



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 12th April 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Antony Gathumbi) in the Chair]

PRAYER

Hon. Temporary Speaker: Honorable Members, you may sit down.

QUORUM

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

Hon. Temporary Speaker: There is no quorum, Serjeant-at-Arms, please ring the bell for 10 minutes.

(Quorum bell was rung)

Serjeant-at-Arms, ring the bell for another five minutes, we still do not have quorum. Where are our Whips? They should be whipping Members to come in.

(Quorum bell was rung)

Point of Order

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

Hon. Anthony Karanja: I am standing on Point of Order under Standing Order No. 37. I think it is becoming extremely difficult to raise quorum in this Assembly yet we only require a third of the Members in this House to have a quorum. Hon. Speaker, I am requesting that you take action by analyzing the Members who do not come to the Assembly. The Standing Orders are very clear on missing sittings. We need to take action because it is unfair for the people of this city, and those of us who come to this Assembly early every day. We are not able to conduct business because some people decide not to show up. I would like request

the Clerk and your office to do an analysis and name the Members who are notorious so that action is taken and we restore sanity and discipline in this House. As much as the SRC denied us allowances to sit, I think it is only fair that we sit and conduct business.

Hon. Temporary Speaker: Thank you very much, this is a very pertinent issue. The Clerk and the Office of the Speaker should take up this matter. We need data indicating the Members who do not attend House sittings. Thank you very much Mheshimiwa.

PAPERS

REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INDUCTION WORKSHOP

Hon. Temporary Speaker: Chairperson, Liaison Committee.

Hon. Paul Kados: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 12th April 2023:

The Report of the Select Committee on Powers and Privileges on induction workshop held from 1st to 4th December 2022 at Travelers Hotel, Mombasa County. I beg to lay.

(The Paper was laid on the Table)

Hon. Temporary Speaker: We have another report by the Chairperson, Planning and Housing Committee.

Hon. Alvin Palapala: I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 12th April 2023:

The Petition by residents of Patanisho Settlement Scheme in Lower Savannah Ward on formalization of project of commercial plot No. L.R. 66730. I beg to lay.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you very much.

STATEMENTS

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK

Hon. Temporary Speaker: Mheshimiwa Emily Oduor has a Statement.

Hon. Sospeter Mumbi: Hon. Speaker, I want to clarify I am not Hon. Emily Oduor but I am standing on behalf of the House Business Committee, I don't know whether that is the position.

Hon. Temporary Speaker: If you have the Statement, go on.

Hon. Sospeter Mumbi: I needed that guidance. Hon. Members, good afternoon.

Pursuant to Standing Order No. 47 (2) (a), on behalf of the House Business Committee, I rise to give the following Statement regarding the business appearing before the Assembly for the week beginning Wednesday 12th April 2023.

Hon. Speaker, The Assembly Business Committee met on Tuesday, 11th April 2023 to allocate business for the week for consideration by this Assembly. In that regard, Hon. Speaker, allow me to brief the Assembly as follows, that: -

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1. Today, Wednesday 12th April 2023, under Order No. 8 and 9, will be considering the under listed business item respectively:
 - a. Adoption of the report of the Sectoral Committee on Labour and Social Welfare on the inquiry regarding the absorption of the inspectorate officers employed by the defunct Nairobi Metropolitan Service (NMS), that was laid on the Table of the Assembly on Tuesday 11th April 2023; and,
 - b. A substantive Motion by the Member for Waithaka Ward and also the Leader of the Minority Party, Hon. Anthony Karanja, MCA, urging the County Assembly to resolve that a courtesy request be conveyed to the Right Senator of Nairobi City County, Sen. Edwin Sifuna requesting him to address the Third Assembly of Nairobi City County at his earliest convenience on the under listed issues amongst others: -
 - i. The State of the County with regard to the domestication of the National Government programs at the County level and how such can benefit the residents of the County;
 - ii. How the Senate can facilitate the full reversal of earlier transferred functions from the County to Nairobi Metropolitan Services (NMS) since revenue collections as a function is yet to be fully reversed to the County Government of Nairobi;
 - iii. Linkages and partnerships that the National Government or its agency can engage the County Government of Nairobi for effective service delivery;
 - iv. Consolidation of leadership and arbitration of problems bedeviling the County; and,
 - v. Any other issue that may be of importance for the County Government of Nairobi City County and its residents.
2. Further, on Thursday 13th April 2023, under Order No. 8, the Assembly shall be considering the Motion by the Hon. Eutyclus Mukiri, MCA, urging the Executive to: -
 - i. Conduct an assessment on the number of Water hydrants in the County and conduct continuous routine inspection and repairs of water hydrants;
 - ii. Construct/install water hydrants in all the informal settlements that lack water hydrants; and
 - iii. Immediately submit the Fire Rescue and Services Policy and Bill to the County Assembly for approval.
3. Lastly, Hon. Speaker, on Tuesday 18th April 2023, the Assembly will be considering the Motion by Hon. Antony Kimemia, MCA, urging the County Executive to urgently rehabilitate and modernize all the existing County Social halls and streamline their management to ensure that youths across the County are encouraged and mentored to develop and manage their arts and talents in the County.

Hon. Speaker, the Assembly Business Committee shall be informing this Assembly every Wednesday through its designee the allotted business every Wednesday during the Statement Hour for timely preparation.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 18th April 2023 at the rise of the Assembly to ballot business for the subsequent week. I now wish to lay the Statement on the Table of the House. Thank You.

Hon. Temporary Speaker: Thank you very much, Mheshimiwa Sospeter. Mheshimiwa Fiunifu, you had an issue with the statements.

Hon. Kamau Fiunifu: Thank you Hon. Speaker. I rise pursuant to Standing Order No. 47 (1) (c), and Article 1 of the Constitution of Kenya. I have a bone to pick with the Chairman of Trade Committee, it cannot be that you request for a Statement and then you raise again to seek for the same statement.

Hon. Speaker, almost five months ago I requested for a Statement regarding a standoff involving City Park market and Pop-In Market. Three months ago, the Chairman came here and gave an undertaking that he was to give a report on the same. It is unfortunate that the said Chairman has become a gate keeper and he is beholden to the cartels in that sector. I am urging you to intervene in this matter so that the Chairman can bring the report to this Assembly earliest tomorrow or when you see it fit, Hon. Speaker.

Lastly, Mr. Speaker, Sir, we have issues with quorum in this House, but some of the factors that are contributing to this is when business is not taken seriously in this Assembly. You have seen how many Statements the Members have raised but not many chairpersons are keen on responding to those Statements. It cannot be an academic exercise that we request for a Statement here and then the chairperson would get the response from the Executive and come and present it here without doing further analysis or interrogating the same. That is what I found out that the Chair of the said Committee did. Kindly help us because traders at City park are suffering and cartels are out to finish them. Kindly intervene.

Hon. Temporary Speaker: Hon. Members, matters that are being raised here by the Minority Leader and Hon. Fiunifu are grave and paramount. The issue of Members not attending Assembly sittings and lack of quorum need to be addressed.

There is the other issue of chairpersons not responding to statements. If what the Hon. Member is saying that a Chair can go and seek for information from the Executive and sleep on it and not bring it here, that is a serious problem. I think this also needs to be addressed. The office of the Speaker and that of the Clerk, by tomorrow, we need answers. I have noticed that the Chair of the Trade Committee is here, can you respond to those allegations before we make a ruling? From where I sit, this is a grave matter that needs to be addressed. Thank you.

Hon. Deonysias Mwangi: Thank you, Mr. Speaker, Sir. I have heard the concerns of Hon. Fiunifu. Hon. Speaker, we managed to table the Statement in this Assembly. It is only that after my able Committee intervened on the Statement brought by Hon. Fiunifu that we found there were a lot of individual interests because there were two markets involved. The issue was to close one market and leave the other one. Unfortunately, the two markets are in different wards, so, the interests were still high and the MCA for the other ward also intervened. The Governor also intervened on the same.

Hon. Speaker, we cannot bring a Statement here as the Members who had requested wishes it to be. We have to table the report according to our research and according to the Committee's findings on the site.

(Applause)

We visited the site as a Committee and there are small issues left with the Executive on some issues on that report, which we will bring to this assembly when the right time comes. We have been engaging with Hon. Fiunifiu and I know my Committee will table the report the way it is supposed to be tabled. Thank you, Mr. Speaker.

(Applause)

Hon. Temporary Speaker: I can hear the applause but I will speak for the Hon. Member, he did not indicate anywhere that he wanted you to read the report as he wishes. He has reported to the Assembly that he wants the report to come before the House.

Point of Order

Hon. Whip, you have a point of order?

Hon. Mark Mugambi: Hon. Speaker, allow me to defend my Chairperson because we are dealing with a very cunning Hon. Member.

Hon. Temporary Speaker: Please take that back [withdraw] before it gets violent.

Hon. Mark Mugambi: I wish to withdraw. Hon. Speaker, the Hon. Member cannot dictate to the Committee the kind of report he needs to be furnished with. I understand that a committee need time so that they can interrogate the Executive, do their own research and if need be, do a site visit to the said market so the Hon. Members can be called to attend the committee's sitting so that he can agree or disagree with the report. The Member cannot stand in the plenary and request for the report directly from the Chairperson. He ought to have been invited to the Committee and once he is in agreement with the report, then the Committee shall forward the report to this Hon. House. I wish to defend the Trade Committee and the Chairperson.

Hon. Temporary Speaker: Mheshimiwa Fiunifiu, did you take that information?

Hon. Kamau Fiunifiu: Hon. Speaker, the Committee visited City Park Market. So, you are a visitor in Jerusalem. As much as you would like to defend your Chairman, sit down and get proper information on the same. Hon. Speaker, I am not trying to guide the Committee on how they are going to do their report, what I am asking is that this matter be expedited. Let them bring the report here and they will be able to defend it.

Hon. Temporary Speaker: We are not going to discuss this matter further. Hon. Deonysias, the Chair Trade, give us a tentative date.

Hon. Deonysias Mwangi: The matter as I have said has a lot of interests, I beg to be given three weeks to respond to the Statement. Thank you.

Hon. Temporary Speaker: Three weeks is too long. Hon. Chairman---

Hon. Mark Mugambi: The Member needs a comprehensive report. If you do not give the Committee time, then the same Member will be bashing this Committee in this House. In order to avoid that, let us accord the Trade Committee enough time without the Member influencing the report.

Hon. Temporary Speaker: Are you satisfied with three weeks?

Hon. Kamau Fiunifiu: I am. Chairman, you are not a super chairman. The Hon. Member for Githurai Ward is able as the Chairman. Hon. Speaker, three weeks is okay. *Itafika*, I am coming for you.

(Loud consultations)

Hon. Temporary Speaker: Mheshimiwa Fiunifiu, withdraw that.

Hon. Kamau Fiunifiu: Mr. Speaker, what I meant, after here, I am going to have a cup of tea with the Hon. Member. That is an idiom.

Hon. Temporary Speaker: Please withdraw, that is not what you meant. Do not insinuate!

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. I wish to withdraw that statement and I will be having a cup of tea with the Member very soon.

Hon. Temporary Speaker: Thank you, sit down. Clerk, next Order.

MOTION

ADOPTION OF REPORT ON THE INQUIRY REGARDING ABSORPTION OF INSPECTORATE OFFICERS EMPLOYED BY THE NMS

Hon. Wanjiru Kariuki: Thank you, Hon. Speaker. I beg to move:

THAT, this Assembly adopts the Report of the Sectoral Committee on Labour and Social Welfare on the inquiry regarding the absorption of Inspectorate officers employed by the Nairobi Metropolitan Services (NMS), laid on the Table of the Assembly on Tuesday 11th April 2023.

Hon. Temporary Speaker: Do you have a Member to second you?

Hon. Wanjiru Kariuki: I have not finished, Mr. Speaker, it is only that you are not attentive.

Hon. Temporary Speaker: Okay, go on. Let us take it lightly, we are all learning.

Hon. Wanjiru Kariuki: The Committee noted with concern that the County Executive was in the process of recruiting Inspectorate officers despite the expiry of the NMS contract in November 2022. The Committee deliberated on the said issue and resolved to conduct an inquiry on the structure, criteria and the terms used to redeploy the Inspectorate staff and the budget allocated for their salary.

Hon. Speaker, the County Public Service Board and the Acting County Secretary were invited to the Committee meeting to report on the same. The County Public Service Board attended the meeting and gave their submissions. However, the Acting County Secretary did not honour the two invitations forwarded to him and there were no written submissions to explain his failure to attend.

Hon. Speaker, the Committee did an inquiry and from the County Public Service Board, it made the following observations:

1. The Public Service Commission recruited the enforcement officers under the NMS yet Security and Compliance Sector was not a transferred function.

2. The County Public Service Board was never involved in the recruitment as the body mandated to recruit officers of the County Executive.
3. The contracts for the said officers expired in the month of November 2022 following the expiry of the Deed of Transfer of functions.
4. The County Public Service Board was not aware of the budgetary allocation in the County to cater for the salaries of the said officers in the financial year 2022-2023.
5. The County is under no obligation to absorb the Enforcement officers or any other officers recruited under the defunct NMS unless the user departments have made a request to the County Public Service Board.
6. The County Public Service Board was not in receipt of the list of all officers recruited by NMS and the proposed absorption.
7. The cadets were recruited by PSC whereas the County establishment does not have such cadres.

Hon. Speaker, the Committee therefore recommends: -

1. That the Public Service Commission did the recruitment for the Inspectorate Cadets on contracts and that the County Public Service Board was never involved in the recruitment as the body mandated to recruit officers of the County Executive, therefore, the cadets should be re-designated by the National Government
2. That the County is under no obligation to absorb the Enforcement officers or any other officers recruited under the defunct NMS whose contract and term expired in November 2022 and without the justification of recruitment beyond the term of the Deed of Transfer.
3. The Security and Compliance Department as the user department, should make their request to the County Public Service Board on the need to have recruitment of more City Inspectorate staff. In this regard, advertisement be placed and interviews done to employ.
4. That the recommendation of this Committee be implemented with immediate effect.

Hon. Speaker, I urge Members to support this report. I call upon Hon. Fiunifu to second the Motion.

Hon. Kamau Fiunifu: Thank you, Hon. Speaker and the Hon. Vice Chair of the Labour and Social Welfare Committee. I second this report. There is need to employ as far as the County is concerned. What the report is asking is that we regularize the process. So, Hon. Members, if we have to employ, we need to do so in the right manner. With the adoption of this report, the County Public Service Board now will be in charge of the same process.

As the Member has put it very clearly, the National Public Service Commission has no mandate as far as this process is concerned. These cadets were recruited in a different cadre. As a member of the Labour Committee, we found out that there is no scale for the people who were recruited, as far as the County is concerned. You will find out that someone is in job group K whereas there is no such a scale in the Compliance Department.

Hon. Members, I urge you that, as much as we have to employ, let us do in the right way. There is no politics that is being played here. The NMS was a big animal, and that is why even the Hon. Member for Waithaka Ward is asking the Senator of Nairobi to attend the County Assembly because some of the issues

that we would want the Senator to touch on are the issues emanating from what was in the NMS. With those few remarks, Hon. Members, I ask that you support this report. Thank you.

(Question proposed)

Hon. Temporary Speaker: Members. Mheshimiwa Majority Leader.

Hon. Peter Imwatak: Hon. Speaker, let me first say happy post-Easter to the entire House, and more importantly, to appreciate the Committee of Labour led by the able Vice Chairperson. I was asking the Hon. Whip where the executive Chairman is. I was told he had no tie and he is still looking for it.

(A Hon. Member spoke off the record)

He is not feeling well? I am sorry, he is on sick leave. Then the Whip has seen an example of an executive chair.

All said and done, all me to point that the essence of an Assembly is to be articular to the law. If the Assembly, through the extended Committee, cannot purify or look at the law as it is supposed to be, then we have no reason to be in this plenary.

Having said that, I must appreciate the Labour Committee. This issue has been a thorn in the County. Yes, indeed, the NMS became a sub-body of the County Government without proper alignment with the law. There is a distinction between the Public Service and the County Government Public Service and the Assembly Service Board. Those are three different bodies that are mandated for the Executive, Assembly, and National Government sides. I am also aware that after the Deed of Transfer ended, the current Executive believes that the National Government can only transfer liabilities to the County Government but cannot transfer assets. Therefore, it is the wisdom of this Committee to return the liabilities to the National Government. One of the liabilities to be returned by this Assembly through this Committee, is a liability that some of us who were here during that time are aware of, the 700 people purportedly employed by the Public Service on behalf of the County Government of Nairobi, of whom half are not Nairobians. Let it be said as it is with no prejudice to any community or person.

(Applause)

Nairobi has young men and women who go to school. When there is an opportunity for employment, let me hear a young man from Ngara, Mutuini or Mabatini, the toughest kijiji down there where changaa is being brewed, has been employed, but not somebody from the far end of the world has been brought through a canter to be employed in Nairobi.

Hon. Speaker, I must applaud the Committee and all the Members who have been consistent. Without failing to say this, I know many people tried to fix the Governor in a corner that those cadets are Nairobians. In fact, in the near future, we must bring a motion to the Assembly that establishes the guidelines towards the Public Service employment in this County so that only those who are voters in Nairobi will be employed. *(Applause)* We cannot be campaigning in our wards and promising people job opportunities, but when the opportunities appear, whoever is in power decides to ferry his people from the village and employ them in Nairobi County.

Hon. Speaker, I am grateful to the Executive, they are employing 3000 Environment officers. However, I would not want to expect to see a cleaner who does not know where Jogoo Road is as he has been brought from somewhere at the end of the country. That also applies to us as Hon. Members, when such opportunities arise, please inform our electorates to apply them so that when we do as the Committee of Labour has done, we are doing what is within the law.

Hon. Speaker, in the near future, as an oversight role after employment opportunities, we shall be asking those names to be forwarded before this Assembly so that we form an ad hoc committee to establish who are the people employed and whether they are voters in Nairobi.

Hon. Speaker, we also want to remove the Executive from this because there are people who are boxing them into a corner by saying that these cadets are Nairobians and they should be given a contract. How? The law says let the National Government employ staff domiciled in the National Government. Let the County Public Service Board employ staff domiciled in the County Executive. Let the County Assembly Service Board employee staff domiciled in the County Assembly. There is a clear apparatus within the law. Therefore, we implore on the Executive that this House is ready to partner with them in all modus operandi based on observance of the law.

I thank the Labour Committee; you have vindicated the Executive as they were also on a tight corner. Now, it is not about the Executive who are saying this but Article 1 of the Constitution, which says, *“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.*

(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.”

The sovereignty of the people has decided that the 700 people who were employed by the Public Service, to go back to the sender, the Public Service. The sovereignty of the people has decided that this Assembly gives instructions to the County Public Service Board to re-advertise these positions so that Nairobians can apply. Those who are found on this edge are free to apply. Let them be absorbed with the experience they have if they attain the standards. I am worried that a quarter of these people are already out of their jobs but our insurance cover still covers all the 700 employees. So, definitely, there is someone is pocking his hands on the County funds without us knowing what is happening.

Hon Speaker, I fully support the Labour Committee. Chairlady, congratulations on a job well done together with the entire Committee. We are now looking forward to the vetting of every employment opportunity in this County. Bring it here so that we can see if Odalo has employed people from Homabay. If so, we will tell him it is not possible in Nairobi, send it back to the sender. If you employ people from Nyalgunga, Siaya, Kendu Bay, Pokot, Samburu, Teso, Isiolo, or Kano Plains, we will not allow you in Nairobi. We want Nairobians to be employed. There are young people here crying for jobs but someone has brought people from Kano Plain. We cannot allow that. Thank you, Hon. Speaker.

(Applause)

Hon. Temporary Speaker: Mheshimiwa Minority Leader.

Hon. Anthony Karanja: Thank you very much, Hon. Speaker. I would like to commend the Labour Committee and maybe inform this house that they have beaten the Justice Committee on the same report.

The report was so hot that it was actually being investigated by several committees. The facts that the Chairlady has given are true.

Hon. Speaker, it is common place that we have Inspectorate officers in every sub county, but among them, we have people who call themselves cadets. Not that they are more qualified than the others are and work any longer hours or in any specialized skills, but they earn three times more. This is not acceptable. I would have requested that they extend this secondment further because the NMS has dumped 200 drivers to this County, who have no vehicles to drive. They have also dumped 300 revenue officers, who are doing deals of astronomical proportions that are going to be detrimental to this County.

Hon. Speaker, just like the Majority Leader has said, we need them to be returned to sender. They need to go now. I understand they have not been paid from the month of November simply because they do not have a contract. The County of Nairobi has no contract with them. When they were asked to leave, they caused chaos in the streets of this city until the Governor made a roadside declaration to have them back. It is time for them to go.

Hon. Speaker, it is also good to take note that we have tens of low-loader drivers, knowing that this County has only one low-loader – this is a truck that is used to carry heavy equipment. That truck has about 20 drivers who are looking up to drive every morning, and they expect to be paid.

Hon. Speaker, the Labour Committee did well, and we support this report fully.

(Applause)

Hon. Temporary Speaker: Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I also rise to support the good job that has been done by the Labour Committee in this very important and noble task. I remind Members that our business is representation, legislation and oversight. On the basis of representation, the Leader of the Majority has clearly put it very clearly that the 700 people do not reflect the 85 wards that we represent. So, at that point, the 700 staff miss the mark. I am happy that the Committee in its finding also captured that. On the issue of legislation, our business is to legislate. This House needs to come up with good criteria of how people are going to be employed moving forward. You must be able to prove that you belong somewhere, whether that is through voting or whatever, but there must be criteria so that the Member from that area must feel proud that a person from his or her area is being considered for a job.

Hon. Speaker, on the role of oversight, the Governor was put in a corner to even declare a roadside statement and say he is going to absorb these staff. We as a House must stand very firmly so that the issue of being pushed under the transferred functions – the Members who are new, I know they were campaigning against the old members thinking we are the ones who employed these people. However, the way these people were employed was also questionable. So, we have to stand as an oversight function and declare that these seven hundred people must vacate their duties forthwith and a proper procedure is given so that if the gap is still there, we will now follow the laid-down procedure for getting them.

Finally, Hon. Speaker, the Chairperson of the Implementation Committee must move very first so that we see this report implemented to the latter. We need a statement that this report was effected and that these employees of the NMS have been moved out of office. I am not saying that out of malice, I am saying

that because the rules of this House must be upheld and respected. The County Secretary was invited to the committee but he never came, and these were the issues that we are raising with the CS then. So, once this House makes and pronounces themselves on a particular issue, we move with speed to ensure that the recommendations have been followed forthwith.

Hon. Speaker, I think through PAC, we are also going to request for a special audit for the whole the NMS and the transferred functions and we see the value had or what we lost.

The Governor has raised an issue that he was left with a Kshs.16billion pending bill, that is one. Here, we are talking about 1,000 employees, and the Leader of the Minority is talking about the employees who were brought in to do duplicated jobs. So, we need to look at this thing in its totality, and we need to railroad this ship in the way it is supposed to go so that we have a proper harmonious employment structure. Moving forward, anyone who thinks that they can purport to go and bribe their way with the Board or whatever, they know that they are the Assembly will look into it and we are going to audit whatever they have garnered and put it in the right order.

With that Hon. Speaker, I support. Thank you.

Hon. Temporary Speaker: You speak like an elder, thank you very much. I will allow Mheshimwa Mugambi, followed by Mheshimiwa Hamisi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Allow me also to pass regards to the standing in Chairperson, Hon. Wanjiru Kariuki and her Committee for this report. The Labour Committee has just this County saved a whopping Kshs.55 million monthly in term of salaries for a job scale that is not prescribed within the confines of this Government. This is because we do not have jobs by the name of cadets in this County; we only have inspectorate and constables. The constables that were recruited by the last government earn a mere salary below Kshs.30, 000, doing the same duties purported to have been done by these cadets while they are being paid over Kshs. 75,000. This is an insult to most of the young men donning our uniforms. This is where corruption kicks in because you are doing the same duties but earning three times less, therefore, they will have to engage in dubious activities to try to bridge the salary gap.

I would also like to commend to the Chair, Budget because under his stewardship, his Committee refused to allocate funds. Even before this Labour Committee was done with the report, the Budget Committee had foreseen. I concur with the wise men who said, *"What an old man sees sitting down, a young man cannot see standing up"* It is just a synonym, Hon. Minority Leader. I think these Members deserve to at least applaud the Chairperson, Budget and his Committee for this.

(Applause)

Hon. Speaker, if the Executive feels it really needs the services of these NMS "cadets," let the County Public Service Board re-advertise these slots. I will give them a word of wisdom, the salary that we were paying them can employ twice as much. So, instead of 700, this County can employ 1400 new inspectorate or enforcement officers at the same cost.

Therefore, allow me to thank this Labour Committee. As I end, the Labour Committee has saved the County a lot of money, bearing in mind that this animal called NMS left us with Kshs.20 billion pending bills. I am not sure how we are going to accommodate the Kshs.20 billion because I understand it is half our

financial year budget. Therefore, after we are done with this discussion on these cadets, I would like the Chair of Labour and the Committee to also look into how we can return to sender the pending bill of Kshs,20 billion because it is not our own creation, it was a creation of the National Government. Every institution must carry its burden. If we carry this burden, we risk not having salaries paid, not having new projects in our wards, and many other repercussions.

With these few remarks, I beg to strongly support. These cadets *waende wangoje* wa apply, just as the Majority Leader has said. When the Majority Leader was speaking, I thought he was being kind of discriminative, but again I came to realize we cannot have job opportunities in this County that do not benefit the voters of this County. We cannot use our youth as voting tools and when opportunities are created in this County, the voters from other counties stand to benefit. The County Public Service Board needs to reconsider, even after we have finished with credentials, whether you are a registered voter in this County.

(Applause)

If we are accused of discrimination, Hon. Speaker, we have the National Government, which is going to take care of the rest of the voters, but not Nairobi County. Let the voters of Nairobi County benefit from the posts and positions that have been created in this county. Thank you.

(Applause)

Hon. Temporary Speaker: I hear Members mentioning wisdom, and I agree with them. As Mheshimiwa Hamisi stands, I would like to urge Members that when you start speaking in English, please finish in English; that is Standing Order 85.

Also, I can see so many Members have requested, try to reduce your speeches. I am going to give you two minutes each so that we can save time. Mheshimiwa Hamisi then followed by Mheshimiwa Deonysias Mwangi.

Hon. Hamisi Maleya: Thank you, Hon. Speaker for giving me this opportunity. I strongly stand on the floor in support of the findings of the Labour Committee. From what I have heard, this thing has been an animal. Being the Vice Chairman of JLAC and being one of the user departments, the enforcement officers were recruited outside the confines of the Nairobi County Service Board. As a Committee, we met with the Chief Officer for Enforcement Department, who clarified that he was not part of the recruiting team and they were illegally recruited. This has denied our votes and youths the opportunity, as the Minority Whip has said, of being employed in this County.

I would recommend that as we go to sanitize the recruitment, if they will be recruited, the first qualification should be the voter's card before we come to education. If you are not a voter in this County, I do not think you deserve an opportunity to be employed. With these few remarks, I rise to support and commend our Labour Committee. Thank you.

Hon. Temporary Speaker: Thank you very much. Mheshimiwa Deonysias, then Mheshimiwa Diana Katile.

Hon. Deonysias Mwangi: Thank you, Mr. Speaker, I rise to commend the good job done by the Labour Committee spearheaded by the Chairman, Hon. Allan and vice chairlady, Hon. Wanjiru because they

have done a great job. As our able Minority Leader has said, those people have not been paid for few months. You can imagine what they are doing on the ground. What those people are doing at our wards is unacceptable because what they have left to do now is to find a daily bread through our traders and hawkers. They are harassing our traders so that they can have something to eat. I beg to support. Thank you.

Hon. Temporary Speaker: Mheshimiwa Daina Katile.

Hon. Diana Mwangangi: Thank you Mr. Speaker. From the time I placed my request to speak, much has been said, therefore, I will try not to repeat what has been said by the previous speakers but I fully associate with what they have said. Picking from where the Hon. Leader of Majority left, in terms of ensuring that we have staff who are employed from this County and they must be voters from this County, the essence will be for the people of Nairobi to enjoy the fruits of decentralization and devolution. If we are in a devolved system and then we have people from Isiolo being employed here, then it beats logic. Therefore, that is a welcomed policy and we should be able to support it.

As far as the contracts of these NMS officials are concerned, there seems to be no valid contract in existence because the sponsoring institution was the NMS and the engagement of NMS with the Nairobi County. Since that engagement lapsed, then the same contract of employment of these officers who are recruited, ceases to exist. Since it ceases to exist, it should not become a burden of Nairobi County Government because it is a liability. I must admit that the Chair, Budget did well not to support such an expenditure because it will be to the detriment of the citizens of Nairobi County.

Therefore, I support this motion while still commending the effort. Also, I would like to point out to this House that we also had the same discussion in the Justice and Legal Affairs Committee and much of the findings that I am seeing here, we were of the same opinion. It might be a bitter pill to swallow on the side of the ones who are employed, but it must be swallowed for justice to prevail and for the people of Nairobi County to benefit from the opportunities that are within their County. Thank you, Mr. Speaker. With that, I beg to support.

Hon. Temporary Speaker: Mheshimiwa Paul Kariuki.

Hon. Paul Kariuki: Thank you, Hon. Speaker. I also rise to applaud my Labour Committee, headed by able Vice Chair here. I am imploring this House to help us resolve this matter first because so many are at stake. These people have been roaming our streets without a salary and we know what manner of things they are doing to earn their salary, be it illegally. This matter will also be helping the County Service Board, which I know they might be between a rock and hard place to regularize the employment of such workers yet they were not involved in the initial recruitment. That also saves the Executive and Finance the pressure to pay them, I believe.

I have read the Deed of Transfer; it was very clear that those workers who had positions that were not existing in the County were supposed to be absorbed by the National Government. What puzzles me is why after more than six months after the Deed of Transfer, such efforts have not been made to send them back to the sender, as it has been put here. So, I would implore our authorities to engage the National Government to absorb those workers who are not hired through the formal process, that is, through the County Public Service Board. Thank you so much, I rise to support.

Hon. Temporary Speaker: Mheshimiwa Emily Oduor.

Hon. Emily Oduor: Thank you, Hon. Speaker and welcome back, we missed you. I rise to support this Motion and congratulations Hon. Wanjiru Kariuki and the group, this is a wonderful job. What I wonder is, when you second a group to an institution, when the period ends the rule is usually, they leave. So, I do not see the logic where this was stayed behind after the contract of the NMS ended. This problem of the NMS has been baffling me, be it pending bill, living staff behind, and digging boreholes that do not produce water. We spent so much money during the NMS time and we are not seeing the fruits. In fact, it is funny that I even see some of the bowsers written NMS delivering water in Machakos and wherever. I do not know whether NMS is still running them or they are under the County Government. If they are, the first thing they need to do is to remove the name from those lorries.

Hon. Members you all know that there was a time we had a lot of problems with the street families. I remember the former Governor saying that all the counties should take back their street families and we repeated that in this House. Therefore, we are not calling these people street families but it is equivalent to that. Already in Nairobi, we are so many. I think we have the highest number of t about six million and you are still giving us another seven hundred that were supposed to be employed by the Government. We should just sit here and say no. I am appealing to all the sectors, if you come across anything like this in your sector, please bring it to the attention of the leadership and attention of the Assembly so that we do not touch anything that belongs to the NMS, that was supposed to go back with them. From what I was hearing, some of the NMS members were even still asking for salaries and yet they are back to where they originally came from.

Hon. Speaker, people have spoken much about this and I do not want to repeat myself. So, with those few remarks, I humbly beg to support. Thank you.

Hon. Temporary Speaker: Mheshimiwa Emily Oduor.

Hon. Temporary Speaker: Thank you. Now I call Hon. Jeremiah, who will help me call the mover.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. I rise to support the report from the Labour Committee, it is timely but. I don't want to mention what has been mentioned earlier, but I have a concern because they have worked for around six months without payment. I would urge, in a humanitarian side, that they should be paid their dues and then be released. Also, I would like the County Public Service Board to do another recruitment on the same. If they are going to be allowed to go and seek for the same, it is well and good. Thank you, Hon. Speaker, I support.

Hon. Wanjiru Kariuki: Thank you so much, Members and most importantly, my Committee Members, the Labour Committee. Hon. Themendu, their contracts ended in November 2022; when your contract ends, that is it. We can share our report with you, if need be. Thank you, Mr. Speaker.

(Question put and agreed to)

MOTION

CONVEYANCE OF COURTESY REQUEST TO THE SENATOR OF NAIROBI CITY COUNTY
TO ADDRESS THE COUNTY ASSEMBLY

Hon. Temporary Speaker: Mheshimiwa Kiragu, Leader of Minority.

Hon. Anthony Karanja: Thank you, Hon. Speaker. That is the name they use upcountry in Russia where I come, Kiragu!

THAT, aware that Article 6 of the Constitution of Kenya, 2010 provides for the two levels of governments, at the national and county levels, which are distinct and interdependent and required to conduct their mutual relations on the basis of consultation and cooperation; further aware that Article 93(1) of the same Constitution establishes the Senate with its role provided for in Article 96, which includes but not limited to representing counties and serving to protect the interests of the counties and their governments at the national Level; noting that Article 183 (1) of the Constitution requires the County Executive to inter-alia, implement within the county, national legislation to the extent that the legislation so requires; further noting that Section 118(1) of the County Governments Act, 2012 permits the county governments to enter into an agreement with the National Government, another county or an agency of the National Government, in order to provide or receive any service that each county participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purpose of any of the participating counties; appreciating that the ongoing initiatives by the National Government such as; affordable healthcare, food security, affordable housing, manufacturing, business start-ups and youth empowerment programs; further appreciating that Standing Order No. 28 of the Nairobi City County Assembly Standing Orders provides that, *“The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary to address the County Assembly on such occasions as may be appropriate.”* That notwithstanding; this Assembly resolves that a courtesy request be conveyed to the Right Senator of Nairobi City County, Sen. Edwin Sifuna, requesting him to address the Third Assembly of Nairobi City County at his earliest convenience on the under listed issues amongst others: -

- i. The State of the County with regard to the domestication of the National Government programs at the County level and how such can benefit the residents of the County;
- ii. How the Senate can facilitate the full reversal of earlier transferred functions from the County to Nairobi Metropolitan Services (NMS) since revenue collections as a function is yet to be fully reversed to the County Government of Nairobi;
- iii. Linkages and partnerships that the National Government or its agency can engage the County Government of Nairobi for effective service delivery;
- iv. Consolidation of leadership and arbitration of problems bedeviling the County; and
- v. Any other issue that may be of importance for the County Government of Nairobi City County and its residents.

Hon. Speaker, a Senator is the senior most legislator in the country, and the Senator of Nairobi is the senior most legislator in the country, noting the number of votes that he got, the number of people that he represents and the amount of money that he oversees in the Senate. Among the roles of a Senator is to represent the county, law making by considering debating and approving bills and determines allocation of national revenue among counties. The Senate on the other hand has had a field day conducting impeachment trials where they serve the jury and judge, which is part of their work. It is unfortunate that in the last Assembly we had our current Governor Hon. Sakaja, address this Assembly once. We would request that this need to change. As the top most legislator, he should be coming and sharing with this Assembly what the Senate

thinks so that we can have our plans as a County Assembly and as a County in line with what the Senate is working.

Hon. Speaker, I want to repeat again that I believe the Senator is not busy now, he has been very busy the past few Mondays and Thursdays. So, I believe he has time to plan and come to this honorable House and address the issues that we raised. I would like to request Hon. Fiunifu to second my Motion.

Hon. Kamau Fiunifu: Thank you, Hon. Speaker and Hon. Kiragu, a distinguished Member of this Assembly from Waithaka Ward. I second this Motion because there are things that only a senator of a county can do. There are issues that concern this great city of us of Nairobi that only the Senator can unlock at the Senate. I would also want to urge Hon. Kiragu, because we make laws or Standing Orders to serve us as human beings, may be going forward, you can propose that we change the Standing Orders so that we have a provision to be allowing the Senator of Nairobi to be addressing this Assembly may be annually so that he/she can tell us what is happening in Nairobi.

Hon. Kiragu, I must say the Hon. Senator of course he has been busy representing us as Nairobians. We have no issues with that, and we support what he is doing because the government of the day has to account. Us in Azimio have to put you guys into task because we allocate a lot resources. The way I know the Senator, he is more than willing. I actually talked to him this afternoon on this matter and I can tell you he was waiting for this Motion and he can be here even next week. So, it is up to this Assembly to also communicate with the Senator. With those few remarks, I support. Thank you.

(Question proposed)

Hon. Chege Mwaura: Thank you again, Mr. Speaker. First and foremost, I rise to support this Motion which very relevant to this House. I have deliberately waited so that this particular Motion sees the light of day. If I take you through the Constitution of the country, Article 96 says that the Senate represents the counties and serve to protect the interests of the counties and their governments.

Hon. Speaker, number one issue that the Nairobi County Assembly is facing, is with regards to the ceilings, which have remained the same for the last ten years. You know very well that the division of Revenue Bill, that now translates to the County Revenue Allocation that gives the county money as sharable revenue, is done at the Senate. Before we pass it the coming financial year, we need the Senator of Nairobi to be able to explain what is the position of the division of Revenue Bill with regards to Nairobi County. That now is taking care of the interests of the counties and their governments. So, we have very specific issues we want to raise with the Senator when he shows up?

Number two, Hon. Speaker, Article 96(3) says; *“The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.”* So, we want to be very clear, one issue that want to the good Senator to raise is the issue of revenue allocation. I know there are specific issues that are within the Motion of the Leader of Minority, but we need to add that one.

Hon. Speaker, it is the high time we regularize this visits. The mover of the Motion has mentioned that in the last term, the former Senator, who is now the current Governor, only visited once in five years. We must make those changes. We must regularize the Senator’s rule with this Assembly for the benefit of the

Members here. This particular seat belongs to the Senator of Nairobi and he needs to come frequently to discuss the issues pertaining Nairobians. In the letter that invites him, we need to now take it a step further so that we have a very regular support of the Senate.

In this Second Session, again the Governor needs to also appear and sit there then explain to us what he wants to do in 2023. I know people will say now I have started my usual, but the fact remains we need to know where is the current Governor is taking us, where is the role of Senate in over sighting the same Governor.

Finally, Hon. Speaker, there are issues that are pertinent to not only Nairobians but also the County Assembly Members as a whole because I represent the County Assembly's Forum, we tabled the County Equitable Ward Development Fund with the Committee of JLAC at the Senate. We have seen Members here happy with the Senator Cherargei or Senator Mandago of Uasin Gishu County. We have not heard our own Senator raising his voice when it comes to Ward Development Fund. So, he needs to stand here and tell us what his position with regards to Ward Development Fund?

Hon. Speaker, on the taxation on car reimbursement that Members are here clamoring for, the same taxation is not done at the National level. We need again our good Senator to stand there and give us his position and what they are doing as a Senate with regards to issues that are pertaining to these Members. So, we have very pertinent issues, and I hope that once this Motion takes effect, the Speaker in the same week pens a very good invitation so that hopefully by next week, we have him here so that we can put this question to him and have a very robust debate. Thank you, Mr. Speaker.

(Applause)

Hon. Temporary Speaker: Mheshimiwa Maragu.

Hon. Anthony Maragu: Thank you, Hon. Speaker. I rise to support the Motion by the Hon. Anthony Kiragu, who I have started taking a lot of credit. My name is Antony maragu and he is Anthony Kiragu, so, sometimes am receiving compliments when people say his name in the papers. I rise to support.

Hon. Speaker, the other day I was following keenly during Easter when the former Senator, now the Governor, indicated in public that unlike the invitation that he extended to the current Senator, he was never at once invited to a County function. Lest we go down the same road, we must ensure that just as the Governor has done in extending a hand to the Senator, this honorable House cannot be left behind, we must send an invitation to the Senator to continuously appear before this House. In the function of over sight, we are partners and we must walk the journey together. As he overlooks from the Senate, we must work concurrently so that it is well acquainted with the matters that are affecting the people and this House. I believe before he gets to the common mwananchi, we are the people representatives.

Hon. Speaker, as we sent out an invitation to the Senator we must remember that our Senator is a very busy and dedicated man to service. As we pen our invitation, we must make sure that it does not fall on a day when he and others from our coalition are engaged in matters of nation building. As you are well aware, we are set out to start engaging the public. So, as we do our invitation, let us look at the dates properly because it is in the public domain as and when we will be meeting our people to discuss matters in this country. Thank you so much.

Hon. Temporary Speaker: Mover.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I am happy that I did have anybody object to this very important Motion. I think is important that I point out two things; that my seconder has indicated that he has spoken to the Senator on the same. I would like to remind him that the Standing Order is very clear on who is supposed to extent that invitation, and it is definitely not the Karura Ward MCA, and my Motion is also very clear. I would also like to thank the House and look forward for the Senator coming so that we will have to take leave and discuss his speech, which will definitely dwell on not on what Hon. Maragu is calling nation building. We lose a lot of revenue on those days that he is engaging his people. So, we look forward for him to come and engage this County Assembly and give us business so that we can all move together. Without pre-empting, I think this County has a history that the last two governors have been senators. So, it is also an opportunity for him to try his luck in 2032 when Governor Sakaja is through with his term. So, I beg to move.

Hon. Temporary Speaker: Before I put the question, these names, Antony Maragu and Antony Kimemia and Anthony Kiragu – there was a time I found a billboard in one of my projects with Anthony Kiragu's portrait in my ward. So, be careful.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, without further ado, I would like to adjourn the sitting until tomorrow, Thursday, 13th April 2023. Thank you very much.

The House rose at 4:28 p.m.