



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 8th March 2023

The House met at 2.30 p.m.

[Hon. Speaker (Mr. 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 drawn to lack of quorum in the Assembly. Under Standing Order No. 37 (2), I direct the Serjeant-at-Arms to ring the bell for 10 minutes as the door remains open.

(Quorum bell was rung)

Clerk, kindly confirm whether we have quorum in the Assembly.

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

Standing Order No. 37 (2), requires that when there is still no quorum, the bell is rung for a further five minutes. Majority Whip, why don't you whip your Members who are out there to come in?

(Quorum bell was rung)

We have the quorum now, Clerk, you may proceed.

NOTICES OF MOTION

ADJOURNMENT ON A DEFINITE MATTER OF URGENT COUNTY IMPORTANCE

Hon. Peter Imwatok: Hon. Speaker, I will be seeking your indulgence as I move this Motion; Adjournment on a definite matter of urgent County importance, pursuant to Standing Order No. 36. I beg to give notice of the following motion:

THAT, aware that Article 185 of the Constitution of Kenya, 2010 provides that the County Assembly while respecting the principles of separation of power, may exercise oversight over the County Executive Committee; further aware that the County Assembly received and approved various development plans for the County Executive, including the County Government budget; in addition, the Assembly has passed several resolutions which are vital for the development of the County if implemented by the County Executive; concerned that the County Executive has blatantly refused to disburse the budgeted funds for the County Assembly; further concerned that the lack of disbursement of funds in the Assembly by the Executive has greatly brought the operations of the Assembly to a halt; acknowledging that the two arms of County Government are supposed to work in harmony to ensure service delivery to the residents of this great city; this Assembly adjourns pursuant to Standing Order No. 36 to discuss on the state of the County on the deliberate refusal by the County Executive to release funds to the Assembly, which has brought its operations to autopilot.

Hon. Speaker, I beg to lay the notice of Motion.

Hon. Speaker: Hon. Members just to refresh your minds a bit on what is required of you under Standing Order No. 36 (2) ---

Hon. Peter Imwatok: Hon. Speaker, I seek Members who are in support of the motion.

(Hon. Members stood in their places in support of the Motion)

Hon. Speaker: The Standing Order requires that not less than 20 Members to rise on their feet in support of the Motion. Clerk, kindly confirm whether we meet the threshold.

(The Clerk-at-the-Table confirmed there was quorum in support of the Motion)

It has been confirmed, Hon. Majority Leader, you may proceed.

Hon. Peter Imwatok: I thank the Members of this House, my counterpart and the entire House.

Hon. Speaker, I have brought this notice of Motion before this House because this is a matter of urgency for this House to realize its potential. As you are aware, this House is envisioned with the purpose to do the budget. When we pass the budget, it is a document that binds all the stakeholders.

Unfortunately, Hon. Speaker, as I speak as the Leader of Majority, soon we are going to become a department in the Executive. The history of this House has spoken loud and clear from 2013, myself and my colleagues like Hon. Chege Mwaura, Anthony Kiragu, Moses Ogeto and the former Mayor, Hon. Majiwa, who has been here longer can attest to this. If the autonomy of the Assembly to exercise its duties is pegged as a department in the Executive, then there is a problem. As I speak, I am aware of the fact that some may want to take advantage of this. I have brought this Motion in this House as the Majority Leader because it is important.

In our budget line, there is a provision for every Member of the County Assembly to go for a foreign trip, it is not a favour but a right. Hon. Speaker, we have a budget line for committees. The work of Majority

Leader's office or the Minority Leader's office is not to call a County department to know why the Women Caucus has not been paid or such a committee has not been paid. The work of the Majority Leader is to lead business in the House and to make sure that the government is protected and the business is run simultaneously. But, Hon. Speaker, it has become a norm, you arrived in the country a day before yesterday and Members of the Speaker's Panel came to your office demanding for allowances for a retreat they went in Mombasa. As the leadership of the Assembly, we tried to enquire from the Clerk, he said that they had requested for the money about a month ago. The CEC for Finance has not released allowances to the Members and the offices for the Members are being locked. Allowances for the Special Elect and the staff have not yet been paid. NHIF deductions for the staff have not been paid, thanks to the Minority Leader who raised this issue. LAPFUND contributions for the Members have not been paid. You know very well that for us to get interest of the 31%, this money has to be paid early enough or else by the end of our five years we will be saying we are getting the same principal amount because somebody somewhere has decided that he is more of a journalist than the CEC Finance managing every situation.

It is dawning on us that there are a lot of jokes from the Executive side, in particular the CEC Finance office. As a leader of this House, let me tell you that I better not sit here than see an MCA travel abroad, for instance, the Members of the Women Caucus Committee who were invited to the Women Caucus in New York. Some of them landed there yesterday and others, today. They have nowhere to sleep just because the Executive feels Kshs. 7 million which was supposed to be expedited for these Hon. Members to attend the conference is not worth of them.

We are here for a term as Hon. Members, anyone who is a director in the Executive has 60 years. As I speak, the money we have for mortgage is less than a Kshs. 100 million and more than 60 members have applied for loans. We are left with only 50 months to go. I pity the Speaker and some of us because if you come before the Loans and Mortgage Committee, you cannot get the SRC's Kshs.5 million as it is now. This is only happening with the current government, a Member who had 60 months is supposed to be given Kshs. 4.5 million and not Kshs. 5 million. The Speaker was supposed to get 20 million, but right now he can only get 12 million for mortgage.

This is a county that collects and receives billions of monies. Hon. Members, let me repeat and say, it is not worth of me to sit here with two microphones as the Leader of Majority while Hon. Matach cannot have an allowance for a committee he had gone to in Naivasha and an elected leader like Hon. Masitsa comes to my office to ask when they will be paid for the Women Caucus. History has taught us that there must be mutual respect. This House has done all that it ought to have done for the Executive. We approved all the CECs because of the symbiotic relationship. We approved all the Chief Officers albeit the UDA Members were resistant, it makes us feel that they were right.

I dare say as the leader of this House, because I am responsible for every statement I say because history has taught anyone who knows me that I stand for the truth. We passed the supplementary budget in a record time but when it comes to our facilitation of the Assembly, the CEC Finance want to attach this Assembly as a department of the Executive. As the Leader of Majority, I am sorry, not under my watch. I either step aside and somebody else comes to do that business.

Hon. Speaker, for the good of this Assembly, let us take back our autonomy. During Kidero's time – I want HANSARD and the media to be very clear – no one suffocated the Assembly. During the reign of the rowdiest Governor, Mike Mbuvi Sonko, he never suffocated the Assembly, during the time of Anne Kananu, who could not understand whether she was a Governor or not, she never suffocated the Assembly. Kerich will not suffocate this Assembly. we want to breath as an Assembly.

(Applause)

I wash my hands as Pontius Pilate who said; I have done my part because after this, everybody will be on corridors. Somebody asked me today, where is the Imwatok that we know? Imwatok is back and he has nothing to lose except his integrity and what counts to Members. We fought wars in those corridors and Hon. Chege and Hon. Kiragu can attest to this, without positions. We do not need to be in positions to make our Members suffer. Imwatok is back!

(Applause)

Let Kerich release all the funds for the Members of the County Assembly to the Clerk's Office in less than six hours. Failure to do that, tomorrow at 2.30 p.m., I will be tabling a censure Motion against him. This Assembly has made history; we cannot be dragged behind.

(Applause)

Hon. Speaker, I request Hon. Chege Mwaura to second.

Hon. Speaker: Hon. Members, you have the opportunity to ventilate on this without the Motion necessarily being seconded, three minutes each. Can I give you the opportunity, Hon. Chege Mwaura?

Hon. Chege Mwaura: Thank you, Mr. Speaker. Do I second or I proceed and make my remarks? I rise to second this Motion in order to give us the opportunity to discuss this very weighty matter in the County Assembly. Just like the Leader of Majority has said that he is back, I am also back! We started in very good faith and gave the Executive all the support they requested. This House was requested by the Executive to give them CECs and chief officers. We unanimously passed them with a few faults here and there. Let me say that sometimes you may be so good to a point that people do not understand.

The mandate of a legislature starts from representation, which we do in our wards and making laws. But the most important role that we do is oversight, which must be guarded by all means necessary. Because if we lose our ability to oversight the Executive, this House will lose its salt. I want to strongly urge Members that supporting this does not mean that anyone is bad, we are just doing our job. This is the only county where own source revenue is enough to pay activities, to pay staff and the Assembly to some extent. We might not be able to do developments but we can be able to sustain ourselves in terms of recurrent expenditure.

Mr. Speaker, this House gets a chance to be able to look at this matter more precisely. For now, let me end there because I am more than ready for tomorrow because may be these people think six hours is a long time so they will not do the necessary. I will be very happy tomorrow to proceed with the County Government Act, I think it is---

Hon. Speaker: Your time is up, Hon. Member.

Hon. Chege Mwaura: Mr. Speaker, the seconder enjoys more than three minutes, but having said that, I rise to second and I am happy that this House gets a chance to interrogate the various CECs so that the others can get this as an example and give this House the respect it deserves. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Robert Alai, your mic is lit. Okay, the Majority Whip is on his feet.

Hon. Moses Ogeto: Thank you, Hon. Speaker for giving me this chance. Thank you for recognizing the seniority of the House.

Hon. Speaker, under Article 176 and Article 1 of the Constitution, the Members of the County Assembly have been elected to serve the residents of Nairobi. When they have been starved, then Nairobi has been starved. I remember one person postponing our swearing in. Our one-month allowance was promised to be paid, but to date it has been a joke. We kept quiet. It is said that we need to work harmoniously. The County Government has two arms; the Executive wing which is headed by the Governor and the County Assembly which is headed by the Speaker. All of us are at par, no arm is a subordinate of the other.

The Members passed the CECs religiously. During the Christmas holidays, Members were called to come and pass them, which we did. But now, a Member cannot go to a committee in Juja in a dingy place, it is a shame to this House. We go to Maxland Hotel in Juja while the members of the Executive are enjoying themselves in a five-star hotel in Lake Naivasha. Let it be understood that the CEC Member for Finance is a subordinate of the Speaker of the County Assembly of Nairobi. It is wrong that a Member of this House goes to Mombasa using SGR and then he is not paid his allowances to do his legislative work. It is a shame to this House. Martin Niemöller in 1920 said, "When they came for the socialists, we kept quiet, when they came for the Jews, we kept quiet, but when they came for you, there was nobody to fight for you." We will not allow them to come for us, we will go for them.

Hon. Speaker: Thank you, Hon. Whip.

Hon. Robert Alai: Thank you, Hon. Speaker. I wish that we started on this note, we would be having much more respect from the authority side. One thing that I have learnt with the government of the country is that you never trust anybody with more authority than you have unless they show willingly that they are good. Governor Sakaja and his team does not show any goodwill towards this Assembly. We have done everything like they wanted, but when we made one single request – We had a Kamukunji in this House and agreed on various measures. In Mombasa the Governor told us that, "*wacha nifanye kazi ya Executive na nyinyi mfanye kazi ya Assembly.*" Whenever he came here for the budget, for the CECs, for chief officers, we never told him, "*wacha tufanye kazi ya Assembly na wewe ufanye kazi ya Executive.*"

The revenue which is supposed to support the functions that we are requesting is being generated on an illegal platform. We have told him that we are willing to walk with him through this system to ensure that it is legalized. It is illegal to collect revenue through ungazetted, unverified---

(Applause)

Even the Governor went to look for the server of this NRS, he does not know where they are hosted. The Governor is collecting revenue through an illegal platform which has never be audited but he is denying us the revenue that is supposed the residents of Nairobi City County because the Assembly is part of Nairobi

City County. If he is denying half of Nairobi City County operations, it means there are illegalities which are going on and he is ensuring that the oversight mechanisms are sabotaged.

The CEC Finance must know that for this County to get value for money, he must account and the best way is to ensure that the people who do the oversight, representation, budget making and making the laws that they use, are properly enabled. If they are not, the kind of respect that we have is going to be withdrawn. I wish we did this much earlier. In that regard, I strongly support the Motion.

(Applause)

Hon. Anthony Karanja: Thank you, Hon. Speaker. I support what the Majority Leader has said and add that the independence of this Assembly is so important that we cannot allow anybody to stand on its way. This does not stop with Kerich. Hon. Speaker, we need to be serious. I am sure that you have listened to what Hon. Alai has said, Kerich is just an employee. We will not stop, we will escalate this matter because if you read the newspapers today especially the Business Daily, a regional paper, it is talking about how money is being lost in this city in the finance docket using those platforms that the Hon. Member is talking about.

Hon. Speaker, we need to be independent in this Assembly. As you are aware, among other things that we do is foreign travel, which the Majority Leader has said. I am on record as one of those people who had organized a trip with an institution called the Nairobi Water Company. When it reached the Executive, it was taken back, names removed and friendlier names put in that list. We are quickly becoming a department. If it will take us to censure the Finance Minister for this to stop, so be it. I will be here tomorrow to make sure that we regain the respect that we deserve as an Assembly. Thank you.

(Applause)

Mheshimiwa Spika: Mheshimiwa Majiwa.

Mheshimiwa Geophrey Majiwa: Asante sana, Mheshimiwa Spika, nikiunga mkono mswada huu, kwanza naona ajabu sana kwa sababu, tangu tulipofika hapa baada ya uchaguzi, tumekuwa tukidanganyana sisi ni marafiki. Hii ni kwa sababu mambo mazuri yote ambayo serikali ya pande hiyo nyingine walikuwa wanahitaji walituletea na tukayapitisha. Hatukuweza kuuliza maswali kama kawaida yetu, tuliweza kuuliza tu ni wakati gani wa kupitisha na tuliwasili na tukapitisha.

Leo naona kiongozi wa walio wengi na kumsikitia sana ninapoona akilalamika, hii ina maana kuwa, kama ilivyo kawaida ya maisha, kila kiumbe kinapoanza na juu na kisha kuteremka chini huwa kimeisha. Kama kiongozi wetu tayari amekwisha lalama kiasi hicho, sisi wale tuilio chini yake ole wetu!

(Kicheko)

Hii ni kwa sababu, sisi tunamtegea yeye na wakati tupo na shida tunakimbia kwake tukiamini kuwa yeye ndiye kinara wetu na ana nguvu zaidi na anaweza. Sasa tayari ashatuonyeshaya kwamba yeye katika kuwa kwake pale mbele mambo sio sawa, kwa hivyo ni lazima sisi huku nyuma tujikaze ndipo tujue kesho itakuwa namna gani. Hili sio jambo la kawaida na wala usilione kama jambo la kawaida kwa sababu, wahenga walisema, “Ukiona cha mwenzako kikinyolewa nawe kichwa chako tia maji”.

Katika Kaunti hii ya Nairobi, uongozi umejulikana sana na raia wanawatambua viongozi ambao waliwapa kazi. Lakini baadhi ya viongozi waliochaguliwa, yale majina ambayo yanatajwa hapa, sijaweza kuona yule amabaye alichaguliwa na watu wa Nairobi kufanya kazi. Itakuwaje, tukiwaambia raia wa Nairobi tumelemewa na mtu mmoja hapa ndani kutoweza kufanya kazi ambayo walitupatia? Yule ambaye anatulemea ni yule fisi ambaye wenyewe tulimpa kibali cha kuweza kufanya hiyo kazi, Bwana Spika.

Bwana Spika, sisi kama wabunge jukumu letu lipo wazi na tunalifahamu. Mojawapo ya jukumu letu ni kwamba; iwapo mtu ameshindwa na kazi katika ofisi tuliyompa, ang'atuke na mtu mwingine apewe hiyo nafasi. Upande ule watu wamepewa nafasi ya kufanya kazi hadi wakati ambao watafika umri wa kwenda nyumbani lakini sisi tumepewa muda. Kwa hivyo, ule muda tumepewa ni lazima tuutumikie kikamilifu na raia lazima wayaone manufaa ya kutupa hizi nafasi ndipo watupe nafasi nyingine tena.

Kwa hivyo, mtu yoyote ambaye ataweza kusimama mbele yetu na ule muda tumepewa na raia, hatuna namna yoyote ya kuvumilia ila kupita na yeye. Tunaomba viongozi wetu jinsi walivyokuja siku ya leo na kutuambia ya kwamba mambo sio mazuri sana, wasimame hapo na watuonyeshe njia, maanake sisi tupo tayari kufuata njia ambayo watatuonyesha. Tumeshafuata tangu tuingie hapa na tutaendelea kuifuata ila wahakikishe kuwa ile njia wanatuonyesha ni njia mwafaka ambayo ina matunda tunayoweza kuchukua na kupelekea wale ambao walitutuma hapa City Hall. Asante sana, Mheshimiwa Spika.

Hon. Speaker: Fiunifu.

Hon. Kamau Fiunifu: Thank you, Hon. Speaker. I am more than impressed by the leadership of this Assembly and I love and like the tone by the top leadership of this Assembly. I wish to go on record that Nairobi City County Assembly is not an extension of the Executive wing of this Government. My prayer is that, may be tomorrow if possible we have a substantive Motion to discuss the conduct and the character of CEC for Finance. I am also happy for the leadership of this County Assembly because from the sentiments that I have heard from the leadership, it is a clear demonstration that they are not in bed with the Executive.

Hon. Speaker, when I rise to speak or to contribute to any other motion, it is the 28 thousand voters from Karura who are talking. When Members of this Assembly are taken for granted by the Executive wing, Hon. Speaker, it is millions of Nairobians who are taken for granted. My prayer from today is that, the spirit of those guys who used to be called councilors – Because it seems they were more respected than the Hon. Members.

It is high time we go and shut that office of the CEC Finance. If it cannot work for Members of this County Assembly, it is also not working for the Members of Nairobi. So, it is high time we drag that character out of office. And to the top leadership of this County Assembly, it should go on history when so and so was the Majority Leader, Majority Chief Whip, Minority Leader and Minority Whip, things were done in the right way. I congratulate the leadership today because you were in the forefront of this fight.

Lastly, Mr. Speaker, we served with few in the First Assembly of Nairobi and that time we used to be called rebels and Hon. Imwato you remember, we were rebels then. If we need to go back to the forest, we will go. Dr. Kidero delivered for this City and I must say he was a good Governor for this city because this Assembly oversighted him.

As I sit down, sasa mapenzi imeisha, honeymoon imeisha, watu waonane *mundu khu mundu*. Our time is limited in this County Assembly. Thank you.

(Loud consultations)

(Hon. Moses Ogeto raised a point of Order)

Hon. Speaker: Order, Hon. Whip! You have been ruled out of order, please take your seat. Hon. Stazo Omung'ala, you may proceed.

Hon. Stazo Omung'ala: Thank you, Mr. Speaker for catching my eye. The Whip must know *mundu khu mundu* has been used more than a million times, now it has become official.

Mr. Speaker, I rise to support this Motion. Our kindness should not be looked as our weakness. We extended the kindness because we wanted Nairobi to work, as they clearly put it in the Executive side.

Hon. Speaker, what do I tell the people of Upper Savannah? They have not had an office up today because someone who has been employed by the Governor is sitting on the funds. It is not our work to beg for what is rightfully ours. As it stands, the County Assembly is supposed to be autonomous and not a department in the Executive. So, Mr. Speaker, we are waiting for tomorrow with a lot of vigor and eager at least to show the Executive side that the Assembly is not their department.

(Applause)

Hon. James Karanja: Thank you, Mr. Speaker, I rise to support. I am very happy with the leadership of this House because of the way they have stood together in showing leadership. In a long time, I am feeling that we are now getting back to our senses. It appeared that we have been in bed with the Executive for way to long. Now, we need to stand on our feet and ensure that services that are supposed to be delivered to our people are delivered. Before we do that, we need to be facilitated.

Hon. Speaker, recently we were in Naivasha, we were promised by the Executive that the Ward Development Programs or Projects will be announced and advertised. It is almost three weeks and nothing has happened. We have been going for retreats, and I remember a recent case of Committee of Health where the Executive took us there and we were promised that Members would be paid in two days. A week has gone and nothing has happened. We have been used as rubber stamps, whenever we deliver for the Executive they forget us until they need us again.

(Applause)

We are not the only ones who are suffering, even the staff in your arm of government are also suffering because there are allowances are also delayed. So, we need to stand and reclaim our powers as Members of this arm of legislature. Thank you.

Hon. Speaker: Let give the last opportunity and we bring to closure the debate. Hon. Oyugi.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Let me begin by quoting the great words of Martin Luther King Jr, a man that I admire, "A man cannot ride on your back until it is bent". I have been wondering, since when did one Peter Anyule Imwatok's back bend, because for sure I have been seeing someone riding on his back and he is just quiet. I am happy that I am beginning to see the real Imwatok I knew.

(Applause)

Mr. Speaker, there is this department in the Executive called Disaster Management. The area where I represent is prone to fire. Since I was sworn in this Third Assembly, I have had like six incidences of fire. I know for sure we had given a budget to this department. The response that I have been given goes to one staff called Fazul. He is a disaster himself.

(Laughter)

I swore never to call anyone whenever there is fire incident in High Rise because it is affecting me more than the people affected the people themselves. So, if I have money I will do the little I can, I will never go to the Executive, if at all those people are still there.

I would like to deviate a little bit, Majority Leader. We know for sure Kerich is a spanner boy for someone. Why go for the dog and yet you know the owner? We go for the owner of the dog. I want to believe every atrocity meted on Nairobian is not orchestrated by one Kerich, there is the dog's owner. Or is it a question of signaling what lies ahead? If it is, count me in. I end by quoting Martin Luther King again, "We must leave together as brothers or else we perish together as fools" I want to believe that we are not fools. Thank you.

(Applause)

Hon. Speaker: Hon. Lawrence.

Hon. Lawrence Odhiambo: Thank you, Hon. Speaker, I rise to support this Motion. I don't see the need of hitting the dog. We know very well that there is the owner of the dog, so we want to hit the owner. The owner of the dog is the Governor who is messing with this County.

Hon. Speaker, as I speak now, the County Government of Nairobi is losing a lot. For the last six months, almost Kshs.1.2 billion has been lost. Why? The revenue collection is still being collected by KRA Why is it so and the Governor is there? They are stealing the money. So, we must wake up as Members of this County to defend this or else the County will be messed. Thank you.

Hon. Speaker: Hon. Absalom.

Mheshimiwa Absalom Onyango: Asante, Bwana Spika, nigependa kuunga mkono hiyo hoja ya Majority Leader kwa sababu tumeumia ya kutosha. Tukienda Mombasa tunalala Mtwapa. Si jambo mzuri kwa Mheshimiwa wa City County Assembly of Nairobi kwenda kulala Mtwapa.

Mimi nimekuwa nikisimbua Majority Leader each day, sijawai panda ndege na mwisho yangu in Uganda. Nataka niende abroad lakini tunasikia pesa imekwama. Tunataka tuambie Kerich kuwa aliandikwa kazi hapa na sisi na sisi ndio tutamfuta kazi. Majority Leader, six hours' ultimatum ambayo umempatia huyo mtu ni mingi, ungempatia two hours tumwonyeshe example. Hatujakuja hapa kucheka ila kufanyia watu wa Nairobi Kazi,

kwa hivyo, Bwana Spika, ikifika kesho, tutaonyesha hao CECs example na mtu moja ndio wajue hatucheki nao. Asante.

Hon. Speaker: Hon. Githinji.

Carrington Heho: Thank you, Mr. Speaker, actually my name is Gichunji. Thank you for this opportunity, I rise to support this Motion. Firstly, when we got here as new Members, we envisioned a symbiotic relationship between the Executive and the Assembly, that is the legislature. When we pass the

budget, it is upon the Executive now to look into the Affairs of the Members of this House from where they control the funds. I will say this and I understand that this will not go down without a fight, *“One man’s freedom fighter will end up being another man’s terrorist.”* Today, the Majority and Minority Leaders together with the House Leadership, we are ready to back you because this now a call to arm. We have to remove ourselves from the chains that we have been entangled by the Executive.

Secondly, this House may seem as a small House, but as the saying goes, *“It is not about the size of the dog, it is about the size of the fight in the dog.”* We are ready to fight for our right and space. If you look across the Chambers, majority of the Members here are demoralized. Why? One, because their allowances are not yet paid. Two, we don’t have an office to function from, we are receiving question and queries from our people.

As I sit, Mr. Speaker, I too will quote the words of a great man called Malcom X, who said, *“if you are not ready to clean up your house, then you should not have a house”*. That house can equally burn up and be reduced to ashes. I thank you Mr. Speaker. I support the Motion.

(Applause)

Hon. Speaker: Mheshimiwa Isalambo! Hon. Member, kindly switch off your mic so that the other Member is able to use.

Hon. Emmy Isalambo: Thank you, Mr. Speaker, I rise to support the Motion. This Motion has taken us back to our first induction. For those of us who we were new, we were told that one our functions in the County Assembly is representation. Majority Leader, you represent the Majority in this House. So, we are just waiting for you

There was a time all of us we gave out our names to the Chairperson of Transport so that we can be given vehicles. Yesterday, I asked the Chairperson and he told me that message went but the Chief Officer of the Transport didn’t act.

Majority Leader, we are more than ready. And if you say today we sleep here, we will do so. I like the mood of this Assembly. Ever since I stepped in this Assembly, I have seen that everyone is awake. Why? Because the matters on the floor are critical and touch each member of this Assembly. Most of the time we just sit outside there because someone is holding on our money that is supposed to purchase offices. My grandmother taught me that. *“today is never finished until there is an action”*. We are ready for that action. Thank you Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Swaka.

Hon. Kennedy Swaka: Thank you very much, Mr. Speaker for this opportunity. As I stand, I am very ashamed because the independence of the Assembly cannot be overridden by the Executive and we just keep quiet. The Executive wants us to beg for the services that are rightfully ours. This cannot be accepted.

Therefore, I really support the Majority for this Motion. I will equate him to a character in the book, Animal Farm, called Snowball. You cannot sit down as your colleagues are suffering. Any injustice to the Assembly means injustice to the people of Nairobi and also disrespectful to the people who elected us to this Assembly. Seven months along the line, we have not paid the ward rents. As MCAs, we are covering up the

shame of the Nairobi County Assembly by paying the rent with money from our pockets. It is very shameful and we will not allow. Let this Executive officer not taint the image of the Governor. When you go for them, they just come up with excuses that are not acceptable and cannot be verified in our regulations and the Constitution. We want MCAs and the County Assembly to be respected. Thank you very much.

Hon. Speaker: Hon. Atito, the last.

Hon. Abel Atito: Thank you, Hon. Speaker. Actually, I have struggled to get chance to talk, maybe you read my mind. Members what a day today, this is a day that I have been waiting for. Most of you remember that several Members celebrated when I was send packing from the Governor's office. Those were indication that things were not right. I am an elected Member representing Utalii Ward. When this incident happened, I went to the Majority Leader and the Speaker. Until today, that thing has not been sorted out. The Governor even tried to convince some Members that Atito misbehaved in his office. I requested him to produce the CCTV footage, but that thing has not been solved. Is Utalii Ward not part of Nairobi County? I should know

I am happy that the leadership is waking up. Things are not well. I went to seek help from the Governor but he threw me out, that thing is still paining me. Like the case of Hon. Oyugi, I am representing a slum area and I have had several fire incidences. Actually, it was a fire incident that took me to his office. I flew from Mombasa to Nairobi to help my people. Mr. Speaker, you remember I communicated to you as you were out of Nairobi. Up to date, the houses have not been constructed and I don't know where those people went. I have never had any support from this Assembly.

On the issue of Kerich, it is so a shameful. As Ward Development Committee Members, we went to Mombasa from first to fourth of December, three months down the line we have not been paid those allowances. We slept there *na tulitumia pesa zetu*. People are suffering. I wish, the Majority Leader *ungeleta hiyo* censure motion, *mimi ningesign hapa saa hii*. Somebody should go home.

Hon. Speaker: Thank you, your time is up.

Hon. Members, I can overhear some of you calling the mover but we are under Order No. 6 where it is a notice of motion. Most of you took the advantage to articulate issues on this forgetting that we need to have a substantive Motion on this. The Hon. Majority Leader just gave a Notice of Motion towards a censure Motion on the CEC Finance. The Standing Order requires the Speaker to allocate time, of which I thought it wise to give Members time to ventilate on this. You will have a lot of time when we get the substantive Motion. That is if they shall not have acted the concern of the Members.

Hon. Members, you will allow me to proceed to order No. 7.

STATEMENTS

Hon. Speaker: Hon. Majority, under Order No 7, proceed.

REQUEST FOR STATEMENT REGARDING PROCEDURES FOR ISSUANCE OF FOOD HANDLING CERTIFICATES IN THE COUNTY

Hon. Peter Imwatok: My Whip asked a question on the system because since we started the Assembly, it has become a problem. The just dispensed off motion does not need a further response.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding procedures for issuance of food handling certificates in the County.

Hon. Speaker, Paragraph 2 of Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions of the County Government on County health services including and in particular, licensing and control of undertaking sale of food to the public.

(Hon. Speaker left the Chair)

Hon. Temporary Speaker (Ms. Doreen Mugambi) took the Chair)

Hon. Speaker, the County Executive has contracted some private companies to issue food handlers' certificate to traders on behalf of the County Government, denying the County Government revenue allegedly without following laid down procedures and without proper structures in place.

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

- i. List of companies contracted by the County Executive to issue food handlers' certificate and their ownership;
- ii. Whether the contracts were advertised and when;
- iii. The terms and conditions of the said contracts;
- iv. Whether the companies submit monthly/weekly reports to the County Government as a matter of health concern; and
- v. Whether there is a policy with criteria on issuance of food handler's certificate by private companies on behalf of the County Government.

Hon. Temporary Speaker: Is the Chairman for Health Committee around? Vice Chair? Is there any Member around?

Hon. Emmy Isalambo: Hon. Speaker, I beg that you give us two weeks to respond

Hon. Temporary Speaker: Hon. Majority, is that okay?

Hon. Peter Imwatok: Hon. Speaker, I am okay even if it takes one month until we get to the bottom of this. Thank you.

REQUEST FOR STATEMENT REGARDING NUMBER OF MATATU SACCOS
ALLOCATED PICK UP AND DROP OFF POINTS

Hon. Temporary Speaker: Hon. Redson Otieno.

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the number of matatu saccos that have been allocated pick up and drop off points.

Hon. Speaker, Section 47 (1) of the Nairobi City County Transport Act, 2020 proposes that a public transport vehicle shall not, without prior authority by the County, be parking in any place other than a designated public transport vehicle terminal.

Hon. Speaker, the County has numerous designated dropping and pick up zones across the County where both public and private vehicles pay monthly fees to be allocated a stage to operate on a daily basis.

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Hon. Speaker, there have been cases where more than two matatu saccos are allocated the same dropping and pick up zones, therefore causing havoc.

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

- i. The number of drop off and pick up slots for PSV in the Central Business District (CBD);
- ii. A list of registered PSV Sacco's that operate from the CBD and their respective designated picking and dropping slots;
- iii. Whether the said Sacco's have complied with the monthly payment for dropping and pick up allocations; and
- iv. Proof of payment if any by the said Sacco's.

Hon. Temporary Speaker: Chairperson, Sectoral Committee on Transport and Public Works?

Hon. Musango Maithya: Madam Speaker, I request for 21 days.

REQUEST FOR STATEMENT REGARDING ILLEGAL SIGNAGE AND BILLBOARDS IN THE COUNTY

Hon. Temporary Speaker: Hon. Redson?

Hon. Redson Onyango: It is okay.

Hon. Redson Onyango: Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the illegal signage and billboard in the county, especially in petrol stations and around B Centre Roundabout in Embakasi West Constituency.

Hon. Speaker, in the recent past, Nairobi residents have witnessed increased cases of illegal road signage and approved advertisement billboards, which have been in existence for a long time. This is a total violation of Nairobi City County Outdoor Advertising and Signage Control and Regulation Act, 2018 that requires prior approval before erection of billboards.

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

1. Criteria for approval of road signage and billboards in petrol station and B Centre Roundabout;
2. Whether billboards and signage in petrol stations and around B Centre are compliant with the County legal framework;
3. List of all legal advertisement companies in the County;
4. Proof of payment if any by the said advertisement companies; and
5. Measures that the County Government is putting in place to enhance compliance with the County Advertisement Act.

Hon. Temporary Speaker: Is the Chairperson of Planning around?

Hon. Member: Madam Speaker, 14 days will be enough for us to respond.

Hon. Redson Onyango: It is okay.

Hon. Temporary Speaker: Hon. Joseph Karanja? Clerk.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES

Hon. Peter Imwatok: Hon. Speaker, THAT, pursuant to the provisions of Standing Order 171 (1), this Assembly approves the appointment of the following Members to various Select and Sectoral Committees: -

1. Hon. Paul Kados, MCA be replaced by Hon. Patrick Karani, MCA in the Select Committee on Public Accounts;
2. Hon. Silas Matara, MCA be appointed to the Select Committee on Wards Development Fund;
3. Hon. Moses Kitema, MCA be replaced by Hon. Hamisi Maleya, MCA in the Select Committee on Wards Development Fund;
4. Hon. Silas Matara, MCA be replaced by Hon. Moses Kitema, MCA in the Select Committee on Delegated Legislation;
5. Hon. Asli Mohamed, MCA be replaced by Hon. Patrick Karani, MCA in the Sectoral Committee on Health Services;
6. Hon. Absalom Odhiambo, MCA be replaced by Hon. Patrick Karani, MCA in the Sectoral Committee on Trade, Tourism and Cooperatives;
7. Hon. Joyce Lugonzo, MCA be replaced by Hon. Rosemary Masitsa, MCA in the Sectoral Committee on Information, Communication and Technology and Energy;
8. Hon. Anthony Kiragu, MCA be replaced by Hon. Brian Itenya, MCA in the Select Committee on Implementation;
9. Hon. Hashim Kamau be replaced by Hon. Joseph Ndung'u, MCA in the Select Committee on Public Accounts; and
10. Hon. Mark Mugambi, MCA be replaced by Hon. Grace Kaheti, MCA in the Select Committee on Delegated County Legislation.

Hon. Speaker, I beg to move and I call upon Mheshimiwa Allan, Chairman to second.

Hon. Allan Gathuku: Madam Speaker, with all due respect, I beg to second.

(Question proposed)

Hon. Temporary Speaker: Members, you may now debate. Hon. Moses Ogeto.

Hon. Moses Ogeto: Thank you, Madam Speaker. As the Leader of Majority has said, we want to move fast as the Majority Party to see that Hon. Patrick Karani gets a committee. Since he was sworn in, he has not been assigned a committee. Therefore, if I may have annoyed him by giving him what he did not expect, then next time together with the Chairperson of the Selection Committee, we will try and make him happy. For now, as per the Standing Orders, he is entitled to two sectoral committees and one select committee, I have done my part as the Majority Whip.

Madam Speaker, you will also realize the Hon. Masitsa only had one committee. I believe that she will be happy. The Ward Development Committee had a Kamukunji and requested that we bring back Hon. Silas Matara to guide the Committee and ensure that the interests of elected Members are catered for. Hon. Matach also requested that we share his committees with the members who do not have any. I believe that is noble of him.

Hon. Speaker, I pray that in your ruling you ensure that chairs and vice chairpersons be compelled to be in the Assembly, failure to which, kindly share with me as the Whip the names of those who are unable to come to the Assembly. We are unable to find the Chairman of Health to respond to a Statement which has been requested for by the Leader of Majority. Where is he? When we give Members these committees, it is because we want them to function. I believe that these Hon. Members---

Hon. Temporary Speaker: Hon. Member, you have made your point

Hon. Moses Ogeto: As I summarize, Madam Speaker, this Assembly is going to crumble because of lack of quorum and we will not have business to transact in this House. I am requesting those in leadership to make quorum and lead by example. I beg to support this Motion.

(Applause)

Hon. Temporary Speaker: Hon. Fiunifiu.

Hon. Kamau Fiunifiu: Thank you, Madam Speaker. I wish to congratulate and wish you, extending this to all the notable and distinguished women in this Assembly a Happy International Women's Day. I also wish to extend the same to Jeckoniah and Osama and wish them a Happy International Women's Day. I know they are part and parcel of the Women Caucus and they represent us fully as men in that committee. Thank you.

Hon. Speaker, on behalf of Hon. Karani MCA for Utawala, I would want to concur and congratulate Hon. Ogeto for handling this issue in a very sober way. Going forward, that is how issues should be handled. On behalf of Hon. Karani, we are grateful for the opportunity to serve in the various committees.

Lastly, on the issue of quorum, I wish to tell the Whip that Members are demoralized because of implementation. Three months ago I brought a motion to the floor affecting the residents of Karura and in particular City Park Market and the Assembly transacted the matter, but to this day, that issue has never been implemented. So, as much as we are antagonizing Members, the implementation part is lacking. With those remarks, I support the Motion fully.

Hon. Temporary Speaker: Is there any other Member?

Hon. Perpetua Mponjiwa: Thank you, Madam Speaker. I rise to support this motion and appreciate the Select Committee on Selection. Today is also the International Women's day and I wish to congratulate all women and in particular Hon. Masitsa for fighting her way to get extra committee. It shows parity in the House. With that, thank you very much.

Hon. Temporary Speaker: Is there any other who would like to support or oppose the Motion? Mover?

Hon. Peter Imwatok: Hon. Speaker, allow me to reply and thank the Whips from both sides and the magnanimity of some members who decided to leave committees on behalf of others and especially Hon. Matach, Kados, Kiragu and Ronaldo. It is a sign of brotherhood. One cannot serve in seven committees because we are only paid for eight sittings per week and each committees sits three times a week. We need to choose committees where we can serve in effectively and balance. The Whips have done a good job. I am also aware that they are working on committees that are colliding and I know that they are doing their

best. Just as my senior, Hon. Fiunifiu has said, Happy International Women's Day. You are brilliant and I would have offered a cup of uji at Pronto but you have tea in your office.

(Laughter)

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: There being no other business, the House stands adjourned to tomorrow, Thursday 9th March at 2:30p.m.

The House rose at 4:31 p.m.