



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Second Session

Thursday 19<sup>th</sup> October 2023

The House met at 2.30 p.m.

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

#### PRAYER

**Hon. Speaker:** Hon. Members, you may be seated.

#### QUORUM

**Hon. Speaker:** Hon. Members, the attention of the Chair has been raised for lack of quorum. I direct the Serjeant-at-Arms, under Standing Order 37 (2), to ring the bell for a record of 10 minutes.

*(Quorum Bell was rung)*

*(Loud consultations)*

Order, Members! Do not lose your cool, we are in the Assembly.  
Clerk, proceed.

#### *Point of Order*

**Hon. Speaker:** The Hon. Majority Leader

**Hon. Peter Imwatok:** Hon. Speaker, I want to beg your indulgence to change the sequence of business and start with Order No.9, which I am supposed to move as I rush for an emergency. My counterpart is not in.

**Hon. Speaker:** Hon. Majority Leader, it is not possible. The Standing Orders does not allow that. Definitely, the adjournment of the House comes at the tail end. So, unless you want us to conclude the business of the Assembly, pack and go home. Could that be the intention?

**Hon. Peter Imwatok:** Yes, Hon. Speaker.

**Hon. Speaker:** Then do not be cheeky, please. You may sit, Hon. Majority.

(Laughter)

## PERSONAL STATEMENT

### FLAGGING-OFF COUNTY BUS SERVICE

**Hon. Speaker:** Hon. Ochieng' Jera.

**Hon. Samson Ooko:** Thank you, Hon. Speaker for granting me the opportunity to give a Statement. I stand before this House to inform Hon. Members.

**Hon. Speaker:** Hon. Ochieng' Jera, is it a Personal Statement?

**Hon. Samson Ooko:** Yes, Sir.

**Hon. Speaker:** Okay, you may proceed.

**Hon. Samson Ooko:** Thank you, Sir. I wish to stand before this House to inform the Hon. Members that the much talked-about County Bus Service is a dream come true. Hon. Speaker, it all started as a joke and a political story. Few Members thought that the drive was all about defrauding Members. However, today, I stand before this House to inform you that one electric bus will pass by outside the Assembly for the flag-off so that these Hon. Members can have an opportunity to see the first bus. The bus will be going around Nairobi to do mapping on the routes that it will follow starting in the next few days from today.

Therefore, Hon. Speaker, on behalf of the County Bus Service officials, I honourably wish to invite Members who will find time to join in during the flag off of this wonderful initiative. Hon. Speaker, I also want to request you as our leader to join us for few minutes during the flag-off. Your presence will make an impact, Mr. Speaker, Sir. The dream has now become a reality.

(Applause)

Hon. Speaker, this project will help us in and outside this House. Let us support and embrace it because it is about our future. You know of many MCAs who were here before us who went home and are languishing in poverty. These Members were brave enough to see the future before it came. I am sure this project will help us today and in to the future. I thank you for the opportunity.

**Hon. Speaker:** Kindly, before you sit, Hon. Member, maybe you will help us map out exactly where the bus will be and whether Members will have the privilege to get a free ride around the City, and if it is restricted to Members who have already registered.

**Hon. Samson Ooko:** Okay, Sir. First, the bus will come in front of this gate because this is where the Members are.

Secondly, the intention of this bus was not for a few registered Members, it is for all the Members. So, your presence there as Members of this County Assembly will be highly appreciated and recognized.

Lastly, we are going to allow everybody to ride in and even take selfies so they can know we have a bus in Nairobi. Thank you.

(Applause)

**Hon. Speaker:** Thank you so much. Hon. Members, I hope now you are informed. Let us proceed.

*Point of Order*

**Hon. Speaker:** Under which Standing Order?

**Hon. Kennedy Oyugi:** 59 (b).

**Hon. Speaker:** Read it please.

**Hon. Kennedy Oyugi:** 59 (b) on Motions which may be moved without notice.

*“Motion for the adjournment of the County Assembly or of a debate”*

**Hon. Speaker:** Hon. Oyugi, kindly stand guided; there is no Motion that can be moved without the approval of the Speaker. For this reason, I have not approved any Motion. Under that Standing Order, the Speaker must approve.

**Hon. Kennedy Oyugi:** But, Mr. Speaker, I am not the author of this Standing Order. You asked me to...

**Hon. Speaker:** You are making a wrong reference. Hon. Oyugi, please sit down!

**Hon. Kennedy Oyugi:** Mr. Speaker, I want to believe you have...

**Hon. Speaker:** Order, Hon. Oyugi! Please sit down!

**MOTION**

MANDATORY MENTAL HEALTH ASSESSMENT  
OF ALL COUNTY EMPLOYEES

**Hon. Speaker:** Hon. Ami, please proceed.

**Hon. Ami Ambala:** Hon. Speaker, pursuant to Standing Order 57, I beg to defer this Motion today.

**Hon. Speaker:** Kindly, plead with the Members. This is the business before the Assembly, it must be transacted by the Hon. Members.

**Hon. Ami Ambala:** Yes, that is correct.

**Hon. Speaker:** We have Members who are prepared to debate, so, please proceed and plead with the Members.

**Hon. Ami Ambala:** Members, I beg to defer the Motion until after recess.

**Hon. Speaker:** Can you give reasons?

**Hon. Ami Ambala:** There is a bit more research that I needed to do, and also my seconder is not available.

*(Laughter)*

**Hon. Speaker:** Hon. Majority Leader, please.

**Hon. Peter Imwatok:** Hon. Speaker, my Member is doing very well, I accept the accent...

**Hon. Speaker:** Hon. Ami, the Majority Leader is on the floor.

**Hon. Peter Imwatok:** Hon. Speaker, my Member consulted me on the procedure of doing this is. I told her to request the Speaker to defer the Motion. She is doing more research and also

the seconder of the Motion from the other side is not present. As you know, sometimes circumstances converge against nature. Please, Hon. Speaker, for the sake of the Hon. Member, allow her to do more research. *Ama sio?*

*(Applause)*

**Hon. Speaker:** On behalf of the mover of the Motion, maybe I would request the privilege of Members whether you are in agreement with the mover of the Motion on the grounds of the deferment of the same. Whether it is within the standards of parliamentary practice.

***Point of Order***

Hon. Whip.

**Hon. Moses Ogeto:** Hon. Speaker, I am on standing Order.

**Hon. Speaker:** Kindly read it.

**Hon. Moses Ogeto:** Amendment to Motions, Hon. Speaker.

**Hon. Speaker:** Kindly read it. You must be aware that any amendments must be approved by the Speaker.

**Hon. Moses Ogeto:** Hon. Speaker, I am on Standing Order 61. The mover of the Motion requesting that she needs time to panel beat it so as to respond to her intention of the Motion. As you know, she is the owner of the dog, so, if the owner of the dog has said that you give her time to do more research, then people like us will bring amendments under Standing Order 61.

Hon. Speaker, we have consulted with her and she has agreed to defer so that we can bring amendments. As the whip, I beg you that this Motion be moved after recess.

**Hon. Speaker:** Hon. Whip, as a scholar and you have made reference to Standing Order 61, you can only defer putting a question after the Motion has been moved. Therefore, it is irrelevant to the request of Hon. Ami. Kindly proceed, Hon. Ami.

*(Hon. Peter Imwatok spoke off the record)*

I have given her an opportunity to plead with the House.

*(Hon. Peter Imwatok spoke off the record)*

Hon. Majority Leader, please sit down!

*(Hon. Moses Ogeto spoke off the record)*

Order, Hon. Ogeto! I have not given you an opportunity. Please!

Hon. Members of the Assembly, are you in concurrence that the Motion stands deferred?

*(Hon. Members unanimously agreed to defer the Motion)*

I am guided. Thank you.

Hon. Members, the Motion stand has now been deferred and reverted to the House Business Committee for reallocation.

*(Motion deferred)*

We may proceed. Clerk!

*(Hon. Kennedy Oyugi raised a Point of Order)*

Declined! Hon. Oyugi, kindly sit down. Please, do not argue with the Chair!

## MOTION

### ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

**Hon. Peter Imwatok:** Hon. Speaker, it is said, “*it is not the size of the dog in the fight, it is the size of the fight in the dog.*”

THAT, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday 31<sup>st</sup> October 2023 at 2.30 p.m. in accordance with the Calendar of the County Assembly (Regular Sessions).

Hon. Speaker, we all know that we have a Calendar that we adopted in this House. We have a 10 days’ recess to relax our minds, meditate, clear our minds, to meet our electorates, and reflect on how the year has been.

Hon. Speaker, allow me to invite the Deputy Speaker to second the Adjournment.

**Hon. Paul Kados:** Thank you, Hon. Speaker. As you know, this Assembly is guided by the Assembly Calendar. I would like to urge all Members to support this Motion so that you can have time with your families and your electorates. Therefore, I second, Hon. Speaker.

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Members.

*(Loud consultations)*

Serjeant-at-Arms, please take your position. Sorry for that. Hon. Members that was an error and you should treat it as so.

*(Hon. Kennedy Oyugi raised a Point of Order)*

**Hon. Speaker:** Hon. Members, the Majority Leader has just moved a Motion on Adjournment of the Assembly and we are supposed to debate, I don’t know what has attracted the Point of Order. Do you want to contribute?

**Hon. Kennedy Oyugi:** Mr. Speaker...

**Hon. Speaker:** Kindly, Hon. Oyugi, do not engage the Chair in debate. Are you contributing to the Motion?

**Hon. Kennedy Oyugi:** Mr. Speaker, I am ready to contribute to the Motion but after my Point of Order has been...

**Hon. Speaker:** Declined!

**Hon. Kennedy Oyugi:** Can I go ahead and contribute?

**Hon. Speaker:** Can you confine yourself to the Motion?

**Hon. Kennedy Oyugi:** Okay, thank you. Mr. Speaker, as much as I want to go on recess, the reason why I was calling for a Point of Order in regards to this Motion is because I did not want to go for recess before I know the fate of the car grant money that was deducted from my account.

*(Applause)*

Mr. Speaker, I want to plead with the House that we should not go on recess before we know the fate of our Kshs. 600,000 plus that was deducted on the auspices that it was from the Judiciary.

*(Applause)*

Mr. Speaker, if we cannot be given an opportunity to debate, let us not go on recess until we are told when and why we are not getting our monies, as it was directed by the Judiciary. Under the Standing Order No. is 56 (h)...

**Hon. Speaker:** The Hon. Member is opposing the Adjournment. Just to remind you as a senior Member of this Assembly, the House is guided by the Calendar. You do not have any option unless you extend the life of the Calendar.

*(Hon. Kennedy Oyugi spoke off the record)*

Hon. Members, we are at the plenary.

### ***Point of Information***

**Hon. Speaker:** Allowed.

**Hon. Peter Imwatok:** My learned friend, Hon. Oyugi, aka Martin Luther King Junior, is a very great mobilizer. As you have said, Mr. Speaker, he is a senior Member of this House.

Hon. Speaker, a fortnight ago, I remember you gave a communication as the Speaker of this House that you will give a comprehensive communication on the same. Based on that, you did not tie yourself on timelines. This question has been raised many times in our offices and we have responded affirmatively by saying we all need money, excluding the Speaker because he was not a beneficiary of the allowance. I also need the Kshs. 600,000, but the question is; what modalities are we going to use to arrive to that point?

Mr. Speaker, as you said, this cannot affect the Assembly Calendar. It is upon your Office to provide that communicate. The Standing Orders requires you as the Speaker to come with a communication to this House or make an undertaking to circulate it through our portal. I therefore beg for clarity of this matter. This should not affect the Assembly Calendar. This not the First

Assembly whereby our personal interests superseded the interests of the entire institution. Even during this ten days' recess, you can use the Standing Orders to send this communication to our portals. Hon. Speaker, that is the point of information that I wanted to pass across.

**Hon. Speaker:** Hon. Minority Whip, your mic is on, go ahead.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. I apologize for coming late, I was attending to important matters. This Adjournment actually comes as a reprieve. But all in all, iron sharpens iron. We get gold after the metal has gone through fire. Hon. Speaker, I am 99% sure I will come out victorious in this and we shall continue as we are going. So, Members do not be cowed by the shenanigans and the hullaballos that are ongoing.

Hon. Speaker, as I support the Motion on Adjournment by the Majority Leader, I also wish in a special way to request you to put into consideration the request by Hon. Oyugi because it was the pronouncement of the Court that Members of this House and 46 other county assemblies be refunded their Kshs. 660,000.

Hon. Speaker, the fight that I am getting is because Members are angry. I would not wish the same to any other leader. The Clerk should move with the same speed he used to deduct from our car reimbursements to refund the money. Let him honour the Court Order with the same speed. As the slogan goes; *ata kwake lazima iwork*.

Hon. Speaker, we have a few days to go and spend with our family members and our children now that schools are closing. Hon. Members will have some time to bond with their families. This being a long weekend, make sure you take your children for a vacation or a weekend getaway. I am sure that after this plenary, the Speaker will do his magic because he is a man of his words. He is a champion of the Members' welfare in this House and I am sure that he will work miracles. I am sure that the Speaker has already authorized the Members to make arrangements on how they will book hotels. It is upon you not to fail them, Hon. Speaker.

I wish also as we adjourn, to express my dismay to the County constables that harassed the traders within the CBD yesterday. One was captured in a video harassing a motorist. This is a very uncouth behavior that cannot be condoned in this century. Let them be people of dignity and integrity, and treat even the peasants with the dignity that they deserve. If it is about compliance, let them exercise without damaging their source of income. We saw eggs and sausages being spilled all over the street, this is uncalled for. I would like you to guide the Executive to take stern action on all the officers that participated in this uncouth behavior.

With those few remarks, I wish to support this Adjournment Motion.

**Hon. Speaker:** Hon. Hamisi, is it by chance or mistake that you have not made any request?

**Hon. Hamisi Maleya:** I rise in support of the Motion on Adjournment.

**Hon. Speaker:** Thank you. Hon. Whip.

**Hon. Moses Ogeto:** Hon. Speaker, I wish to sincerely thank the Leader of Majority for bringing this Motion. As much as my colleague who we used to call Martin Luther King in the Second Assembly is talking about money, I want to tell him to be patient as the recess is only ten days and then we will come back.

Hon. Speaker, this Motion on Adjournment is good, and like my counterpart said, we should go for vacation but most importantly, we should check on our electorates who gave us the mandate to be in this Assembly. We have had a very busy schedule.

Hon. Speaker, I discussed with the Leader of Majority on what Hon. Oyugi was raising but we do not need to discuss such a matter in this House because we do not know whether the 14 days will be over. I can share with the Hon. Member the judgement of that day on WhatsApp. It is not good to feed Members with lies because the money deducted was sent to KRA and we can only get the money from them. I know my counterpart is undergoing some issues, but things will be okay.

Hon. Speaker, as we are going for recess, the special elect will go back to their parties and ensure that they champion for the interests of their parties, that is part of representation. With those few remarks Mr. Speaker, I beg to support.

**Hon. Speaker:** Hon. Peter Mwangi.

**Hon. Peter Mwangi:** Thank you, Hon. Speaker. I want to thank you for the magic that my party Whip has talked about, my phone has started doing press-ups. I thank you on behalf of all Members for doing the right thing. We have been waiting for this Kshs.660.000. Thank you Hon. Speaker, I beg to support.

**Hon. Speaker:** Hon. Kiogora.

**Hon. Eric Murigu:** Thank you, Mr. Speaker, I rise to support this motion. I think it is important for us to go on recess. I kindly want to request our leaders led by the Majority Leader and the Deputy Speaker that as Hon. Members, the Executive side owes us a lot of money. It is important that you guide your chairpersons to push the Executive to pay us. The Hon. Member for Umoja I has said that we should go vacation during the recess. We cannot go for a vacation without money. The Majority Leader and the Deputy Speaker, please help us get paid the money so that we can enjoy during the recess. I support. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Isalambo.

**Hon. Emmy Isalambo:** Thank you, Hon. Speaker. I thank the Majority Leader for bringing this Motion. Most of us are parents and we have kids in school and are about to close school. There are those who will begin their final exams and we need to go and pray with them. For me, we really need this ten days' recess. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. The last one, Hon. Hellen Awuor.

**Hon. Lawrence Odhiambo:** Hon. Speaker, let me...

**Hon. Speaker:** Order, Hon. Lawi! Are you Hellen?

*(Laughter)*

**Hon. Lawrence Odhiambo:** I am using her card. Allow me to use her card so that I can debate on this.

**Hon. Speaker:** Okay, you may proceed.

**Hon. Lawrence Odhiambo:** Thank you, Hon. Speaker. First of all, let me take this opportunity to congratulate Hon. Majority Leader for give us this short break.



Hon. Speaker, we are demanding for our money. This money is not even the Kshs. 600,000 the Members are talking about; it is more than Kshs. 660,000. We were deducted this money...

**Hon. Speaker:** Hon. Member, can you confine yourself. Are you in support of the Motion?

**Hon. Lawrence Odhiambo:** I am in support of the Motion, but I am still supporting what my colleagues...

**Hon. Speaker:** Hon. Lawi, please stop misleading the House.

**Hon. Lawrence Odhiambo:** I am supporting the Motion that we must be given an opportunity...

**Hon. Speaker:** You are not holding any brief on the Executive, please. Confine yourself to the Motion of Adjournment.

**Hon. Lawrence Odhiambo:** If you don't allow me to support what Hon. Members are saying, then I don't know why we are supposed to be here, Hon. Speaker. Anyway, let me support the Motion by the Majority. We need to be given the few days maybe to go and take our children out and engage with them because they are closing schools. It will also help us refresh our minds. But we cannot go on the recess without the money that was deducted from us. The Kshs. 660,000 is a lot of money and we must to be given. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Member, you are mistaking the Chair as a tax entity. Please your money is with the KRA.

*(Laughter)*

**Hon. Lawrence Odhiambo:** I am supporting the Motion, but we cannot go for the short recess without money.

**Hon. Speaker:** Don't make such references.

*(Hon. Kennedy Oyugi spoke off the record)*

**Hon. Lawrence Odhiambo:** Yes. No money, no recess.

**Hon. Speaker:** Thank you.

**Hon. Speaker:** Hon. Minority Leader, welcome. Unfortunately, we are at the tail end of the Adjournment of the Assembly for a short recess. May be just some words of wisdom and your input as the Leader of the House. You may proceed.

**Hon. Anthony Karanja:** Thank you, Hon. Speaker for this opportunity, and sorry because I had to attend to very important international matters that are affecting the world.

*(Laughter)*

Hon. Speaker, it is another opportunity for us to go on recess, and I urge our Members to go and sharpen their skills. Personally, I want you to use this opportunity when you go home to ask all the UDA members to remember that on 9<sup>th</sup> December, I will be the new Chairman of the UDA Party in Nairobi County.

*(Applause)*

As my colleagues, please do your part and support a colleague because it is only fair that we support each other in this House. Hon. Speaker, it is also an opportunity for us to go and rethink about our strategies especially for the coming year. During this time, since the last recess, I know we have done very well. We have maintained our respect and unity. I would like us to take this opportunity again to go and soul search because I think we are slowly sliding into anarchy.

Hon. Speaker, I would like to comment on a matter that happened the other day. Somebody called me “*matako*” on our social media platform. Honestly, Hon. Speaker, it is not fair.

**Hon. Speaker:** Hon. Leader.

**Hon. Anthony Karanja:** Yes.

**Hon. Speaker:** Kindly, you are a senior leader. The Motion before us here is the Motion on Adjournment of the Assembly. Please, don't make references that might antagonize the peace of this Assembly as a leader. It is my humble request that there are several avenues to address such issues.

**Hon. Anthony Karanja:** Okay. Noted and withdrawn, Hon. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Anthony Karanja:** As we proceed for recess, continue praying for yourselves, your families, each other, this County and this country. I look forward to see you I think it is in a week's time.

*(Hon. Members spoke off the record)*

Hon. Speaker I hear the word Kshs. 660,000. I know you know what that means. We listened to you. Personally, I will do my part which needs to be done for that to happen. I believe the Hon. Speaker as the Chair of the Board and the CEO of this institution will also do the same. During the recess, Hon. Speaker, kindly do your best to make sure that you make our lives easier. I remember it was a big debate before the money went to KRA, and unfortunately it went. So, we hope that we will be able to get it back. Thank you, Hon. Members.

**Hon. Speaker:** Thank you. Hon. Deputy Whip.

**Hon. Stazo Omung'ala:** Thank you, Hon. Speaker. I stand to support the Motion of Adjournment. The people of Upper Savannah Ward will be happy with this Adjournment of the House because they have organized a gallant Spanish dinner for their servant. They have also invited other Members.

*(Hon. Peter Imwatok spoke off the record)*

**Hon. Speaker:** I was not keen, maybe you will allow the Member to proceed a bit. Can you repeat yourself?

**Hon. Stazo Omung'ala:** Hon. Speaker, I rise to support the Motion to adjourn the House since my employer, the people of Upper Savannah Ward, had organized an extravagant Spanish dinner for their servant at the Green Span Mall. Knowing very well that many Members like the Member of Umoja I has no malls in their wards, we have invited them at least to have a cooling place.

Mr. Speaker, I would like to throw a message of strength to my brother, Hon. Ronaldo and the Minority Leader that at the end of the day, peace will prevail. Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members the House stands adjourned to Tuesday 31<sup>st</sup> October 2023

*(Loud consultations)*

Hon. Members, please there is no question put.

*(Loud consultations)*

Hon. Members, the Speaker is up on his feet. I just want to make a special request after the House has adjourned. We have a prayer warrior and we can't bury our heads in the sand. This House is going under some turbulence which we need to cool down as leaders.

Hon. Lilly Kidenda, put this House in special prayers. You dedicate the House so that as we proceed for the recess, let peace and harmony prevail. Let us gather as a family. Hon. Lilly Kidenda, you can proceed. Please come here. Order, Hon. Members!

**Hon. Lily Kidenda:** Thank you for the privilege. Let us pray.

*(Hon. Lilly Kidenda led the House in prayer)*

**Hon. Speaker:** Thank you, Hon. Kidenda. Hon. Members, I know issues to do with resources are quite pertinent, and for that reason, as the Chair and as the CEO as indicated by our leaders, this is not a responsibility under one umbrella. We will converse as leaders and in a record time get to make Members feel their entitlement in a good time. So, I make a commitment as the Chair of the Board to make sure that the concerns as raised by Members and more so their rights are honoured.

As you proceed for the holidays, our sister has asked our able God that we pray for the House. When I say we pray for the House, we pray for the leadership. Please, let us restore peace in the Third Assembly. Peace is quite expensive but we must make sure that it prevails at all times. Thank you, Hon. Members.

***House rose at 3.46 p.m.***