



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 7th November 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may now be seated.

QUORUM

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

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

Under Standing Order No. 37 (2), Serjeant-at-Arms, please ring the Bell for ten minutes.

(Quorum Bell was rung)

Hon. Members, the House is now fully constituted and back to business. Clerk!

PETITION

EXPECTED EL NINO RAINS IN THE COUNTY

Hon. Temporary Speaker: Public Petition, pursuant to Standing Order 214 by the residents of Nairobi on expected El Nino rains in Nairobi City County.

We, the undersigned citizens of Kenya who are residents of Nairobi within Nairobi City County, draw the attention of the County Assembly of Nairobi to the following:

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

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THAT WHEREAS, Article 42 of the Constitution further provides that every person has the right to a clean and healthy environment;

THAT, the National Government of Kenya has ascribed to such human rights vide the Economic, Social and Political Pillars of Vision 2030 that are anchored on the foundations of Macroeconomic Stability, Infrastructural Development, Science Technology and Innovation;

THAT, IGAD Climate Prediction and Applications Centre (ICPAC) announced that the October to December 2023 climate forecast shows high chances of wetter-than-usual conditions across most parts of the Greater Horn of Africa. Notably, there is an exceptionally high probability (>80%) of experiencing wetter-than-usual rainfall in southern Ethiopia, Eastern Kenya, and southern Somalia;

THAT, as a result of the heavy rainfall experienced across much of the region from March to May (MAM) 2023, increased precipitation from October to December (OND) 2023 may contribute to flooding;

THAT, Nairobi previously has encountered the following due to high rainfall such as El-Nino:

1. Bridges being washed away since they are not permanent leading to loss of lives and disconnection of people's residences;
2. Damaged manhole covers along the roads causing serious health hazard, cars being stuck and sometimes accidents since the holes are filled with water and are not visible;
3. Poor drainage in estates since there are no sewer systems leading to excessive flooding resulting to loss of lives and properties;
4. Lack of clean drinking water since water sources are contaminated with flood water;
5. Trash blocking water ways since some trash especially plastic waste clog the culverts leading to more flooding;

THAT WHEREAS, the petitioner, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised are not pending before any court of law or Constitutional body.

NOW HEREOF, your humble Petitioners pray that the County Assembly of Nairobi County intervenes and ensures that:

1. The following be done before the anticipated rains starts:
 - a) Water shortage currently being experienced in Nairobi be sorted;
 - b) Unclog water ways and provide measures to collect trash accordingly;
 - c) Repair bridges and manhole covers and put permanent ones in areas that are not in place; and
2. The Nairobi City County sensitizes the residents on disaster management such as in case of El-Nino.

And your Petitioners will forever pray.

I commit the Petition to Culture and Community Services Committee.
Members you may now come in. Thank you.

(Several Hon. Members walked into the Chamber)

STATEMENTS

Hon. Temporary Speaker: Hon. Mark? He is not around? Hon. Maurice Ochieng, you have a Statement.

REQUEST FOR STATEMENT REGARDING THE OPERATIONS OF BARRELS & STOOLS LOUNGE

Hon. Maurice Onyango: Thank you, Madam Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the operations of "Barrels & Stools", a bar and a public entertainment establishment, within a residential area and close to institutions of basic education.

Hon. Speaker, the Nairobi City County Alcoholic Drinks and Control Act, 2014 outlaws the location of bars or any alcoholic outlet within a radius of 300 meters from institutions of basic education. Further, the County Government of Nairobi City banned establishment of entertainment clubs and bars in residential areas.

However, Barrels & Stools, which is located in a residential area along Lower Kabete Road near Sarit Center, Westlands and with close proximity to institutions of basic education including primary and secondary schools, openly sells alcohol to revelers and plays loud music. This not only exposes children to alcohol but also emits intrusive noise, which is not only unreasonably loud but also annoying, disturbing and continues to endanger the comfort, repose, health and safety of all residents living adjacent to the establishment.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Circumstances that prompted the County Government to license the operations of Barrels & Stools within a residential area and within close proximity to institutions of basic education including primary and secondary schools contrary to the existing laws and regulations; and
- ii. Measures the County Government is taking to shut down the operations of Barrels & Stools and any other bar or public entertainment establishment operating within residential areas and in close proximity to education

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you. Chairperson, Culture.

Hon. Clarence Munga: I will respond in two weeks' time. I hope the Hon. Member will concur with the two weeks.

Hon. Temporary Speaker: Hon. Maurice.

Hon. Maurice Onyango: Hon. Speaker, this is a matter which should be handled as quickly as possible because the residents are really not sleeping and also it is near schools. So, I think two weeks will be too much.

Hon. Clarence Munga: Madam Speaker, as you are all aware, we have to write to the Executive and it takes one week for them to respond. We need also to do a site visit within the second week, that is when we will come up with a conclusive answer so that the Hon. Member is satisfied. So, we are requesting the Member to give us two weeks so that we can give him a concrete answer on the same. Thank you.

Hon. Temporary Speaker: Thank you. I think the Chair is in order. Hon. Member?

Hon. Maurice Onyango: Most obliged.

Hon. Temporary Speaker: Thank you. Hon. Silas Matara.

REQUEST FOR STATEMENT REGARDING ALLEGED ABSORPTION OF
EMPLOYEES UNDER THE DEFUNCT NMS BY THE COUNTY EXECUTIVE

Hon. Silas Matara: Thank you, Hon. Speaker. I have a statement on alleged absorption of employees under the defunct Nairobi Metropolitan Services (NMS) by the County Executive.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the alleged absorption of employees under the defunct Nairobi Metropolitan Services by the County Executive.

Hon. Speaker, the County Executive transferred some of its functions through the Deed of Transfer signed on 25th February 2020. The action led to recruitment of officers from the affected departments to the NMS. The term of the NMS lapsed in August 2022 leaving some of its officers in suspense on their positions.

Hon. Speaker, there are allegations on social media on absorption of contractual employees from the NMS by the County Executive various departments. The County Executive has also advertised for recruitment of various positions in several Sectors.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

1. Number of officers employed by the NMS during its time;
2. Number of officers that have been absorbed by the County Executive from the defunct NMS and their respective Sectors;
3. Criteria used to absorb the officers from the defunct Nairobi Metropolitan Services:
and
4. Measures the County Executive is taking to ensure fairness in the ongoing recruitment exercise in various Sectors.

Thank you.

Hon. Temporary Speaker: Chairperson, Labour.

Hon. Allan Gathuku: Hon. Speaker, I request for two weeks.

Hon. Temporary Speaker: Hon. Matara.

Hon. Silas Matara: Hon. Speaker, I think two weeks would be quite an extended time for the simple reason that the recruitment process is ongoing. The import of this Statement is in my understanding according to the Employment Act. When the County advertises openly, there is no legal requirement, procedure, policy, or regulations allowing the Executive to absorb employees from the defunct NMS.

So, if we take the two weeks, Hon. Speaker, there is a probability that by the time the Chair would be responding to this House, those aforementioned officers from the NMS – I believe through the support of the Members, we cannot allow that to happen. The employees are alien to this Assembly and we don't know the recruitment procedures that were used by the NMS. It is unfortunate that the Executive thinks in that direction to offer opportunities to those staff. It is an open recruitment, everyone should be given equal opportunity to apply and no position should be set aside for officers from the NMS.

With those few remarks, I beg the Chair of Labour to consider and take this issue with importance and urgency that it deserves and and responds to this House with a minimum time of eight days, Hon. Speaker.

Hon. Temporary Speaker: Hon. Matara. It is a Statement and you shouldn't be debating on it. Let us give the Chair time to respond.

Hon. Silas Matara: I am just trying to shed light. Eight days is adequate, Hon. Speaker.

Hon. Allan Gathuku: Madam Speaker, for a comprehensive report, we need two weeks. It is not too far. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Matara, I think you will give the Chair ample time so that he comes up with a comprehensive report regarding the Statement you have been asking.

Hon. Silas Matara: Hon. Speaker ten days is adequate.

Hon. Allan Gathuku: Madam Speaker, I understand two weeks is the minimum.

Hon. Temporary Speaker: Thank you. Hon. Mark Thiga.

REQUEST FOR STATEMENT REGARDING LACK OF
FOOD STUFF AND NECESSARY RELIEF ESSENTIALS
ISSUED TO VICTIMS AFFECTED BY DISASTERS

Hon. Mark Thiga: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding lack of food stuff and necessary relief essentials issued to victims affected by disasters.

Hon. Speaker, as you are aware, the Disaster Management and Coordination Sector is mandated to mitigate disasters, and where disasters have happened, the Department ensures that food stuff and other necessary essentials are supplied as soon as possible to the affected persons.

Hon. Speaker, in the recent past, the County has had a slow response from the Disaster Management and Coordination Sector in that, the said victims are yet to be issued with any relief supplies from the County.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

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- i. A detailed report on the status of inventory of the food stuff and relief essentials in the Disaster Management and Coordination Sector;
- ii. A comprehensive list on how the Sector has been distributing food stuff and relief essentials in the County since August 2022;
- iii. Steps that the County Executive has taken to ensure that relief food and necessary essentials are distributed to the affected persons in the County; and
- iv. Challenges the Sector has been facing in ensuring that relief essentials are disbursed on time and how they propose to address the said challenges.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairperson of Culture and Community Services.

Hon. Clarence Munga: Madam Speaker, I will respond in ten working days.

Hon. Temporary Speaker: Hon. Mark.

Hon. Mark Thiga: That is very much in order, Madam Speaker.

Hon. Temporary Speaker: Thank you. Hon. Mark Thiga you also have another Statement?

Hon. Mark Thiga: Yes.

Hon. Temporary Speaker: Go ahead.

REQUEST FOR STATEMENT REGARDING DELAY IN
ISSUANCE OF BURSARIES FOR THE THIRD TERM 2023

Hon. Mark Thiga: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training, regarding the delay in issuance of bursaries for the third term 2023.

Hon. Speaker, as you are aware, a bursary is a type of financial assistance provided to students to help pay for their education. They are often provided by the Government with the main objective being to increase access to education for disadvantaged groups such as low-income families.

Hon. Speaker, Nairobi City County passed a budget allocating funds for bursaries with each ward being allocated Kshs. 7 million for the financial year 2023/2024. The disbursement of bursaries for 3rd term has inordinately delayed, which forced many children from disadvantaged homes in the wards not to attend classes due to lack of school fees.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. A detailed report on why the disbursement of bursaries has delayed for the 3rd term of 2023;
- ii. Steps that the County Executive has taken to ensure that the bursaries are going to be disbursed as soon as possible; and
- iii. Challenges the Sector has been facing in ensuring that bursaries are disbursed on time and how the said challenges are being addressed.

Hon. Temporary Speaker: Chairperson, Education? The Vice Chair? Any Member of the Committee? Hon. Akama.

Hon. Jared Ondieki: Madam Speaker, based on the urgency of the matter, we request for nine days.

Hon. Temporary Speaker: Hon. Mark.

Hon. Mark Thiga: Thank you, Madam Chair. Based on how weighty this issue is, I would request the Chair, I know you are very capable with your team, do it in seven days, if possible.

Hon. Jared Ondieki: Madam Speaker, just to inform the Member that the set days for communicating back and forth from the Executive is normally a maximum of seven days. I am also affected, that is why I have indicated the nine days. I think that is within the appropriate time for us to get comprehensive communication from the other side.

Hon. Temporary Speaker: I think he is in order.

Hon. Mark Thiga: Much obliged, Madam Speaker

Hon. Temporary Speaker: Thank you.

Point of Order

Hon. Waithera.

Hon. Waithera Chege: Madam Speaker, I am on a Point of Order under Standing Order No. 91 (3). There was a debate that took place on Thursday on the floor of this House, and from where I sit, this is a House of rules and procedures. The Speaker failed to give a decision on that debate. So, I am seeking for your guidance considering Standing Order No. 91(3). Thank you, Madam Speaker.

(Clerk-at-the-Table consulted with the Speaker)

Hon. Temporary Speaker: Hon. Waithera Chege, what I have in the Order Paper is the resumption of debate of Motion by Hon. Osama, but if that is another Motion which of course I have not been briefed, I can...

Hon. Waithera Chege: Madam Speaker, I stand guided. This is not about Hon. Osama's Motion, it is about the amendment on the names in the Ad Hoc Committee. The Speaker allowed the debate to proceed, but under Standing Order 91(3), he failed to give the decision on that debate that was on the floor of the House.

(Clerk-at-the-Table consulted with the Speaker)

Hon. Temporary Speaker: Hon. Member, I think the matter has been overtaken by events and the Speaker then had already made a decision that they will continue with the number that had been provided. Unless I take the entire Motion to the House Business for another allocation, which of course cannot be done that way.

Hon. Waithera Chege: Madam Speaker, I don't have any problem with the decision that was made after the Motion was debated, I have a problem with the Speaker allowing the debate to proceed. The debate on amendment was on a Point of Order. Standing Order No. 91 allows the

Speaker to give a decision on a matter that has been debated on the floor of this House. Actually, the Standing Order quotes 'shall', which is mandatory, but he did not give a decision on. The Standing order indicates it is mandatory for any debate that has been entertained on the floor of this House to be given a decision on it.

Hon. Temporary Speaker: Hon. Waithera, I think that matter has rested and I cannot reverse whatever the Chair on that particular moment had already ruled. I think the Question was put, but if you have an issue, you could stand in numbers to show Division, which of course you didn't do it. So, I think the matter has rested and we need to proceed. Thank you.

Hon. Member, please will you come forward? Clerk.

BILL

First Reading

THE NAIROBI CITY COUNTY TECHNICAL VOCATIONAL EDUCATION AND TRAINING BILL, 2023

*(Order for First Reading read and committed to the Committee on
Children, Early Childhood Education and Vocational Training)*

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 34 (1)

DELAY BY THE COUNTY EXECUTIVE TO ISSUE BURSARIES

Hon. Jeremiah Themendu: I have a Notice of Motion that was supposed to appear in Order No. 6 but it has been skipped. Moreover, we have not even gone to Order No. 7 on Statements. I don't know what the Clerk has done.

Hon. Temporary Speaker: Hon. Jeremiah Themendu, do you have a Motion or a Notice of Motion? According to the brief of the Speaker, it is a Motion.

Hon. Jeremiah Themendu: Madam Speaker, I have a Motion for Adjournment. Can I proceed?

Hon. Temporary Speaker: Proceed.

Hon. Jeremiah Themendu: THAT, aware that Article 43 (1) (f) of the Constitution, 2010 provides that every person has the right to education;

FURTHER AWARE THAT, the County Government has been funding students from informal settlements through bursaries issued through the Members of the County Assembly each year since 2013;

CONCERNED THAT, the County Executive delayed the issuance of bursaries for the third term, which has locked most students out of school due to a lack of school fees;

ACKNOWLEDGING THAT, most students from the informal settlements in the County depend on the bursaries issued by the County Government as school fees;

THIS ASSEMBLY ADJOURNS pursuant to Standing Order 36 to discuss the delay by the County Executive to issue bursaries to the students who depend on them, as a Matter of Definite Urgent County Importance.

Hon. Speaker, on 29th June 2023, the County Assembly approved the County Government Budget, with a budget allocation of Kshs. 7 million for ward bursaries for the financial year 2023-2024.

Hon. Speaker, the ward bursary is supposed to be disbursed per academic term, starting with the third term of this year. We issued the bursary forms in September with the anticipation of receiving bursary cheques at the commencement of the third term. However, the County Executive is yet to disburse the cheques, making it difficult for the needy students who depend on bursaries for education.

Hon. Speaker, I call upon Hon. Hamisi Malenya to second the Motion. Thank you

Hon. Temporary Speaker: Hon. Jeremiah Themendu, according to the nature of your Motion, it has to be supported by at least 20 Members.

(Several Hon. Members stood in their places)

Clerk, please confirm.

Thank you, Hon. Members. Hon. Jeremiah Themendu, you will move the Motion under Order No. 11. That is your allocation for the time that I have given to you.

Hon. Jeremiah Themendu: I asked Hon. Malenya to second the Motion, please, Madam Speaker.

Hon. Temporary Speaker: We will proceed when you are in Order No. 11. Clerk!

MOTION

MULTI- AGENCY APPROACH TOWARDS MITIGATION OF RISING SUICIDE CASES AMONG THE YOUTH

(Resumption of debate interrupted on 02.11.2023 sitting)

Hon. Temporary Speaker: This is resumption of debate on Motion by Hon. Peter Maina that was interrupted due to lack of quorum. Hon. Member, you may refresh the House on the Motion that had been proposed and seconded so that we can now debate.

Hon. Peter Mwangi: Hon. Speaker, AWARE THAT, Section 226 of the Penal Code, Cap. 63 of the Kenya Law, provides that any person who attempts to kill himself or herself is guilty of misdemeanor...

Hon. Temporary Speaker: Hon. Peter Maina, I think your Motion was already in debate. So, just refresh the House so that they are in support of your Motion. Don't read the entire Motion for the sake of time.

(Hon. Jeremiah Themendu spoke off the record)

Hon. Jeremiah Themendu, in Standing Order 36, if you read well, I have allocated you time under Order No. 11. I will give you ample time so that you debate and ventilate. Hon. Osama, continue to refresh the House.

Hon. Peter Mwangi: Thank you, Hon. Speaker. The issue was about rising cases of suicide rates which are alarming in the County and in the country. As every Hon. Member here is a parent, we must be concerned. As per the statistics, annually, the cases of suicide in the country are 1,408. As per the ratio per gender, for every four suicides, three are male. Bearing in mind the boy child is the bearer of the seed, we need to be serious about this because we might lack the seeds in the store and we might lose generations.

I urge Hon. Members to support this Motion and to see how the County can manage or mitigate this because it is part of the mental health and socioeconomic problems that are facing the youth.

Point of Order

Hon. Temporary Speaker: Hon. Oyugi.

Hon. Kennedy Oyugi: I am on a Point of Order under Standing Order 43 (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, direct.

Madam Speaker, the reason why I am asking for this is that, I humbly request Hon. Osama to accept that we change the sequence and discuss the urgent matter of Hon. Morefire about the bursary, then we proceed from there. So, I am seeking your indulgence that we go for the Hon. Morefire’s motion first. Thank you.

Hon. Temporary Speaker: Due to the interest of the Members, Hon. Jeremiah Themendu, your Motion will come to Order No. 10. Please, let us just wind up this; it is just the mover to reply and I put a question. The mover to reply.

Hon. Peter Mwangi: Thank you, Hon. Speaker. I beg to reply.

(Question put and agreed to)

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 34 (1)

DELAY BY THE COUNTY EXECUTIVE TO ISSUE BURSARIES

Hon. Temporary Speaker: Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker. I think I can repeat it again.

Hon. Temporary Speaker: Hon. Member, please proceed.

Hon. Jeremiah Themendu: THAT, aware that Article 43 (1) (f) of the Constitution, 2010 provides that every person has the right to education;

FURTHER AWARE THAT, the County Government has been funding students from informal settlements through bursaries issued through the Members of the County Assembly each year since 2013;

CONCERNED THAT, the County Executive delayed the issuance of bursaries for the third term, which has locked most students out of school due to a lack of school fees;

ACKNOWLEDGING THAT, most students from the informal settlements in the County depend on the bursaries issued by the County Government as school fees;

THIS ASSEMBLY ADJOURNS pursuant to Standing Order 36 to discuss the delay by the County Executive to issue bursaries to the students who depend on them, as a Matter of Definite Urgent County Importance.

Hon. Speaker, on 29th June 2023, the County Assembly approved the County Government Budget, with a budget allocation of Kshs. 7 million for ward bursaries for the financial year 2023-2024.

Hon. Speaker, the ward bursary is supposed to be disbursed per academic term, starting with the third term of this year. We issued the bursary forms in September with the anticipation of receiving bursary cheques at the commencement of the third term. However, the County Executive is yet to disburse the cheques, making it difficult for the needy students who depend on bursaries for education.

Hon. Speaker, I call upon Hon. Hamisi Malenya to second the Motion.

Hon. Hamisi Maleya: Thank you, Madam Speaker. I rise to support this Motion based on the obvious reasons known to every Hon. Member in this House. Education is a right under the Constitution of Kenya. We passed a budget that was supposed to cater for the needy students within the course of the year. The first and second terms' disbursements were well done, but third term has been a problem. We, as grassroots leaders have been faced with a lot of challenges whereby we are forced to explain the delays in the bursaries. That is why this Motion was brought up by our senior Member, Hon. Themendu, so that we may get answers. As you are aware, we are just approaching the end of the term and some schools have closed. It is only because of the National Exam that is ongoing.

I rise to support this Motion so that we may get immediate answers and possibly get the cheques to give to our parents who are suffering. As we are heading to the end of the year, the results of some students haven't been given due to a lack of school fees. With those few remarks, I support. Thank you.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the Motion. Hon. Samora Mwaura.

Hon. Samora Mwaura: Thank you, Madam Speaker for the opportunity to contribute to this very important issue.

Firstly, I would like to congratulate Hon. Themendu for raising this issue at this juncture. We are all aware that third term is coming to an end and there are those students who are sitting

for their KCSE exams. Most Members will attest that students are being chased away from schools or they are being threatened that they cannot be given results unless they clear their fee balance. So, for the sake of those students, I would like to urge the concerned authorities or departments to make sure that we get those cheques as soon as possible.

Secondly, we are heading to first term, and if we do not dispense with this issue now, these bursaries will collide with those that we are supposed to give in first term. So, the sooner we deal with this, the better. As you know, apart from the WDF, the other most important thing to an elected Member is bursary. It is the only item that an elected Member can use to directly touch the parents or the constituents, and it is very emotive. For that, I support. Thank you.

Hon. Temporary Speaker: Majority Whip.

Hon. Moses Ogeto: Thank you, Madam Speaker. I sincerely thank Hon. Themendu for bringing such a Motion. I believe that it is not in bad faith but for the interests of the people of Nairobi.

Hon. Speaker, Hon. Samora who has just spoken had done breaking news somewhere. I thought he would do the same on this issue. As much as I stand here to support this, it is also good to bring to the attention to this House that I have just spoken to the Chairman of the Budget Committee and he has informed me that for the last two months, the Government of Kenya Kwanza has not released the exchequer. Even the money for payment of salaries has not been released. So, as we continue to debate this Motion, we are also requesting the National Government, especially the National Treasury to disburse the equitable share of revenue.

Hon. Speaker, I was asking myself; where are we standing? Then I was brought to attention by Hon. Ami Peres that it is a Motion on bursary. Hon. Themendu happens to be close to that Government, I wish he could have asked that. But now that he has brought it before this Assembly, it is good to debate it.

Hon. Speaker, it is good to be aware that the problem facing Nairobi County is not only caused by the Nairobi County Government itself. We want to tell the National Government to also release the equitable share of revenue which was passed by CARA so that Hon. Themendu can happily go back to Kayole and tell his people that the National Government has given out the money.

Hon. Speaker, currently, the revenue that is being collected in Nairobi County is at its lowest point. I believe that with the little amount collected is used to pay for some of the small things. I also want to bring to the attention of this House that even our salaries have not been released by the National Government.

It is through the Speaker's connections that he has ensured salaries have been paid. It is also through the connections of the Governor that the Nairobi City County staff have been paid. However, the money from the National Treasury has not been disbursed for the last three months. As much as we are becoming beggars of the National Government, we are requesting them so that we avoid such Motions being tabled in this Assembly, Hon. Speaker.

Hon. Speaker, Hon. Samora broke good news on our WhatsApp page that Ward Development Fund Projects will now be advertised. Even if these projects will be advertised,

where will be the money? I really encourage such Motions, but again, it is good to inform the Members that the National Treasury has not disbursed the amounts to us. The Chair, Budget said that the moment the money hits the account from the National Treasury, priority number one will be the bursary. The WDF will be priority number two. We hope that we will not have another Motion for Adjournment brought by Hon. Samora on the WDF.

I have asked myself where the Chairperson of Education is. When you are elected as the Chair and the Vice Chair, these are the things you should be on top of so that you are able to brief the House the position of the bursaries. That is why, Madam Speaker, some chairpersons are here and some are not. These chairpersons should be briefing Members. When the County Assembly of Nairobi is in panic mode about money, even you, Madam Speaker will be slaughtered. That is the truth.

With those few remarks, I really support this Motion. But I am telling Hon. Themendu and Hon. Members to be patient and wait for the National Treasury to release our equitable share. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you, Majority Whip. Hon. Antony Maragu.

Hon. Antony Maragu: Thank you, Hon. Speaker. I take this opportunity to thank Hon. Themendu and you, Madam Speaker. Earlier, we were a bit concerned when the Hon. Member proposed that we adjourn and debate this Motion. I was a bit worried personally when you wanted to give us a separate time and not an opportunity to debate this Motion immediately. As Members of this Assembly, we are the representatives of the people of Nairobi and it is important when such important issues are facing our people, we get involved and debate.

Hon. Speaker, we have been under a lot of pressure as elected Members especially at a time when our children are sitting for national examinations. We have read in the papers that even the National Government has not released funds, as the Majority Whip has said that the equitable share has not yet been released.

Indeed, it is true that even the capitation, that is the money that high schools are supposed to be receiving from the National Government, has not been released. It seems that the principals have shifted their mindset to our offices for bursaries now that the National Government has failed.

Hon. Speaker, as I speak for many, we are under pressure because our children are almost being sent away from school. We have written letters to these schools to allow the children to continue with their education. I am almost doing a third letter to multiple schools that I had written to earlier requesting them to give us three weeks so that we can send them cheques. Three weeks lapsed and I had to write to them again not to send the children home promising to send them cheques.

Hon. Speaker, we are getting pressure from our people and we have no answers when parents call us. You promise them tomorrow or next week, but then it does not happen. I have seen the Governor in another forum indicating that we have collected some revenue. Even as we utilize the resources that we are collecting as own source revenue, we must prioritize. We do not have to take money to other forums where we feel they are more important. These bursaries are important especially for the elected Members. We are living in times when getting elected as a Member of

the County Assembly comes with a lot of expectations. That one thing that we have to take to our people directly from our offices, if it is not prioritized in this County, then we are at risk.

Hon. Speaker, I also fault the Committee of Education because they have not been prompt in giving us this information. We are only learning now from our Majority Whip that resources have not been released by the National Government. We should be informed so that by our own ways we can know how to put pressure. Hon. Majority Whip, I do not know if it is only Nairobi which has not received its equitable share or it is across the counties.

Hon. Speaker, we request that this issue is expedited because County Executive people do not interact with the electorates the way we do every day. Hon. Speaker, I conclude there and support the Motion. Thank you.

Hon. Temporary Speaker: Hon. DNG.

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker for this opportunity. Indeed, bursaries have stalled and cheques have not been forthcoming. The Education Sector has sadly reported that it has no money in their account. But it said that funds have been redirected by the CECM Finance to other sectors and to pay suppliers.

Hon. Speaker, bursaries were a commitment from His Excellency the Governor. We had a caucus as the 85 elected members in Naivasha with the Governor and we agreed that bursaries are going to be non-negotiable. Indeed, we have seen bursaries been increased to now Kshs. 7 million. However, despite that goodwill and commitment from the Governor, our cheques have not been released.

There are basic deliverables that we promised Nairobian that we must execute seamlessly without fail, and education is one of them. We cannot say that this great City is working yet we are unable to take our vulnerable children to school. It is sad when the money collected in this County every day goes to pay suppliers, but the basic services like garbage collection, lighting and now bursaries have not been adhered to. Our vehicles have no fuel and our children cannot go to school yet we are collecting taxes every day. I had lunch at Ajode Restaurant today and the City Court is full, people are paying penalties. Where is the money collected going to?

The issue we are dealing with is not that the National Government is not giving us our equitable share, it is a sad state of mismanagement and lack of leadership in this great County. This is unacceptable and must be sorted out as soon as possible.

The Majority Whip has asked; where do we get money for the bursaries? Let me do a quick calculation for this House. For your information, Nairobi County collected Kshs. 10.6 billion, which was declared. We are not going to talk on what was undeclared because that is the work of another committee. If you divide the Kshs. 10.6 billion by 365 days in a calendar year, that will be Kshs. 29 million per day. How much is our bursaries? Kshs. 7 million shillings per ward, multiply by 85 is equal to Kshs. 595 million. If you divide Kshs. 595 million by Kshs. 29 million collected per day, it takes 20 days to deliver our bursaries. Surely, are we unable to collect that money?

(Applause)

It does not take someone who has done CPA 7 to do basic mathematics like this. If we use our collection for 20 days, we can quickly pay our bursaries that have stalled and take our children back to school. Let us take this seriously.

Point of Order

Hon. Moses Ogeto: Point of Order under Standing Order No. 99 on Statement of fact, Madam Speaker. It is good to tell Hon. DNG who happens to be my neighbor in Kilimani, that a government is a going concern. Can he present all the Statements that he has so that we are able to interact with this document? When he says 365 days, the Government only works for five days, Monday to Friday, and half day on Saturday to collect revenue. The spirit of the Motion is that the bursary money should be paid as a priority. I want to enlighten him that the money collected was before June, last financial year 2022-2023. Hon. DNG should provide the documentation.

Hon. Themendu is saying that the Kayole residents will be able to get their bursary cheques when the children will be going back to school. The National Treasury has not paid salaries including his salary. His Excellency the Governor is trying to talk with financial institutions to see that we get this money. Madam Speaker, if the salaries for last month were not paid, you could not be even sitting there. I am requesting Hon. DNG to confine himself with statements of fact before this House. Thank you, Madam Speaker.

Hon. Davidson Ngibuini: Hon. Speaker, I would like to inform the distinguished Whip that the figure of Kshs.10.6 billion is not from my imagination. We had the CECM Finance stand in this House and table these figures, and I believe whatever he gave was a commitment. He can get that information from the HANSARD and do quick maths. I know this is not a maths class, but just do an average. As much as these were figures from the last financial year, anybody who has done finance – I have a global Executive MBA, we deal with projections.

The Governor is on record saying that he is working to collect more. But that notwithstanding, what we are saying today is that we want our bursary cheques released. If the Governor can do *namna hii namna hii* for salaries to be paid, he can also do *namna hii namna hii* for bursaries to be released. Those heading the Finance docket should handle their basic mandate of managing our cash collection because even in our markets, there are Inspectorate askaris on Saturdays collecting 50 shillings from the mama mbogas; I have three markets in my ward.

They must prioritize the expenditure that this House has prioritized, which is education. Also, they must manage our cash well. Otherwise, let them be sent home because there are competent financial managers and accountants who are ready to serve Nairobi who are jobless and can be called to come and serve if those in the finance docket *wameshindwa na kazi*. That is all that I am saying, Hon. Speaker. I support Hon. Jeremiah Themendu's motion 100%. *Asante sana*.

Hon. Temporary Speaker: Thank you so much, Hon. Member.

Hon. Waithera Chege: Thank you, Madam Speaker. Before I give just two statements, allow me to congratulate and thank Hon. Themendu for this Motion. I don't know how many people know that Hon. Themendu is a liberator and not an oppressor. He deserves our congrats.

(Applause)

Number two, Hon. Speaker, it is so sarcastic that this same Assembly passes the budget and when it comes to priority issues like bursaries, we have to come back here and plead to be given. In the previous term because it is on record, we started missing bursaries at the end of the fourth year and not the first year. We are barely two years old and we have started crying about bursaries. What will the common mwananchi say?

Number three, Hon. Speaker, 96% of elected Members in this Assembly represent areas that are geographically occupied by informal settlements. What does that tell you? Apart from Hon. Palapala and Hon. Alai who represent Kileleshwa, Lavington and upmarket areas, the rest of the Hon. Members have to dig deep in their pockets to help the residents of the informal settlements take their children back to school. This is not an agenda that we should be discussing in the floor of this House because we say there is no money yet you see officers flying from Nairobi to Washington. They have money for foreign travel but there is no money for bursaries. We are saying; the same kitty that they get money for foreign travel and have some funny people follow them up the road, they should get money for bursaries from that kitty for these Hon. Members.

(Applause)

Hon. Speaker, it is very sad that Hon. Members have to come back to the floor of the House to plead for the same budget that they passed. I beg to support the Motion. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you. Hon. Mark Thiga.

Hon. Mark Thiga: Thank you, Hon. Speaker for giving me this chance to make my contribution to this very important matter that has been raised by Hon. Jeremiah Themendu. Let me congratulate him at this juncture.

Madam Speaker, a lot has been said about the same and the Hon. Majority Whip has asked for a statement of fact. On 4th April 2023, there was a release that the County revenue was on a rise. The County collected Kshs. 673 million which was more than what was collected in the first quarter of 2022. Collectively, the 85 wards need a quarter of what was collected.

Madam Speaker, a precedence has been set and I think the County is doing better if they were able to collect Kshs. 4.6 billion from January to March. The previous year they had collected Kshs. 3.86 billion. The County is doing better right now and we need to set our priorities right. We should not gamble with the education of Nairobians. We do not take it lightly that the bursaries have not been issued in good time, let it not be business as usual. Let us make sure that the bursaries are released and our children are able to go back to school. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you, Hon. Members for contributing on this Adjournment Motion. Indeed, I share your concerns regarding the issue of bursaries. The nature of this Motion does not anticipate resolutions, nevertheless, I direct the Chairperson of Education Committee to take up this matter and report to the Assembly next week, Tuesday 14th November 2023.

Chairperson, Education, please bring concrete answers and give us a reliable report. I direct that you come with a comprehensive resolution on this Motion. Thank you, Hon. Members.

MOTION

MANDATORY MENTAL HEALTH ASSESSMENT FOR ALL COUNTY EMPLOYEES

Hon. Ami Ambala: Thank you, Madam Speaker.

AWARE THAT, Paragraph 2 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010 provides for primary health as one of the devolved County Government's function;

CONCERNED THAT, according to the Kenyan National Commission of Human Rights, an estimate of 25% and 40% of outpatients and inpatients suffer from mental health conditions, with most frequent diagnoses of mental illnesses made in general hospital settings being depression, substance abuse, stress, and anxiety disorders;

FURTHER CONCERNED THAT, public service has not been an exception, as evident by the rising cases of mental health with alarming rate of alcohol and substance use, anxiety disorders suicides, occupational injuries, workplace conflicts and absenteeism, leading to a decline in quality of service delivered and productivity among public officers:

ACKNOWLEDGING THAT, there is need of urgent prevention and mitigation measures by public and private sector employers that will enable timely sensitization, counselling and assessment of mental health cases without stigmatization;

THIS ASSEMBLY THEREFORE resolves that the County Executive conducts a mandatory mental health assessment of all its employees in the County with an aim of sensitizing, diagnosing and recommending treatment for any mental health case for the same and the exercise to be emulated by the private sector.

Madam Speaker, this is a matter that is very close to my heart, I mentioned this last week when Hon. Peter Maina Mwangi was talking about the suicide cases. This is a very important thing to me.

Mental health is a vital part of our general wellbeing. It affects how your function, your sleep, and how you think. In the past, especially in the African continent, we never talked about mental health issues. You were not supposed to have mental health issues but be okay and be able to pick yourself up and move on. But nowadays, people are able to talk more about it.

In the public service, with the high cost of living that is affecting most Kenyans, people are not able to cope. There are a lot of life pressures, and to be able to share your problems is good because a problem shared is half solved. We should acknowledge that if you have a mental issue you should have a counsellor who you should talk to.

I have spoken to my colleagues and staff in this Assembly and people who have had mental issues, they tell me they wanted to talk about them but they do not know who to talk to. I think this is going to be good in boosting our confidence and for the general production of our people.

Having said that, I would like to call upon my seconder; I don't know whether he is here. I would like to call Hon. Majority Whip to second me.

Hon. Moses Ogeto: Hon. Speaker, this is a very good Motion, and Hon. Ami is very good in the Queen's language. I stand here to second this motion.

Madam Speaker, World Health Organization (WHO) in the years 2019-2023 developed a universal health care for mental care insurance. In the year 2022, the report was launched by WHO. The mover of the Motion is very specific saying that even during the harsh economic times like now, people are suffering from mental problems and there is nobody who is talking to them.

Madam Speaker, recently in Machakos County, bulldozers flattened peoples' properties. Those people need to be talked to because they had invested their money and in one day this was flattened. Also, the people who are affected by the Kirima's land are mentally affected because they do not know what will happen tomorrow. Mental illness comes in when one has a lot of stress.

With those few remarks, I beg to second the Motion.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the Motion.

QUORUM

Hon. Diana Mwangangi: Thank you, Madam Speaker. I am rising on the virtue of Standing Order No. 38. Looking at this House, there is barely a quorum to attend to this very important Motion. In light of that, I propose that the House adjourns and this debate resumes when the House is quorate so that it might get the necessary attention from a majority of the Members. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you, Hon. Member. Serjeant-at-Arms, please ring the Bell for ten minutes so that we can get quorum to transact the business.

(Quorum Bell was rung)

Hon. Members, the House has failed to obtain the required quorum to transact the business. I therefore direct that Order No. 11 be taken back to the House Business Committee.

(Motion deferred)

ADJOURNMENT

Hon. Temporary Speaker: The House stands adjourned till tomorrow, Wednesday 8th November 2023 at 2.30 p.m. The House Business Committee to meet at the rise of the Assembly.

The House rose at 4.26 p.m.