



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Third Session

Tuesday 12<sup>th</sup> March 2024

The House met at 2.30 p.m.

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

#### PRAYER

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

#### QUORUM

**Hon. Speaker:** Clerk, kindly confirm whether we have the quorum in the Assembly.

*(Loud consultations)*

Hon. Members, you want to take the role of Clerk?

*(Clerk-at-the-Table confirmed there was quorum)*

Hon. Members, the Clerk has confirmed to the Chair that we have enough quorum to transact the Business of the Assembly. So, let us proceed.

*(Loud consultations)*

**Hon. Speaker:** What about communication, Hon. Members?

Hon. Members, let me just refresh your minds a bit. You have all the tools of trade to transact before this Assembly. If you feel that you have an issue of importance, the Standing Orders allows you to adjourn the House and have a debate over it.

*(Applause)*

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So, kindly use your constitutional mandate and rights to transact before the plenary. When you communicate to the Chair about 660, what is it?

*(Loud consultations)*

**MOTION FOR ADJOURNMENT UNDER  
STANDING ORDER NO.36 (1)**

**REIMBURSEMENT OF TAX DEDUCTED  
BY THE KRA FOR CAR GRANT**

Hon. Majority Leader, please.

**Hon. Peter Imwatok:** Hon. Speaker, I was far but I got the message loud and clear. His Excellency the President of the Republic of Kenya (*Applause*) yesterday was in a meeting with the UDA MCAs under the leadership of our Chair of County Assemblies Forum (CAF), Hon. Sabulei and the Association of Members of County Assemblies (AMCA) Secretary General. The President issued an Executive Order that the KRA and its agencies return Kshs. 660,000 that was deducted from MCAs car grant, with immediate effect. We are reliably informed by our Members who were present there, Hon. Speaker.

*(Applause)*

Hon. Speaker, we are waiting for your communication on when we are going to receive our Kshs. 660,000. That is our concern here.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, please let us be orderly. Let us not transact business which we cannot get to the tail end and get the result of it. I have actually made reference in Standing Order 36 that you need to get organized. If you want to adjourn the House indefinitely for a matter of importance, then we can get someone to move the motion under Standing Order 36 so that we can transact a business that we are in a position to trace. I hope the House stands guided.

*(Applause and loud consultations)*

**Hon. Peter Imwatok:** Hon. Speaker, allow me to move a Motion under Standing Order 36:

*“(1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance.*

*(2) A Member who wishes to seek leave to move the adjournment of the County Assembly shall, at least...”*

Hon. Speaker, I wish to move this Motion...

*(Laughter)*

**Hon. Speaker:** Hon. Member, please proceed with the Standing Order. Don't tailor-make the Standing Order to befit your interest at this point in time.

**Hon. Peter Imwatok:** Hon. Speaker, let me repeat it again:

*“(1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance.”*

Hon. Speaker, Standing Order 1 allows the Speaker to use his discretion to override any Standing Order. I hereby wish to read Standing Order 1.

*“In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any procedural question shall be decided by the Speaker.”*

On this matter, Hon. Speaker, it is a procedural issue, whether our money is with us or not. Therefore, I wish to ask my counterpart to second this Motion, and ask not less than 20 Members to stand to support it.

*(Applause)*

**Hon. Anthony Karanja:** Thank you, Hon. Speaker. I wish to second and may add something else to it. I think it is an injustice to this House for us to pay taxes on privileges that were given by the state.

*(Applause)*

On top of the tax to KRA, a serious anomaly has happened where the millage allowances for Members has been drastically reduced. Yesterday, I had the opportunity to talk to members of other counties and their speakers. Hon. Speaker, there was a circular that was given by the SRC on the same in which there is a provision where the mileage may not make sense. There is a minimum mileage of Kshs. 30,000 that should be given to Members.

*(Applause)*

On this, Hon. Speaker, I would like to bring to your attention that there are Members here receiving as little as Kshs. 1,700 a month as mileage allowance, down from Kshs. 39,000. Majority Leader and Members, I would want us to ventilate on that issue so that we can use the one provided by the SRC that allows every Member to receive Kshs. 30,000 as mileage allowance. Thank you. I second.

*(Applause)*

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

**Hon. Speaker:** You are on your feet?

**Hon. Members:** Yes!

**Hon. Speaker:** The Standing Order which the Hon. Majority Leader has just quoted also provides that I need to be given a notice of two hours.

*(Loud consultations)*

I am still communicating, Hon. Members. By the leave of the Chair, I find it important that this issue before the plenary is of grave importance to the Hon. Members and to their welfare. We may have a discussion and find a common understanding given that we hold ourselves accountable as an Assembly, and this is not directed at an individual person. So, I make a commitment that the resolutions that will come out of our debate as requested by the Hon. Majority Leader, will be implemented. Hon. Members, are we together?

Therefore, we may proceed and debate in an honorable manner such that the same can be captured on our HANSARD. Let us be intellectuals. You may be seated. Thank you.

Hon. Minority Whip, you can proceed.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker...

*(Loud Consultations)*

**Hon. Speaker:** Order, Hon. Members! Hon. Mugambi is on the floor, please give him time.

**Hon. Mark Mugambi:** Hon. Speaker, first and foremost, I would like to appreciate our President, Hon. William Samoei Ruto, for finding it wise to sit with Kenya Kwanza MCAs on behalf of all the MCAs in the country. There is no interest for Kenya Kwanza MCAs and there is no interest for Azimio MCAs. When it comes to matters of welfare, we are all affected.

Hon. Speaker, also allow me in a special way to commend our Secretary General for the County Assemblies Forum, Hon. Chege Mwaura, for the role he has played in one way or another in making sure that the cry of the MCAs has been listened to.

*(Applause)*

Hon. Speaker, also allow me to appreciate those that belong to the anchor, led by Hon. Wanjiru Kariuki, for the role that they have played in seeing the far that we have reached.

Hon. Speaker, yesterday during the interaction with other county members, we were able to collect different stories concerning this tax. What we found is that most counties did not remit to the KRA. As of Nairobi, we have been having stories here and there, but luckily the President pronounced himself, and I repeat his words: "If the Members of Parliament don't pay tax on grants, don't subject the MCAs to the same."

*(Applause)*

The President was made aware that the County Assemblies Forum won a case against the KRA and it was taken to appeal. He also pronounced that the taxes which were deducted from MCAs should be reimbursed. The outcome of the appeal if it has to say that MCAs should pay, then the same should be effected to the Members of Parliament because we are all elected leaders.

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(Applause)

Therefore, Hon. Speaker, since you are the father of these 123 Members and the Chair of the Board, I believe together with the leadership, we will accord you all the necessary support with immediate effect in the shortest time possible to make sure that Members of this Assembly get what is rightfully theirs.

Hon. Speaker, allow me also to commend the Secretary General CAF once again because he argued about our pay grade. He was able to convince the President, although I have been told the President said he was not the SRC. But at least he showed goodwill so that they can do a job evaluation for the Members here and see if we can be upgraded. I understand that the SRC deals with us as employees rather than state officers. There is a problem with how they do their grading. I ask you, hon. Speaker, to be on the frontline to champion.

Finally, Hon. Speaker, I would like you to protect the House leadership from Hon. Robert Alai for misleading Members on the WhatsApp group by claiming that the leadership pocketed Kshs. 81 million meant for car reimbursement taxes. The text is there. He should produce evidence on the same rather than maligning and mudslinging the leadership. We have heard enough of these accusations of who has eaten what and who has done what. I believe it is time that we start acting like the Hon. Members we are. Thank you.

**Hon. Speaker:** Hon. Robert Alai.

**Hon. Robert Alai:** Thank you, Hon. Speaker for giving me this opportunity to contribute to the debate and also to respond to the Hon. Member who is not debating on the Motion but cutting corners to discuss my character. It is unfortunate that the same Member demands respect from me while he is being disrespectful to the House; he is not following the procedures. I would like to remind the Hon. Member that respect *sio peremende*.

**Hon. Speaker:** Kindly, Hon. Robert Alai, engage the Chair.

**Hon. Robert Alai:** Hon. Speaker, I would like the House to remind the Hon. Member that respect is earned and is not given like sweets. On matters of the welfare of the Members as being discussed, there is no evidence that this money was remitted to the KRA.

(Applause)

I have written to the KRA, and I will submit to this House when the time comes. I have also gone there. I have even checked on my own Itax. Every money paid by myself or on my behalf to the KRA will always reflect on my Itax.

(Applause)

I have used even a tax consultant, there is no single evidence of remittance. Unless for others were remitted and mine was not. So, I insist that this money is sitting somewhere but not KRA. As a Hon. Member of this House, I ask to be provided with answers as to why money was

deducted from me to be taken to the KRA but was never submitted. Why was the money deducted from me and eight months later never submitted to the KRA? That is fraud by the employer.

*(Applause)*

I ask that anybody who committed the unlawful by acts of omissions or commissions, be held to account however powerful they are.

I would also like to thank the President for at least recognizing the importance of the MCAs.

*(Applause)*

We come from different political formations, but we do not take it for granted. That is why he saw it fit that MCAs must have a pension. He also saw it fit that the MCAs must be in the right job group so that they perform their rightful oversight duties without being hindered. He saw it fit that the County Assembly account must be separate from the Executive account.

*(Applause)*

I think we cannot belittle the move made by the President to at least ensure that devolution works. From that end, I hope that the House leadership can take it seriously and not mock Members who are demanding their rights. Members who are even challenging the leadership should not be mocked. How do you as a leader of Kenya Kwanza mock your own Members? You should never mock a Member who at least is asking you questions on WhatsApp or physically. It does not sit well that there is a leader who bends as low as such and demands respect from us. Whether we belong to Kenya Kwanza or not, I see it wrong for any Member to be mocked or belittled. Whether he has a proper education or not, he is a Hon. Member of this House, and he must be respected.

*(Applause)*

Hon. Speaker, I would like to ask that the money that was deducted from us be sent back to us, as ordered by the president. The KRA be contacted if it was taken by them, which I have not seen evidence. They be advised to at least remit the money back to the Assembly Members. Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Member, before we proceed, you have alleged the fact that you have been communicating with the KRA in regard to the money that was remitted to the KRA. Kindly get us the correspondences by tomorrow at 2.30 p.m. on how you arrived at the point where you are convinced the money was never remitted to the KRA. Just share with us the details so that we do not speculate. If not before the Assembly, then you can share with the Chair who happens to be the Speaker. Please you can forward them to the Office of the Speaker before 2.30 p.m. tomorrow. Thank you.

Hon. Dabar, please.

*(Hon. Robert Alai spoke off the record)*

No, we have rested the case. Please, just sit down! Kindly sit down, you have not made any formal request.

*(Hon. Robert Alai spoke off the record)*

Hon. Alai, do not engage the Chair! Please! Hon. Alai, what do you want to say?

**Hon. Robert Alai:** Hon. Speaker, I also want the Assembly to provide me with evidence that this money was submitted to the KRA.

*(Applause)*

**Hon. Speaker:** Thank you. You will get it before 2.30 p.m. tomorrow. Dabar, please proceed. The other mic is on.

**Hon. Dabar Mohamed:** Thank you, Hon. Speaker. I want to take this opportunity to thank the President for recognizing the efforts and contributions of MCAs to this great nation

*(Applause)*

On 9<sup>th</sup> August 2022, there were six ballot papers that Kenyans used to elect their leaders; the Governor, President, Senator, Member of Parliament, MCAs, and Women Representatives. It is not right for only the MCAs to pay for what was their right. Since the President himself said yesterday, and he is the head of state and head of government, all the elected members have the same rights irrespective of their rank. We want that money to be reimbursed immediately to Members.

*(Applause)*

We know what Members are going through; paying school fees and many other bills in January and February. They are undergoing a hard time. Hon. Speaker, I request you as the Chair of the County Assembly Service Board, as the Speaker, and as the Chair of Members Welfare, to take this matter seriously and be immediately solved. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Ochieng Jera.

**Hon. Samson Ooko:** Thank you, Hon. Speaker. I also want to echo what my colleagues have said. The President spoke in support of the Members of the County Assembly.

Mr. Speaker, when I was elected as a Member of Lindi Ward, my voters and many others believed in me and called me Hon. Ochieng' Jera because they knew I was now a Hon. Member. Being a Hon. Member means a lot. They believe you have all the monies in this world. I didn't know I was coming here to be *mwizi wa mia* and not *Mheshimiwa*. I see Kshs. 100 in somebody's pocket, I snatch, instead of being a Hon. Member

Hon. Speaker, Members are suffering, and you can see it when they are sitting in the 'black seats.' This is a huge sum of money given to a Member and I am sure even some of the Members can start a business with it. The money was remitted over one year ago and I am sure it has



generated a lot of interests. Whether it is the KRA or whoever, where is the interest of this money? So, if they are giving it back, we need to know what each Member gets as an interest.

*(Applause)*

Hon. Speaker, I want to support and echo Mheshimiwa Alai, I am sure that all the Members seated here respect their leaders. Hon. Speaker, you are the only Speaker I believe all the Members love wholeheartedly. Please, with love and respect, make Members feel that you are open and ready to listen to them. When they see you as a dictator, they will cry. You have shown us that you are a leader. Now, when we see Hon. Robert Alai being threatened, we feel...

*(Hon. Member spoke off the record)*

Hon. Speaker, we want us to be equal because we are all leaders here. We were all elected and we deserve that respect. I respect the House leadership, but again as Members, we deserve the same respect. Therefore, Hon. Speaker, because we are hungry, I know your phone call will make a difference so that tomorrow by noon, I will have the money in my pocket.

*(Applause)*

Lastly, Hon. Speaker, when Members of the UDA met the president yesterday, there were so many things discussed regarding members of county assemblies. I am ashamed that a member of the County Assembly of Muranga was driving a Mercedes-Benz while ours were using Toyota Corolla. It is because you are not taking care of the welfare of your Members. One day we will shame you; we will have a party somewhere where members from other counties will be in attendance. They will come in Prado, while your Members will come in Probox.

Hon. Speaker, make us stable. In our houses in the morning, people come to ask for support. These members are going broke. So, whatever belongs to us, please fight for us. You are the Chairperson of our welfare, please fight for us so that in the next five years we don't go home broke.

**Hon. Speaker:** Thank you, Hon. Member. The Chairperson of the Budget Committee

**Hon. Wilfred Odalo:** Thank you, Hon. Speaker. I am being threatened that if I do not support the Motion, budget issues will be shut down.

*(Laughter)*

**Hon. Speaker:** You are protected.

**Hon. Wilfred Odalo:** Hon. Speaker, there comes a time when leadership prevails. I think this is the first hurdle we have encountered as an Assembly. As the Chair of Budget, there is an Executive pronouncement that His Excellency gave yesterday. This is the time you have a Kamukunji so that we get in touch with the Clerk of the Assembly and the Chairman of Loans, who is the Motion mover, and we see the best way the Members can have their money latest this week.



*(Applause)*

Hon. Speaker, as indicated by the Chair of Loans, Hon. Imwatok, it is clear that we are not equal in this House. We may bang our chairs but at the end of the day, people are not equal in this House. I served in this House years back as a first-timer, together with Hon. Kiragu, Hon. Imwatok, Hon. Munga and others, and we saw a number of things. Some of these Members have not realized their dreams. As the Chair of the Board, this is the time you organize a Kamukunji so that the Members can speak their mind. You call the Clerk and we see the best way possible. It is true the money was deposited, but what best can we do? Can we stop submitting our money but meanwhile the Chair of Loans to lend the Members Kshs. 75 million so that they feel encouraged?

*(Applause)*

Hon. Speaker, those are my submissions. I would request that you give this thing a timeline. The best way is to have a Kamukunji, the leadership is here, so that we see the best way possible, even if it is at the rise of the Assembly, so that the Members can have their money before the end of the week. Thank you.

*(Applause)*

**Hon. Samora Mwaura:** Thank you, Mr. Speaker for giving me this opportunity to add my voice to this very important issue. First, let me congratulate our President, he has proved to be the most MCA-friendly person in the history of Kenya because he not only took care of us yesterday, but he also took care of our wards by allowing the Senate to table a motion that will make the Ward Development Fund (WDF) anchored in law. That by itself is a move that will not only benefit elected Members but will also aid development by empowering MCAs to do their oversight without any threat.

Number two, I want to also support Members who are saying that the Chair, Budget has finished this debate. He is the Chair in charge of money, he has provided a road map on how we can get this money as soon as possible. Chair, please ensure that this happens, I would be very grateful if we can have that Kamukunji and discuss the roadmap on how Members can get this money before the end of the week.

Finally, I think that we can learn from the Mr. Speaker, that in future, let Nairobi County be hesitant in implementing these decisions that have been suggested.

*(Applause)*

For example, if we did not rush to deduct Members and we delayed like the other counties, we will not be here. In future, let Nairobi County be the last of the 47 counties in deducting any monies from the Members' earnings. Thank you, Mr. Speaker. I support.

**Hon. Speaker:** Thank you Hon. Majiwa.

**Hon. Geophrey Majiwa:** Thank you, Hon. Speaker, indeed it is a wonderful day. First is to thank H.E the President of the republic of Kenya for shedding light on what has been darkness in the City of Nairobi because it is the Capital City and we should be leading and others follow.

*(Applause)*

Unfortunately, we have been following others, which is a very bad precedent for this country. Hon, Speaker the issue may sound very ambiguous but if you look at it critically, it is something very simple because it is money that is there and not money that has been lost; it was only deducted. It is supposed to be brought back because it was not spent but was only deducted. Wherever it was taken, it should be brought back immediately and given to Members.

*(Applause)*

Hon, Speaker this Assembly has the capacity to borrow from a bank Kshs.100 million even today. You just call for a 30 minutes meeting and you are done. This is not something that should cost you your sleep, call a Board meeting and we give the banks business so that when we are in problems, they come to our aid. This is the time we need their aid.

Hon. Speaker, as you look into this Kshs.660, 000, remember that there are Members who were here in the last Assembly and were deducted the same amount. It is supposed to be Kshs.660, 000 multiply by two. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Emily Oduor, as I give you opportunity to contribute, I would like to notify the House that you were unwell and underwent a procedure, glory be to God. We welcome you back. Thank you our big sister in a big way.

**Hon. Emily Oduor:** Thank you, Hon. Speaker and Hon. Members. I got a lot of support, I received visitors both at the hospital and at home. I also got calls. The spirit should continue, not only to me but to other Members of this Assembly.

I want to contribute to this matter and I think most of the issues have been raised. I want to echo what Hon. Samora has said that, in future we should not be so fast in implementing things. I don't know whether we want to be seen as the leading county, and in so doing we make a mistake. So, this has been a lesson to us.

Also, it doesn't only end up with the Kshs. 660,000 but also with our loans. Not everyone in this House has received their loans. Because of wanting to follow things to the latter, other counties are looking at the number of years left before their members exit. Let us have a human feeling and know that 5 years is a very short period, right now we have only three years left and it is unfortunate that some Members have not yet gotten their loans. Kindly members and the leadership, let us put the welfare of Members first and then we can deal with the red tape later. If we had done this with the loans, we could not be facing the predicament that we are in. When you talk to members in other counties and tell them that Kshs. 660,000 was deducted, they get shocked

with Nairobi county. They think that we are the most educated and they wonder why we are leading from behind.

Chair, Budget thank you for your suggestion that we have a Kamukunji so that we can look for ways of getting this money. If this issue is not finalized, it is going to bring tension and we need to move on with our House Business without any tension of money owed. With those few remarks, Hon. Speaker, thank you.

*(Applause)*

**Hon. Speaker:** Hon. Oyugi.

**Hon. Kennedy Oyugi:** Thank you, Hon. Speaker. The two Hon. Members, those are Hon. Chair of Budget and Hon. Majiwa, have given us the way forward. My only point of departure is that I do not think that we need a Kamukunji for us to get reimbursement. Whenever you were deducting this money as Board, you never called for a Kamukunji.

*(Applause)*

Mr. Speaker, this is a very simple as Board. If at all money was remitted to the KRA and you have difficulties in getting it back, you either go the Chair Budget's way or Hon. Majiwa's way. You go to the bank and get an overdraft. What is Kshs. 85 million for Nairobi City County Assembly? I do not think that we need a Kamukunji.

Mr. Speaker, I want to believe that everybody is in support of this. So, if I call the mover to move, will I be in order because I think we are in concurrence?

*((Applause))*

**Hon. Speaker:** The last one, Hon. Hamisi Suleiman.

**Hon. Hamisi Maleya:** Thank you, Hon. Speaker for giving me this opportunity to contribute to this debate. The pronouncement of the President has brought these matters, rumors, and belief that money was squandered, to a rest. Let us not be seen as vindictive to Hon. Robert Alai, we understand his nature of...

**Hon. Speaker:** Order, Hon. Member! You don't have the privilege to discuss the conduct of a Member without a substantive Motion. Kindly proceed.

**Hon. Hamisi Maleya:** Okay. Thank you, Hon. Speaker, as I was saying, let us not be seen as vindictive. Many Members have spoken their minds on how this money could have been squandered, it is not only Hon. Alai. If you go to our WhatsApp group, it is not only Hon. Alai who has written such to our leadership.

Regardless of the issue, mine is to request that let us not go the way of whoever communicated to the KRA or whether the money was banked, the most important thing to us Members is getting back our money, be it today or tomorrow.

*(Applause)*

Lastly, I want to thank my party leader, Hon. former Prime Minister Raila Odinga for making the President see the light.

*(Applause)*

If there were no bipartisan talks, all these things could not have come to light. I thank my Party Leader for helping the President see the light. I rest my case. Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Please be orderly, read your Standing Orders correctly. It is out in the public that the President did address the Members of the County Assembly on the issue under discussion and compelled the relevant organs of the government to make sure that they do the right thing. For that reason, Hon. Members, the Chair is not privy to the communication by the President, but Hon. Chege Mwaura, who happens to be the Secretary General of CAF, did commit that he is going to brief the Chair on yesterday's happenings and subsequently have a way forward.

Hon. Members, when it comes to the welfare of the Members of this Assembly, that is my sole responsibility as the Chair of the Members' welfare. I am not taking it lightly, anything else will have to be deferred in order for the Members to be given the comfort as provided for by the Constitution. As you may be aware, the President pronouncement is an Executive Order.

*(Applause)*

From where I am sitting, I am very happy that the President came in as a big brother to make sure that the misfortunes and the character of the SRC and even that of the KRA going to an extent of not honoring the court orders, appealing and oppressing the Members of the County Assembly and not the National Assembly, calls for a serious discussion as a nation.

Hon. Members, in the First Assembly, standing before you is the only person who negotiated for the salary adjustment of the Members of the First Assembly.

*(Applause)*

The job evaluation which was done by the Price Waterhouse Coopers, it is me who sat throughout the meeting to make sure that there were some adjustments. By the time we were living the Assembly, the salary of the Hon. Members stood at Kshs. 245,000. What happened thereafter in the Second Assembly, I do not know. A point reached where the Salaries and Remuneration Commission brought down the salaries of the Members of the County Assembly from Kshs. 245,000 to Kshs. 89,000. Something needs to be done by the CAF. I appreciate the fact that they have been on this case for several times and they are doing a lot about it.

Hon. Members, our discussion for today on the deductions of the Hon. Members of Kshs. 660,000, the procedure is; the Committee on Loans to sit down and come up with a resolution and address the Nairobi County Assembly Board to consider the resolutions of the Loans Committee where you Hon. Members sit. We can only implement what we have resolved as Hon. Members.

We are not autonomous; we do not draw any powers from somewhere else. We get directives from the Assembly and from the committees.

Fort that reason, I compel Hon. Peter Imwatok, who is the Chair of the Loans Committee, to convene a meeting earliest possible and come up with measures upon which we can implement the requirements of the Members. Hon. Members, when you ask me of the deadline, you better direct the same to him when he is supposed to call for the meeting. Whether he calls for the meeting next year, that is for the Loans Committee. But because this is quite passionate, I want the Hon. Majority Leader to make a commitment before the Assembly as to when he is going to work on the agenda for the Members.

**Hon. Peter Imwatok:** Hon. Speaker, I want to tell the Hon. Members that we all need our Kshs. 660,000, and we need it now. This is not negotiable and this money is not lost.

*(Applause)*

Hon. Speaker, based on your directive, I want to confirm that it is the Loans and Mortgage Committee that extended the Kshs.273 million for the issuance of car reimbursement. The Committee has a complete list of all Members who have complied. The same Committee has still to date not recovered the Kshs.273 million from the Executive.

I want to confirm now that as we sit as the Loans and Mortgage Committee, we will endeavor to make sure – because as you say about the autonomy of our account – the County Government led by H.E Sakaja subscribes to the KRA more than Kshs. 400 million every month; what is Kshs. 81 million? Through their mechanisms and ways, we can get our money from the KRA. They need to stop paying KRA so that we can get the money to pay our people. This calls for me and my counterpart who sits in the Loans Committee, Mheshimiwa Kiragu, to explore all avenues possible. Allow us to have a sitting tomorrow of the Committee so that we can be able to come up with ways and means that we can communicate to you.

On matters welfare, we tend not to put our issues before the 4<sup>th</sup> estate. After the Committee on Loans meeting tomorrow, we endeavour to call all Members to Kamukunji so that we can reason together and find ways on when we are going to get our Kshs. 660,000. Am I audible enough?

**Hon. Members:** Yes!

**Hon. Peter Imwatok:** We have never failed and I believe there is no one amongst us who would want the other Members not to get what is rightfully his. The head of Public Service was trying to call me, may be to tell me that the Executive Order has been issued. When the President pronounces something, that is already an Executive Order. It is only given the number and the signature of the Head of Public Service, Felix Koskei. I will call him so that he can forward that Executive Order with immediate effect so that as we are talking about these things, the Speaker is aligned to authority of H.E the President.

Therefore, Hon. Members, I want to assure this House that it will be transparent. I want also to assure this House that no Member or County leadership has held anyone's money. All the money as far as I am concerned, on HANSARD, that was payable by us is with the KRA. We are

going to get that money for our Members. Get assured that our Committee is going to summon even the KRA Commissioner so that we can get our money.

Thank you, Hon. Speaker, we are well guided. My team is here, the Chair, Budget Committee is a Member of the Loan's Committee, Hon. Fathiya and Hon. Kiragu. Our Majority Whip is back today; maybe he will join us soon. We wish him a very quick recovery. We will be able to handle this. *Si* we had no money Members? Sometimes we need to give credit where it is due.

When the issue of reimbursement came, honestly we had no money. The Loans and Mortgage Committee went and made a decision to give us Kshs273 million, what is Kshs81 million? Are we able or not able? Will you give us a chance to do this in a proper legal framework? I do not have Kshs273 million, be our brother's and sister's keeper both in our words and in actions. Do not make Hon. Majiwa bad because we want to please our colleagues. Let us be our brother's and sister's keeper at all times.

Hon. Speaker, on behalf of the Loans and Mortgage Committee, I oblige and wish everyone to do the same. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you. Hon. Members. For that reason, there is also an issue that was raised by the Hon. Majority Leader on the mileage. We will have to revisit the circular and get to identify the clause as indicated by him so that we can see how we can adjust the same because we have made a commitment that anything befits the status of the Members must be considered as a priority. On the issue of Mileage Allowance, we are going to address it tomorrow as well. If there is such provision, Hon. Kiragu, kindly bring it forth so that we can it can be brought to speed and relay the same message to Members in good time i.e. tomorrow at 2.30 p.m.

Hon. Members, you stand guided. Clerk, we may proceed.

## PAPERS

### THE NAIROBI CITY COUNTY MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER

**Hon. Peter Imwatok:** Hon. Speaker, I am meant to lay the Paper on the Nairobi City County Medium Term Debt Management Strategy Paper. I am seeking your indulgence and the leave of the House to Table this when they are well signed because the document has not been signed by the CECM for Finance and the Chief Officer for Finance. These are records of this House and they have not been signed.

Hon. Speaker, allow me as the head of Government Business to authenticate whether this Business is genuinely before this House or it is another document that has been forwarded.

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

*(Hon. Peter Imwatok consulted with the Speaker)*



Hon. Majority Leader, your request is justified. The documents brought to the floor of this House should be authenticated and verified by way of signature. For that reason, you have convinced the Chair. I direct you as the Leader of Majority, who is the leader of Government Business, to consult with the signatories to make sure that the document is signed.

*(Paper deferred)*

REPORT ON FACT FINDING VISIT TO VARIOUS  
NAIROBI CITY COUNTY WATER HOTSPOTS

**Hon. Speaker:** The Chairperson, Public Investments Committee?

**Hon. Hashim Kamau:** Thank you, Mr. Speaker. Pursuant to provisions of Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 12<sup>th</sup> March 2024:

The report of the Select Committee on Public Investments on fact finding visit to various Nairobi City County Water Hotspots, held from 15<sup>th</sup> to 20<sup>th</sup> January 2024.

Thank you, Mr. Speaker.

*(The Paper was laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Hashim. Clerk, let us proceed.

NOTICES OF MOTION

**Hon. Speaker:** Hon. Hashim, kindly proceed.

**Hon. Hashim Kamau:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, this assembly adopts the report of the Select Committee on Public Investments on fact finding visit to various Nairobi City County Water Hotspots, held from 15<sup>th</sup> to 20<sup>th</sup> January 2024, laid on the Table of the Assembly, today, Tuesday 12<sup>th</sup> March 2024.

**Hon. Speaker:** Thank you, Hon. Hashim. Hon. Chairperson of the Budget Committee, you are in the House? Is Hon. Mark Thiga in the Assembly? Kindly proceed.

UPGRADING OF COUNTY TVETS

**Hon. Mark Thiga:** Hon. Speaker, I wish to give notice of the following Motion:

THAT, aware that Article 62 of the Constitution of Kenya, 2010 recognizes that both the National and the county governments are distinct, and independent and that devolution is an important principle in the current structure of governance;

FURTHER AWARE that Article 43 of the Constitution provides that every person has the right to education;

COGNIZANT that the function of village polytechnics and home craft centres is vested in the County Government pursuant to provisions of Paragraph 9 of Part II of the Fourth Schedule to the Constitution;



ACKNOWLEDGING that the County Government has 11 technical, vocational education and training centres that offers various courses to the youth across the county;

FURTHER ACKNOWLEDGING that technical, vocational education and training is supposed to address the skills gap by providing students with the practical relevant skills and training they need to succeed in specific careers and offer more practical hands-on approach to learning that can be practically appealing to some students;

CONCERNED that the County owned technical, vocational education and training centres (TVETs) are lagging behind in terms of infrastructure, management and technology due to challenges such as inadequate financing, manpower and modern equipment;

NOTING that the County Assembly is in the process of enacting a legislation to provide for establishment, promotion, registration, administration and management of technical, vocational education and training centres, and home craft centres within the County.

THIS ASSEMBLY URGES the County Executive to: -

1. Upgrade the dilapidated County technical, vocational education and training centres with the aim of meeting the required standards that attract more youths;
2. Provide modern technological equipment including free internet connection to any County technical, vocational education and training centres;
3. Recruit qualified technical instructors for all courses offered at the centres; and
4. Develop advertising and marketing strategies for courses offered at the centres for function information awareness.

Signed by Hon. Mark Thiga, Member of Hospital Ward. Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Next Order!

## STATEMENTS

### REQUEST FOR STATEMENT REGARDING ALLEGED HARASSMENT OF WOMEN AT NIGHT BY CITY COUNTY INSPECTORATE OFFICERS

**Hon. Speaker:** Hon. Deputy Minority Leader has a Statement request. Is she in the House? Kindly proceed.

**Hon. Waithera Chege:** Thank you, Madam. Speaker. I have a statement that I was requested by Hon. Speaker to edit. Let me proceed and read the Statement.

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 Justice and Legal Affairs regarding the alleged harassment and manhandling of women at night by City County Inspectorate Officers within the City Centre.

*(Hon. Speaker left the Chair)*

*(The Temporary Speaker (Hon. Diana Mwangangi) took the Chair)*

Hon. Speaker, the Constitution of Kenya, 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms. In addition, Article 47 of the Constitution provides every person the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

Hon. Speaker, there are increasing cases of arbitrary arrests, harassment and extortion of women by City County Inspectorate Officers at night thus infringing on their rights and fundamental freedoms. My introductory inquiry indicates that City County Inspectorate officers profile women, girls and men by extorting a bribe of Kshs. 500 from them per night failure to which they are tortured and locked in the Inspectorate vehicles.

During my inquiry, Hon. Speaker, it was noted that most if not all officers do not wear badges or any form of identification as required by the law. Hon. Speaker, Part II of the Nairobi City County Inspectorate Services Act 2017 provide guidelines on inspections and arrests. Section 29 of the Act states that; *“It shall be unlawful for an Inspectorate officer to subject any person to torture or other cruel inhuman or degrading treatment. Such actions are contrary to the provisions of Section 10 of Public Officers’ Ethics Act, 2003.”*

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

- i. Increasing cases of arbitrary arrests, harassment and extortion of profiled women, girls and men by City County Inspectorate officers at night;
- ii. Whether the County Executive is aware of its officers extorting money on a daily basis from such profiled group of Kenyans at night;
- iii. Status of the implementation and sensitization of the Nairobi City County Inspectorate Services Act, 2017 and Public Officers’ Ethics Act, 2003 to officers in the department; and
- iv. Measures the County Executive is taking to stop the infamous ruthless handling of residents including women who have been profiled by the City County Inspectorate officers.

Madam Speaker, as I finish this Statement, allow me to say as the Deputy Minority Leader of this House, that of all the five statements that the President talked about yesterday, it is only this agenda that has been dealt with on the floor of this House where the MCAs are not directly involved. He proceeded to confirm that all the other five agendas including what Hon. Samora has spoken about the WDF, the MCAs have to appear before those offices including the SRC and any other office that was include in the agendas to execute their cases and give proposals on how they will be resolved on the four agendas. I needed to clarify that so that it does not look like the other four agendas are automatic including the WDF. The MCAs have to appear in person and execute their cases before these different institutions. Thank you, Madam Speaker.

### ***Point of Order***

**Hon. Temporary Speaker:** What is your Point of Order, Hon. Alai?

**Hon. Robert Alai:** Madam Speaker, I am standing on a Point of Order under Standing Order No. 38 (1). We do not have quorum to transact the Business of this House, I think we have

less than 30 Members present in the Assembly. I just wanted to bring this to the attention of the House. Thank you, Hon. Speaker.

### QUORUM

**Hon. Temporary Speaker:** That is noted. Serjeant-at-Arms, you can ring the Bell for ten minutes we see if we can get quorum.

*(Quorum Bell was rung)*

**Hon. Temporary Speaker:** Hon. Akama, approach the Chair.

### ADJOURNMENT

**Hon. Temporary Speaker:** Hon. Members, pursuant to Standing Order that has been raised by Hon. Alai, we have rung the quorum Bell and have not yet attained the quorum. We adjourn the sitting until tomorrow, Wednesday 13<sup>th</sup> March 2024 at 2.30 p.m.

*The House rose at 4:10 p.m.*