



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Thursday 14th 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. Clerk, we can proceed with the Order Paper.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon, Hon. Members. Kindly, may I request the fourth estate to leave the Plenary briefly in under five minutes, and then they will have privilege to come back. Hon. Member, kindly proceed and be seated.

Hon. Members, today afternoon, I want to share with you sort of challenges we have had the past 24 hours or so. If I may recall properly, we had a discussion in Mombasa and we agreed with the Governor that we should be meeting so often with the Members. That still remains to be the position. It is quite unfortunate that words going round within the Assembly is that the Speaker is against the invite by the Hon. Governor. I wish one Member to challenge me on that because we are guided by the Constitution, and I am the custodian of the Constitution. I just want to remind Members that I have an Assembly to run and even to protect.

Let me refresh your mind a bit. Hon. Members, as at yesterday, we had up to about 69 Members who had signed imprests to proceed for retreats on various committees. We have Public Accounts Committee, which is supposed to be in Nakuru, House Business Committee is supposed to be in Mombasa, and a committee in Naivasha as well.

Hon. Members, I received a communication yesterday at around 1.30 p.m. from the Governor's Office requesting Members for a retreat on Saturday. I took the initiative to call the Governor; one, to get the agenda of the meeting; and two, to share my program with him as the Assembly because we have Assembly Calendar. You know we are in Third Session which is

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running. We agreed with the Governor that we meet at six in the evening so that we could agree on the best possible way to handle the two scenarios.

Hon. Members, if I don't guide you properly, and that is why I have sent out the media people out because this should be for your ears only, you sign an imprest and you are supposed to be in Mombasa, but at the same time you are in Naivasha. The law dictates that you must surrender and be surcharged for the same. I was very surprised when some Members, without even proper information, coming out to peddle lies and rumors that does not match the office of a Hon. Member of the County Assembly of Nairobi. It is so shameful.

INVITATION TO GOVERNOR'S RETREAT AT LAKE NAIVASHA RESORT

Hon. Members, allow me to go straight to the communication I have to relay today, as you usher in the members of the press to come back.

Hon. Member, I have an invitation to the Governor's retreat at Lake Naivasha Resort, Nakuru County.

Hon. Members, the Chair is in receipt of a letter dated 13th March 2024 from His Excellency the Governor, inviting all Members of the County Assembly to a meeting be held from 15th to 17th March 2024 at lake Naivasha Resort in Naivasha, Nakuru County. The meeting is scheduled to take place on Saturday 16th March 2024 from 8.00 a.m., being the time of registration.

Hon. Members, the main purpose of the retreat is to foster alignment on the key components of the Governor's manifesto that are crucial for holistic development and well-being of the residents of the County. The retreat is also meant to serve as a platform for the County leadership to engage in consultative discussions, share insights and collaboratively formulate actionable strategies that will drive the County forward.

Hon. Members, the said meeting with His Excellency the Governor will provide an opportunity for the County Government to unite in visions and efforts towards achieving the common goal of elevating the quality of life of the residents of Nairobi City County.

Hon. Members. I am aware that the Assembly had scheduled for various committee workshops during this time. Consequently, the Chair directs the suspension of the workshop of the Select Committee on Assembly Business scheduled to be held from 14th to 17th March 2024 in Mombasa to a later date to allow all Members to participate in the meeting with His Excellency the Governor.

(Applause)

In addition, Hon. Members, I request all of you to spare ample time and avail yourselves for this crucial meeting with the County Executive. Kindly note that the tentative programme of the meeting with the His Excellency the Governor on Saturday 16th March 2024 will be as follows:

1. From 9.00 a.m. to 10.30 a.m., there will be a meeting between His Excellency the Governor and the County Assembly Leadership and all Members of the Liaison Committee;

2. From 11.00 a.m. to 12.30 p.m., there will be a meeting between His Excellency the Governor and all elected Members of the County Assembly;
3. From 2.00 p.m. to 3.00 p.m., there will be a meeting between His Excellency the Governor and all special elect Members of the County Assembly; and
4. From 3.30 p.m. to 5.00 p.m., His Excellency the Governor will meet all Members of the County Assembly at the plenary.

Hon. Members, kindly note that this meeting is to be fully facilitated by the office His Excellency the Governor. You are so guided. Thank you.

(Applause)

MISCONDUCT OF MEMBERS OF THE COUNTY ASSEMBLY

Hon. Member, I have a further communication to make on the misconduct of Members of the County Assembly. Hon. Members, I have the following communication to convey:

Hon. Members, Standing Order 45 (1) states that:

"The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly".

Hon. Members, the functions of the Speaker amongst others include being the official spokesperson/ representative of the County Assembly in its dealings with the public, the Executive, the Judiciary, Parliaments in other jurisdictions and bodies outside the Assembly.

Hon. Members, may I remind you that the Speaker is the custodian and defender of the Constitution and all other rules of procedure in the County Assembly. In the said Constitution, statutes and Standing Orders, Members of the County Assembly are state officers who are subject to high measure of integrity standards.

Hon. Members, the County Assembly has rules of procedures that governs its conduct of any in the County Assembly.

Hon. Members. Section 30 of the County Assemblies Powers and Privileges Act, 2017 provides for a State officer who is convicted of an offence under the Act shall be deemed to have committed an act of gross misconduct within the meaning of Article 251 (1) (b) of the Constitution.

Hon. Members, Section 16 of the County Assemblies Powers and Privileges Act, 2017 states that:

"Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member-

- a) contravenes sections 25, 26 (1), 27 or 29;*
- b) commits an act mentioned in section 28(1)(a), (b) or (2) and (3)(d), (e), (f) or (g);*
- c) willfully fails or refuses to obey any rule, order or resolution of a county assembly;*

- d) *contravenes any provision of the Speaker's orders issued under section 40 of this Act; or*
- e) *conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a county assembly, or of the Members or to be contrary to the best interests of a county assembly or its Members.*”

Hon. Members, Standing Order 117 (1) (g) and (h) states that:

“A Member's conduct is gravely disorderly if such as Member acts in any other way to the serious detriment of the dignity or orderly procedure of the County Assembly; or commits any other breach of these Standing Orders that in the opinion of the Speaker constitutes grave disorderly conduct.”

Hon. Members, my attention has been brought to a very grave misconduct where some Hon. Members purported to communicate an official message from His Excellency the Governor regarding the scheduled retreat, and attempted to incite Hon. Members against the House Leadership through social media.

Hon. Members, this conduct of the two Hon. Members namely: Hon. Oscar Lore and Hon. Brian Itenya is not only against our Standing Orders but also has the potential of destabilizing the Assembly.

Accordingly, Hon. Members, in order to deter such behavior, I hereby suspend the aforementioned two Members from the Assembly for a period of three sitting days and direct the matter to the Select Committee on Powers and Privileges to investigate this matter on how the official communication from the Office of the Governor to the Speaker got in the hands of Hon Oscar Lore, who shared the same.

Hon. Itenya, at the same time, found it right to:

1. Use abusive language; and
2. Go to an extent of maligning the Leadership as corrupt Members of the Assembly.

Serjeant-at-Arms, if the two Hon. Members are within the precincts of the Assembly, make a point of them leaving the Assembly immediately. Is Hon. Itenya in the House? Is Hon. Oscar in the House?

I direct that wherever the Speaker has a meeting, that is a preserve of the precincts of the Assembly. I do not expect the two Members to sit in the midst of the Members in Naivasha. You stand guided, Hon. Members.

STATEMENTS

Hon. Speaker: Hon. Deputy Minority Leader? Clerk, kindly proceed to 7 (a). The Chairperson for Ward Development Fund, is the report ready? The Vice Chair? Let us proceed.

MOTION

AMENDMENT OF URBAN HOUSING RENEWAL

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AND REGENERATION POLICY

Hon. Speaker: Hon. Waithera Chege who is the mover of the Motion? Any member who knows the whereabouts of the over of the Motion? We are in Order No. 8.

Point of Order

Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I think Mheshimiwa Waithera Chege is not in the House, but I request that through Standing Order No. 1...

Hon. Speaker: You may proceed, Hon. Majority Leader.

Hon. Peter Imwatok: On the issue of the Ward Development Fund, which is a very pertinent issue in this House despite the Chair not being available, as the Leader of Government Business, I want to be very categorical that for the elected leaders, as the Speaker has communicated... (*inaudible*) When we will be having this meeting on Saturday, it will be premise of our discussion. So far, I want to confirm to this House that almost 61 wards are in the process...

Hon. Speaker: Please, raise your voice a bit.

Hon. Peter Imwatok: Almost 61 wards are in the process of being facilitated so that the contracts and every contractor may be paid any time soon. This is courtesy of myself, the Leader of Minority and the Chair for Ward Development Fund. We have also received...

Hon. Speaker: Hold the microphone properly. Use the other one.

Hon. Peter Imwatok: Hon. Speaker, I was saying, the math of Ward Development Fund is not the preserve of the Chair alone, it is also a preserve of the Leadership of this House and all elected Members. I may not know the response he was having but on the Leadership side, we are certain that even with our discussion yesterday with His Excellency the Governor, the issue of Ward Development Fund was key.

Hon. Speaker, I hear a Hon Member saying that the Leadership is in cohort to extort the Governor. I am not an extortionist. It must go on record that our vision for this Government, as the Head of Government Business, is for the Ward Development Fund to be uncompromised. The elected leaders must give their projects, which must be implemented and paid for.

As per yesterday, all projects for about 61 wards have been factored in. It is for the contractors to proceed to be paid any time between now and next week. I want to assure this House on behalf of the Chair who has worked so tirelessly to make sure that these projects are accomplished. I want us to be very categorical that this will be the discussion during the elected Members' meeting on Saturday. We want to make sure that the Ward Development Fund has no bottlenecks from the procurement process, payment process and the *Zakayos*. I remember saying sometimes back in this House that the *Zakayos* of Ward Development Fund were extinguished. In case there is another *Zakayo* erupting from Ward Development Fund, we will remove. This is the only thing that an elected leader can take back to his people.

As the Leader of Majority and my counterpart, we have agreed that there will be no 'who is who' as long as you are an elected Member of the County Assembly. Our work on the Ward

Development Committee is to make sure that every elected leader's projects are implemented. Mr. Speaker, we will elaborate more when we will be having the meeting with the Governor on Saturday. But I want to assure the House that I, the Chair, and my counterpart are on it. Ward Development Fund is uncompromised.

For the special elect, we have a package as well, as we had discussed with His Excellency the Governor that we want to make sure that the issue of the offices of the special elect and their allowances are fast-tracked and it happens. I said in Mombasa, Hon. Speaker, if you can remember, that 2024 is a different year. We want to work together in peace and make sure that deliverables are so.

Thank you, Hon. Speaker for your concern. Hon. Members you may not like Hon. Ng'ondi as the Speaker but you do not have to rubbish on our faces. You may be cleverer than Hon. Kennedy Ng'ondi, but you do not have to rubbish on our faces. You may be more learned or richer than Hon. Kennedy Ng'ondi, but he remains the symbol of unity in this House. Two or three years from now, it may be you Hon. Lugonzo being the Speaker of Nairobi and will deserve respect. A few years to come, I will not be the Leader of Majority, but I deserve respect. My name should not be in your menu. You wake up and say the Leader of Majority is corrupt and an extortionist. What will my son in form one think of me when he reads the newspapers? That my dad has brought me to this school because he is an extortionist?

Hon. Members, this is a story that we need to have a discussion as leaders. Before you shout at Bishop, he is the Minority Leader for now. Before you shout at me, I remain the Majority Leader for now. Hon. Speaker, God designs everything with a reason. In the Bible, Roman 8:28, it says; *"All things work together for the good of them who are called by God for His purpose."* There is a reason why today Hon. Fiunifiu is seated there as the MCA for Karura Ward. There is a reason why the son of Teso, a former watchman and toilet cleaner, and a son of a widow, is the Leader of Majority in this House. There is a reason Hon. Lugonzo at her age is a special elect in this House. There is a reason why Ochieng Jera, who struggled in the dungeons of *maandamano* in the streets since he was young, is now a Member in this House. There is a reason why Owera – I was with him at Bishop Wanjiru's Church – is a Member of this Assembly today. Who could imagine Hon. Ajek, the youth leader, can be a Member of the County Assembly of Nairobi? In our party we knew Ajek as the super chair and was to remain in Kibra, not to sit on a seat like this. Vut God in his own design brought him to this House. Who could imagine Nyangicha, in his quietness can remove someone like Obuya from a seat? God has a reason.

(Applause)

Hon. Emmy Isalambo, who was a masseuse in a massage parlor, is a Hon. Member. A former IEBC clerk, Hon. Atito, is now a Member of this House. It is not by design but God's will. Let treat ourselves with dignity and respect. You may be so energetic and has strength, a boxer or a karate-taker, but honestly is that what brought you to this House selling fear to others?

You can carry a knife or a panga or abuse a person who has a daughter in the university or a businessman or a developer. You may call him an extortionist but look at yourself. I have said in this House that this man, Hon. Ken Ng'ondi taught me about investment. Let us carry ourselves with a bit of decorum.

Hon. Speaker, I want God to judge me right one day that under this Leadership, we did not want to go back where we came from. This is where we fought and where leadership was like being small god. We do not want to be gods; we want to be partners in this five years' journey. Even me with the dis-quietness, Hon. Alai, I love you because you believe that this is a House of debate. This is not a House for looking for problems, my brother, it is a House of debate. Let us debate and let us differ.

When the Speaker walks in with the Mace, let us greet each other with love. That is why as the Leader of Majority, I have not pointed Hon. Oyugi when he says respectively; "I want to differ with you Leader of Majority." Because this is a House of debate. Hon. Members, especially from the Azimio Coalition, we need to have a discussion. I believe that Hon. Bishop on your side, you need to have a discussion with your people. We cannot reduce the Assembly to be a theatre of jokes.

Hon. Speaker, I am sorry but this is the reality. As long as I am the Leader of Majority, I want to assure you that you do your job within the law, bring us together as your sons and daughters and direct us properly without fear or favour. I beg to sit, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Minority Leader.

Hon. Anthony Karanja: Thank you, Hon. Majority Leader for that hearty discussion. I don't think I have anything to add, but for us who know war and have participated in chaos, we know the value of peace. For us who have been in this House before three or four Speakers, we know the difference between those Speakers and Hon. Speaker, Hon. Ken. Ng'ondi. It is unfair to accuse him of the things that I was seeing online yesterday while he was very busy trying to negotiate on behalf of the 123 of us and for the betterment of this Assembly.

Hon. Speaker, I would also like to apologize on behalf of the Members who participated in that and say that this is not the way to go. You can hate me, but we can work together. We do not have to be friends to work together. We have demonstrated this for the six months.

We are on record, Hon. Speaker, that even the Governor of this City, Hon. Johnson Sakaja, as much as people who support him here were busy yesterday when you were negotiating with him, they were in a funeral shouting and clapping where derogatory and demeaning words were said about you. It is unfair especially when we are supposed to work together to make sure that this House works. Peace is a choice. I know the Majority Leader is very passionate about peace and he says that we will not go back to where we came from. However, if we will have to use other means to make sure that we achieve this, we are ready.

I want to say this, Hon. Speaker, without fear of contradiction. I have been a victim of ridicule and insults. I can tell you that there comes a time when enough is enough. I hope that time

is not soon. I will continue respecting everyone and we will continue respecting each other. I urge this House that we work together to make sure that Nairobi works. Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Members, now that the mover of the Motion under Order No.8 is not in the Assembly and has not assigned any Member to act on her behalf, I direct that the Motion by Hon. Waithera Chege be deferred and taken back to the House Business Committee for re-allocation.

(Motion dropped)

ADJOURNMENT

Hon. Speaker: Hon. Members, the Assembly stands adjourned to Tuesday 19th March 2024 at 2.30. p.m. Thank you.

The House rose at 3:25 p.m.