Temporary Deputy Speaker: Hon. John Kamau on Zoom? Hon. Frederick Okeyo? Hon. Majiwa? If you are not prepared, let us have Hon. Kabiro

Hon. Clarence Munga: Thank you Madam Speaker. It is Clarence. I rise to support the Motion. Informal settlements have been affected immensely with fire issues hence we need to do mapping and have the fire machines around those areas so that in the event that we have a fire outbreak then they move in and put it out.

We need the people from Nyumba Kumi because they are the same people who inform us on fire incidences and if they can be trained on how to handle and evacuate trapped people. I am here to congratulate Hon. Mutheu on the good Motion. Thank you.

Hon. Temporary Deputy Speaker: Mover!

Hon. Patricia Mutheu: Thank you Madam Speaker. I would like to take this opportunity to thank everyone who supported this Motion. Definitely it was long over. One of the reasons why we got elected

was to legislate but since I came to this House I find things are being done from backwards forward. I believe setting money for awareness will help us curb a lot of losses in terms of cash and time.

I have to notice that if we go ahead and implement the proposal in the Motion, we will incur a very small budget. Because it has become so difficult as most of the Hon. Members are forced to dip in their empty pockets to alleviate the extremes of the fires which is not easy, it is very hard with people earning around Kshs. 60,000 or Kshs.160, 000 to be the ones responding to the disasters as a Mheshimiwa and with a lot of expectations.

We need to change this tradition, that the lower you are, the more suppressed you become. To reach these offices makes us seem to be begging and I don't think it's right. If the assembly passes a budget for disaster, we should have a docket after every fire that is ready to work with the affected member. But it is never the case. This motion is timely because if we are going to equip the "Nyumba kumi" and the youth groups, definitely we will save a lot of lives and properties.

As a House I urge each and every Member, let us to our work. Let us stop creating avenues for people to gain from corruption dealings. It is not right to give the mwananchi two packets of unga and rice. Do you imagine the nights they spend outside because of our laxity? Reaching the fire firefighters is another challenge. For instance, in Mlango Kubwa, there have been around six fires where in one incidence six lives were lost. Can you quantify in terms of cash how much they lost? Construction of one single structure of mabati will cost a resident Kshs. 30,000.

Just the other day in Mlango Kubwa, Kiamutisya, I lost over thousand houses, multiply that with Kshs.35000! These are people who are impoverished, they hardly earn one dollar a day. If this county does not come up with these measures, we are doing Nairobians a lot of injustice. I am so tired and fed up that every time there is a fire, I have to go to these offices and beg for food. My people do not need food but need measures to curb these fires outbreaks, it is their right. They pay taxes and should not be sleeping outside because of laxity of this county assembly. It is wrong by all measures. We should not have stocks of food waiting for a disaster so that they can gain political mileage. It is wrong and I condemn it.

There has been an increase of youth unemployment and we can create a lot of opportunities by engaging actively in the development of their community. But we are silent because it works for us or someone else. With immediate effect since there is money for disaster management, it is not about food but ensuring that they secure their properties, their important documents, books for their children, and all that they have worked hard for. I beg to reply the motion and thank each and every person who is present here both physically and virtually.

Hon. Temporary Deputy Speaker: Hon. Member, I really feel you. I also come from the informal settlement and I sit in the Budget, Culture and Community Services committees and the disaster management department is really allocated funds. It is upon the Implementation Committee to do due diligence on how to help Wanjiku.

On this issue, I support you fully as the Speaker, and as an office we will see what we can do.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business, the Assembly is adjourned till Thursday 17th February 2022 at 2.30 p.m. Thank you.

The House rose at 3.35 p.m.