



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Third Session

#### SPECIAL SITTING

Tuesday 21<sup>st</sup> May 2024

The House met at 2.30 p.m.

*The Speaker (Mr. Kennedy Ng'ondi) in the Chair*

#### PRAYER

**Hon. Speaker:** Hon. Odalo and Hon. Alvin, I do not have any express authority from the Minority Whip and Minority Leader that they have extended an olive branch so that you may occupy their seats. So kindly those are honorable seats; please find somewhere to sit without a nametag. You might confuse the House. Honorable Majority Leader please, I hope you have seated in your proper place. Thank you.

#### QUORUM

**Hon. Speaker:** Hon. Members, the Chair's attention has been raised. I kindly ask the Clerk to confirm whether we have the quorum to allow us to transact the business of the day.

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

#### COMMUNICATION FROM THE CHAIR

##### RECOGNITION OF A DELEGATION VISITING THE ASSEMBLY

**Hon. Speaker:** Hon. Members, I have the confirmation that we have a quorum to transact the business of the day. As read in the Order Paper on communication from the Chair, Hon.

Members, allow me to give a welcoming note to members of our society who happen to pay a courtesy call to the County Assembly of Nairobi today.

Hon. Members, at the Speaker's Gallery, we have Ms. Gathua Nadene Njoki, who is a student leader at TUM college at Mombasa. Feel most welcome.

*(Applause)*

Hon. Members, we have a delegation from Teso Community, under Atake *(Applause)* where we have Robert Odia *(Applause)*, Lomorukai Iko. *(Applause)* and it is unique, and alongside the name, you will allow me to tag their tribe as well, because Robert Odia comes from Teso, Lomorukai Iko from Toposa. I do not know whether, at any given time, you have come across the name Toposa, which is a sub-tribe in Teso. Then we have Kadum Abuya *(Applause)* Nubian, Roseline Ichamus, and Monica Leroi from Baringo *(Applause)*, Oduwor Oyego, *(Applause)*, Anyara Lok' Etyang *(Applause)*, Joseph Okwi *(Applause)*, Mary Jakati *(Applause)*, David Opili *(Applause)*, Moses Oishoki *(Applause)*, Olemayado *(Applause)*, Yassin Abdulla *(Applause)*, Anjelo Lekitesharan *(Applause)*, Fred Oyapidi *(Applause)*, Florence Lokalau Mary *(Applause)*, and Polycap Ikiroo

*(Applause)*

May be if I have missed out on one or two of the guests, please you may be upstanding for recognition; If I have missed your name. Otherwise, feel outmost welcomed as you join us in the proceedings of the County Assembly of Nairobi. Thank you.

Hon. Members, on the same note under communication, allow me to honor our Worship the Mayor, or does that title still remain? Worship you may proceed and be seated. Thank you.

*(Applause)*

The other Members, you can cover yourselves under the armpit of the former mayor.

*(Applause)*

However, I hope that one day when you grow up, you will become the Governor of this city, or you have three medals! Thank you. The Hon. Member is in his third term.

#### SPECIAL SITTING

Hon. Members I want to make a communication on the Special Sitting. May I take this opportunity to welcome you all to today's Special Sitting which has been convened at a time when the Assembly is on long recess.

I sincerely thank you for honoring the invitation and I believe you are still having a remarkable engagement with your constituents. We are therefore convened today for the crucial purpose of prosecuting our constitutional mandate.

Hon. Members, you may recall that at the Assembly Sitting held on 16<sup>th</sup> April 2024, I conveyed a Message from H.E the Governor submitting nominees to various Chief Officer Positions for vetting by the Assembly pursuant to Section 6 of Public Appointments (County Assemblies Approval) Act, 2017. The message was subsequently committed to the relevant Sectoral Committees to conduct approval hearings and Table their Reports in this Assembly within 21 Sitting days in line with the Act.

Hon. Members, Section 7 (4) and (5) requires upon the Clerk and the Committee to notify the candidates and the general public on the approval hearing process. In this regard, an advertisement was placed in local daily newspapers on 23<sup>rd</sup> April 2024 notifying the nominees and the general public of the approval hearings, specifically, the dates, time and venues.

Hon. Members, as mentioned above, Section 9 (1) of the Act, provides as follows regarding procedure in the Committees and I quote:

*“Unless otherwise provided in any law, a committee shall consider a nomination and table its report in the County Assembly for debate and decision within twenty-one sitting days from the date on which the committee first sits to consider the nomination.”*

Hon. Members, the culmination of the foregoing process informs why we are assembled here today. Thus, my Office is reliably informed that the relevant Sectoral Committees conducted the approval hearings on 6<sup>th</sup> May 2024 and have since compiled and adopted the reports which are ready for tabling and consideration here in the Plenary.

Consequently, Hon. Members, I received a memo dated 17<sup>th</sup> May, 2024 from the Leader of the Majority Party, pursuant to Standing Order No. 32(1) requesting that I convene a special sitting today 21<sup>st</sup> May, 2024 commencing at 2.30 p.m.

Accordingly, having reviewed the business proposed in the request and determined that it is crucial, urgent and exceptional for effective service delivery to the County, I acceded to the said request and convened the sitting. Consequently, today’s special sitting was published in the Kenya Gazette dated 20<sup>th</sup> May, 2024 under Gazette Notice No. 69 for the following purposes: -

- i) *Consideration of Reports of Nairobi City County Assembly Sectoral Committees on vetting of seven (7) nominees for appointment to the positions of Chief Officers;*

Therefore, this Sitting is properly convened.

Hon. Members, In the conduct of a Special Sitting, Standing Order No. 32 (4) provides that; and I quote:

*“Whenever the County Assembly meets for a special sitting, the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.”*

Consequently, the business specified in the afore-mentioned gazette notice shall be the only business to be transacted during today’s sitting.

Hon. Members, without appearing to pre-empt today’s business, may I observe that the Committee vetting process serves as a vital safeguard in our democratic system. It allows us, the

elected representatives of the people, to ensure that those entrusted with leading our Sectors and sub-sector possess the necessary skills, knowledge, and commitment to serve the public good.

It is therefore my belief that through approval hearings, interviews and the analysis of nominees' backgrounds, the Committees have, in their reports, provided us with invaluable insights into the capabilities of these individuals.

Accordingly, Hon. Members, I take this opportunity to express my sincere appreciation to the Members of the Sectoral Committees that were involved in vetting for their dedication and diligence throughout the process. They have conducted themselves with professionalism, decorum and impartiality, ensuring that each nominee received a fair and thorough hearing.

Hon. Members, during this Special Sitting, we will have the opportunity to delve into the Committee reports and engage in constructive debate. We must critically examine the findings and recommendations presented. Each Member has a vital role to play in this process.

I therefore, encourage all Members to participate actively in the debate. Let us engage in a robust yet respectful exchange of views. We must ensure that this process remains transparent and accountable to the public. The people of Nairobi deserve to know that their elected representatives are holding the nominees to the highest standards.

Finally, Hon. Members, may I urge all of you to approach this Special Sitting with a sense of responsibility and commitment to the County's interest. Let us work together to ensure that the best possible individuals are appointed to take up these positions. You stand guided Hon. Members thank you.

#### **PAPERS LAID**

**Hon. Peter Imwatok:** Hon. Speaker, protect me from the Chairman of Ward Development Fund who is doing a very fantastic job in the---

**Hon. Speaker:** I actually expected the Seargent- at- Arms to kindly request the Hon. Member to find somewhere else to sit.

*(Applause)*

**Hon. Peter Imwatok:** Thank you Chair for relocating the Chair of Ward Development Fund. At 29 years he is a multimillionaire---

**Hon. Speaker:** Where you have just seated, Majority Leader, has a nametag. Please you are not the Majority whip, kindly.

*(Laughter)*

**Hon. Peter Imwatok:** Hon. Speaker, before I table this particular Paper under your guidance allow me to appreciate your office and the office of the Clerk and the entire County Assembly for appreciating the minority community in this Country. I come from Atekere community and my community brothers' and sisters' who paid a courtesy call today into my office asked for permission from your office to participate in this sitting. Hon. Speaker, I must say thank you.

**Hon. Speaker:** Can they wave to the Majority leader who happens to be their son.

*(The members of the delegation rose and waved)*

*(Applause)*

**Hon. Speaker:** Thank you.

**Hon. Peter Imwatok:** Thank you Hon. Speaker for that gesture and we forever will never forget that gesture you have given to us and my people and the Teso Community, Atekere, Toposa and Nubians and all those in the Republic of Kenya. We will always remember your office and this particular Assembly.

Hon. Speaker, back to duty. Pursuant to Article 229 (7), I beg to lay the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Auditor General on Receiver of Revenue-County Government of Nairobi City for the Year Ended 30<sup>th</sup> June 2023. Hon. Speaker, it is verified and a proper document before this House. I beg to lay, Hon. Speaker.

Hon. Speaker, Pursuant to Article 229 (7), I beg to lay the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Auditor General on County Revenue fund, County Government of Nairobi City for the Year Ended 30<sup>th</sup> June 2023. Hon. Speaker, it is verified and confirmed and laid before the honorable House. I beg to lay Hon. Speaker.

*(The Papers were laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you Hon. Majority Leader, who happens to be the Leader of Business in the Assembly. I commit the Papers Laid to the Budget and Appropriation Committee. Thank you. The paper laid stands committed to the Committee of Budget and Appropriation Committee. Chairperson you stand guided, thank you.

**Hon. Wilfred Odalo:** Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48(4), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Select Committee on County Finance, Budget and Appropriations on Vetting of Chief Officer Nominee for Economic Affairs. I beg.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you. The same is committed to Budget and Appropriation [committee]. The Chairperson of Health Services.

**Hon. Maurice Ochieng':** Thank you, Hon. Speaker. Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Sectoral Committee on Health Services on Vetting of Chief Officer Nominee for Wellness, Nutrition and School Feeding. I beg to lay.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** The Chairperson of Agriculture, livestock, and Fisheries.

**Hon. Emmy Isalambo:** Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Sectoral Committee on Agriculture, Livestock and Fisheries on Vetting of Chief Officer Nominee for Food, Agriculture and Natural Resources. I beg to lay.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** The Chairperson of Committee on Justice and legal Affairs.

**Hon. Jared Akama:** Thank you, Hon. Speaker. Before I lay the Paper, I equally want to echo the words of Majority Leader, because seated up there are some of my members of Mugumoini ward especially Bwana Okwi and Mzee Olepalukoi seated up there.

I want to assure them that in the spirit of this House, even as they fight for the space for the minority in this city, they be assured they have our support and as my party leader Hon. Raila Odinga normally says *mwacha mila ni mtumwa*. We really appreciate the fact they have continued to advance our culture in this city. Therefore, feel welcomed and be assured that you are all well represented.

Hon. Speaker, pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Sectoral Committee on Justice and Legal Affairs on Vetting of Chief Officer Nominee for Boroughs and Sub-County Administration. I beg to lay Hon. Speaker.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** The Chairperson, Trade, Tourism and Cooperatives committee.

**Hon. Deonysias Mwangi:** Thank you, Hon. Speaker. Pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48 (4) and 209 (6)(f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Sectoral Committee on Trade, Tourism and Co-Operatives on Vetting of Chief Officer Nominee for Markets and Trade. I beg to lay Hon. Speaker.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you. The Chairperson, Sectoral Committee on County Finance, Budget and Appropriations. You are through or you have another one.

**Hon. Wilfred Odalo:** It is only one sir.

**Hon. Speaker:** We have a report from the sectoral Committee on Energy and Digital Economy. The Chairperson, Hon. Alai please.

**Hon. Robert Alai:** Thank you, Hon. Speaker. Hon. Speaker, pursuant to Section 9 of Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 48(4) and 209 (6) (f), I beg to lay of the following Paper on the Table of this Assembly, today Tuesday 21<sup>st</sup> May 2024:

The Report of the Sectoral Committee on Energy, Information, Communication and Technology on Vetting of Chief Officer Nominee for Digital Economy and Start-Ups subsector. Thank you, Hon. Speaker and I beg to lay.

*(The Paper was laid on the Table of the Assembly)*

### ***Point of order***

**Hon. Speaker:** Yes, Hon. Member for South B.

**Hon. Waithera Chege:** Thank you Hon. Speaker. Hon. Speaker, this is a House of rules procedures and debates and therefore allow me to stand on Point of Order 32 (1) (4) please, I would also request that you also go there. It says that, “*Whenever, the County Assembly meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified, shall be the only business before the County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar*”.

Hon. Speaker, if I look at the Kenya Gazette which is signed by yourself, Hon. Kennedy Ng’ondi, the Business so specified under says “the reports of Nairobi City County Sectoral Committee on Vetting of 7 Nominees for appointment to the positions of Chief Officers”.

I have just heard the chairs read six reports. Therefore, if you read 32 (1) (4) the word ‘only’ is very prominent in the Standing Order. Therefore, Hon. Speaker, not unless Speaker you produce the seven reports then you will be leading an illegality in this Assembly. You have very well specified the seven reports in the Kenya Gazette and it should be the only business to be transacted in this House. Therefore, I do not want you, Hon. Speaker, to mislead this House. The business is seven [names] and only six reports have been read. Please give guidance Hon. Speaker.

**Hon. Speaker:** Thank you. The concern of the Member is noted and even my communication is very clear. I quoted the Standing Order on the business to be transacted and we are still under the same business. I will make a communication before the close of the business of the Assembly on your concern, Hon. Member.

### **NOTICES OF MOTION**

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## ADOPTION OF REPORTS OF COMMITTEES

**Hon. Speaker:** Let us get Notice of Motion from the Chairperson Sectoral Committee on Health, please.

**Hon. Maurice Ochieng’:** Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Sectoral Committee on Health Services in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4) and 209(6)(f), this Assembly approves the appointment of Amina Mohammed as Chief Officer for Wellness, Nutrition and School Feeding.

*(Applause)*

**Hon. Speaker:** Chairperson, Committee on Agriculture

**Hon. Emmy Isalambo:** Thank you, Mr. Speaker. Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Sectoral Committee on Agriculture, Livestock and Fisheries in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4) and 209(6)(f), this Assembly approves the appointment of Gladwell Cheruiyot as Chief Officer for Food, Agriculture and Natural Resources.

*(Applause)*

**Hon. Speaker:** The Chairperson, Sectoral Committee on Trade.

**Hon. Paul Ndungu:** Thank you, Mr. Speaker. Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Sectoral Committee on Trade, Tourism and Cooperatives in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4) and 209(6)(f), this Assembly approves the appointment of Jane Wangui as Chief Officer for Markets and Trade.

*(Applause)*

**Hon. Speaker:** The Chairperson, Sectoral Committee on Justice and Legal Affairs.

**Hon. Jared Akama:** Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Sectoral Committee on Justice and Legal Affairs in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the



County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4) and 209(6)(f), this Assembly approves the appointment of Bernard Muia as Chief Officer for Boroughs and Sub-County Administration.

*(Applause)*

**Hon. Speaker:** The Chairperson, Sectoral Committee on County Finance, Budget and Appropriations.

**Hon. Wilfred Odalo:** Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Select Committee on County Finance, Budget and Appropriations in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4), this Assembly approves the appointment of Machel Waikenda as Chief Officer for Economic Affairs.

*(Applause)*

**Hon. Speaker:** The Chairperson, Sectoral Committee on ICT.

**Hon. Robert Alai:** Thank you, Hon. Speaker. Hon. Speaker, I beg to give Notice of the following Motion: That, taking into consideration the findings of the Sectoral Committee on Energy, Information, Communications and Technology in its Report on the Vetting of Nominee for Approval as Chief Officer, laid on the Table of the Assembly on Tuesday, 21<sup>st</sup> May, 2024 and pursuant to the provisions of Section 45 (1)(b) of the County Governments Act, 2012, Sections 3 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 48 (4) and 209(6)(f), this Assembly approves the appointment of David Sande Oyolo Alukhome as Chief Officer for Digital Economy and Start-ups.

*(Applause)*

## MOTIONS

### APPROVAL OF THE NOMINATION OF MR. MICHEAL WAIKENDA FOR THE APPOINTMENT AS THE COUNTY CHIEF OFFICER FOR ECONOMIC AFFAIRS

**Hon. Speaker:** Before we move to order eight, I want it to go on record. The Chairperson of Planning committee, are you in the House.

**Hon. Alvin Palapala:** Yes, I am.

**Hon. Speaker:** Okay, do you need some time to tell us the position of your report.

**Hon. Alvin Palapala:** Yes.

**Hon. Speaker:** Let it go on record because... Kindly proceed.

*(Consultation)*

Hon. Members, sorry for that standoff. This is a House of voice of reason and debate so it is in order for Members to consult with the Speaker. There is nothing out of the ordinary. Kindly proceed Chair, Budget.

**Hon. Wilfred Odalo:** Thank you, Hon. Speaker. Hon. Speaker, in line with the provision of County Government Act 2012 H.E the Governor nominated and submitted to the County Assembly the nominee for the County Chief Officer for the Economic Affairs. The Name of the Nominee being Mr. Michel Waikenda was duly conveyed by their Speaker and committed to the Finance Budget and Appropriation Committee.

The Nominee appeared before the Committee on Monday 6<sup>th</sup> May 2024 an was vetted pursuant to provision of section 7 of Public Appointment Act, 2017.

From the vetting undertaken Mr. Speaker sir, the committee learnt that the nominee is a person with elaborate economic background ranging from aviation industry, finance, engineering, business, law and politics. The committee believes that this many academic credentials provides the right mix that will ensure that our budget and planning in the county get the much needed professional balance.

The committee was pleased with the versed wealth experience that the nominee brings to the county and hopes that such expertise shall be properly applied as enables towards the sorting out the county's perennial problems such as pending bills, cash flow challenges, audit issues amongst others.

Hon. Speaker, the committee appreciated the admission of the nominee that the oversight role of the county assembly in matters budgeting and economic planning cannot be ignored and agrees with him that to achieve our collective goal requires teamwork, transparency, constant communication, feedback and proper mechanism for monitoring and evaluation.

Therefore Hon. Speaker, the committee wishes to inform this House that the nominee, one Micheal Waikenda, as the County Chief Officer for Economic affairs, the Nairobi City County Government shall have an officer with requisite academic credentials and elaborate work experience, a person with crystal clear understanding of what needs to be done, how it should be done as well as the necessary skills to the job.

The committee hence urges this County Assembly to approve the nomination of Mr. Micheal Waikenda for the appointment by his Excellency the Governor as the County Chief Officer for Economic affairs.

Hon. Speaker, I beg to call upon Hon. Fadhia Mohammed to second the Motion.

**Hon. Fadhia Mohammed:** Thank you Hon. Chairman. Thank you Hon. Speaker. I stand to second the Motion. Thank you.

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Speaker:** I have a request from Hon. Kennedy Swaka.

**Hon. Kennedy Swaka:** Hon. Speaker, I rise on Standing Order number 90 as a point of order because I am concerned that the results from the committee---

**Hon. Speaker:** The results or the report?

**Hon. Kennedy Swaka:** The report from the committee. It is important that it is shared amongst Members so that we know what we are debating on and the findings of the committee. So that even if we are pass through the member appointed we know more

**Hon. Speaker:** Your concern is very valid. I expect the office of the Clerk to have that. Is it on the phone? Can you confirm that so that it goes on record for the honorable Members? Hon. Majority Leader, can you confirm whether the said report was posted on the website?

**Hon. Peter Imwatok:** Yes, it was Hon. Speaker. I wonder if my Member has a phone that can---

*(Laughter)*

**Hon. Speaker:** Hon. Majority Leader, do you want to belittle your Member? Hon. Swaka, please be seated. Hon. Emmy, please confirm as a Member of this Assembly whether you are in receipt of the report of the Finance committee? Hon. Emmy is on the floor please

**Hon. Emmy Isalambo:** Mr. Speaker, I would like to confirm that I received a message at 15:22 p.m. on our Google drives which has the full report.

**Hon. Speaker:** Where did you receive the report from?

**Hon. Emmy Isalambo:** From the Assembly

**Hon. Speaker:** So you confirm to the Members that the report was distributed?

**Hon. Emmy Isalambo:** Yes. At 15:22 p.m.

**Hon. Speaker:** Hon. Swaka you stand guided. Let us proceed to debate. We have Hon. Gerald Irungu Mukuru

*(Hon. Mukuru spoke off the record)*

**Hon. Speaker:** Who do you want to inform? Hon. Members, do you want to be informed?

*(Members shouted in objection)*

**Hon. Speaker:** Hon. Swaka, Members do not want any information

**Hon. Kennedy Swaka:** Mr. Speaker, I am at liberty and that of my party---

**Hon. Speaker:** Hon. Swaka, you have made a request that you want to inform the House and the House does not want to be informed

**Hon. Kennedy Swaka:** The Standing Order says that the report should be sent 12 hours before a sitting and here we are receiving the document at 15:22 p.m. How will you go through it and understand?

**Hon. Speaker:** Hon. Swaka, you are contradicting yourself. It is a matter of concern as raised by Hon. Swaka and I so direct the office of the Clerk to give Members notice in good time. Kindly let this not repeat itself. I direct the mover to reply.

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. I beg to move. Thank you.

**Hon. Speaker:** Have you replied? Are you sure

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. I beg to reply

*(Question put and agreed to)*

APPROVAL OF THE NOMINATION OF MR. BENARD MUIA  
FOR THE APPOINTMENT AS THE COUNTY CHIEF OFFICER  
FOR BOROUGHS AND SUB COUNTY ADMINISTRATION

**Hon. Speaker:** Chairperson JLAC

**Hon. Jared Akama:** Hon. Speaker, with your permission, I beg to move that taking into consideration the findings of the sectoral committee on Justice and Legal affairs in its report on the vetting of the nominee for approval as chief officer for Boroughs and Sub County Administration laid on the Table of the Assembly today Tuesday 21<sup>st</sup> May 2024 and pursuant to Article 179 (2b) of the Constitution, Section 45 of the County Government Act 2012, Section 9 of the Public Appointments (County Assembly Approval Act 2017) and Standing Order number 209 (f) of the Nairobi City County Assembly Standing Orders, the committee recommends that the Assembly approve the nomination of Mr. Benard Muia for appointment as Chief Officer for Boroughs and Sub County Administration by his Excellency the Governor.

Hon. Speaker, His Excellency the Governor Hon. Sakaja Arthur Johnson did a letter received on 15<sup>th</sup> April 2024 and forwarded to the Speaker of Nairobi City County Assembly, the names of the nominee for the position of county chief officer for various assembly committees. In this regard, the name of Mr. Benard Muia was committed to the sectoral committee on Justice and Legal Affairs for vetting as nominee for chief officer of Boroughs and Sub County Administration.

Pursuant to the provision of the Public Appointment Act 2017, the Clerk placed an advertisement in the local dailies notifying the nominee that approval hearing would be held on the 23<sup>rd</sup> of April 2024. He also informed members of the public to submit memorandum by way of written statement on oath, sworn affidavit on the suitability or otherwise of the nominee.

On Monday 6<sup>th</sup> May 2024, Hon. Speaker, the nominee appeared before the committee for vetting by Members. Accordingly, the committee observed that the nominee met the integrity threshold.

Hon. Speaker, integrity threshold demonstrated knowledge of topical administrative and technical issues touching on the subsector to which he has been nominated and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

In view of this observation Hon. Speaker, the committee resolved as follows: That this Assembly approves the nomination of Mr. Benard Muia for appointment as Chief officer for Boroughs and Sub County Administration by His Excellency the Governor.

Hon. Speaker, I urge Members to support this Motion and approve the nomination by His Excellency the Governor and as I move, I call upon Hon. Hamisi Maleya to second. Thank you Hon. Speaker.

**Hon. Hamisi Maleya:** Hon. Speaker, I hereby stand to support and approve. Thank you.

**Hon. Speaker:** Next time, use parliamentary language, Hon. Maleya

**Hon. Hamisi Maleya:** Thank you Hon. Speaker for correcting me. I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Hellen

**Hon. Hellen Okello:** *Asante sana Bwana Spika kwa fursa hii ambayo umenipatia. Ningependa kuchangia na niseme kuwa ninaunga mkono kama mmoja wa kamati. tulikaa chini na Bwana Spika tunaweza kusema bila shaka tunajua kuwa atatimiza yale ambayo tuliongelea. Kwa hivyo Bwana Spika pia mimi ninaunga mkono.*

**Hon. Speaker:** Hon. Esther Waithera

**Hon. Waithera Chege:** Thank you Mr. Speaker. I rise to oppose the candidature of the Chief officer because the County Government Act 45(1) speaks about the Governor nominating qualified and experienced county chief officers from among persons competitively sourced. This specific chief officer nominee did not appear in the second interview and if he did, I challenge the chair to table evidence. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Imwatok

**Hon. Peter Imwatok:** Hon. Speaker, I stand here to support the appointment of one Muia for the few reasons. One, the nominee for this position is the immediate former Deputy Governor of Machakos County meaning that for the last ten years, he served as a Deputy Governor. He was qualified to lead an entire county and so leading a sector is nothing to him.

Secondly, Hon. Speaker, the process upon which the board or the Governor approves a particular nominee is very clear under section 8 of the County Assembly Approvals Act. There must be a process and as far as I am concerned as the Leader of Majority of this House, Mr. Muia applied for the 2022 interview and he was not selected. He then went ahead to apply for the advert in 2024, he was called for an interview, appeared before the board for the interview and his name was then transmitted to the Governor for appointment. Therefore, Mr. Speaker, Mr. Muia is very much qualified. Thank you.

**Hon. Speaker:** Thank you. Hon. Members, my screen is clear, an indication that I need to call the mover of the Motion to reply.

**Hon. Jared Akama:** Hon. Speaker as I reply, I want to bring to your attention the nature of one chairman for Trade. Shouting ‘mover, mover’ is no debate. This is a House of debate and if Members want to debate and he is in a hurry then he is free to leave. This is a serious House Hon. Speaker. Hon. Speaker, I want to assure the deputy Minority Leader that as the chair for Justice and Legal affairs---

**Hon. Speaker:** Are you trying to convince the Member to vote in your direction?

**Hon. Jared Akama:** She has raised a serious issue that I feel that I should respond to. We did due diligence and I want to assure her that after this she can come to my desk, including my private office so that I can show her the evidence.

**Hon. Speaker:** Yes Hon. Chairperson

**Hon. Waithera Chege:** I have formally requested the evidence to be tabled on the floor of this House. If we wanted the evidence to be tabled in private then we could have asked your wife to bring that.

**Hon. Speaker:** Hon. Akama, you have been challenged by Hon. Waithera and her request is very specific

**Hon. Jared Akama:** Hon. Speaker---

**Hon. Speaker:** So any transaction out of the confines of the Assembly forms a private business

**Hon. Jared Akama:** I have a lot of respect for Hon. Waithera Chege and I feel that I do not want to engage. She is my good friend and a leader in the House

**Hon. Speaker:** Can you assure the honorable Member.

**Hon. Jared Akama:** I want to assure you Hon. Speaker that I will be able to table the evidence that indeed Mr. Muia did participate in an interview. If at all I have made it a joke, then I apologize.

**Hon. Speaker:** Thank you.

**Hon. Jared Akama:** She should be assured that I take her very seriously, Hon. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Jared Akama:** Hon. Speaker, I want to assure Members that my committee is very serious with this sector because this is the face of devolution. We factored that and I want to assure the House that the nominee is qualified and therefore he should be given that opportunity to serve Nairobians. Hon. Speaker, I beg to reply.

*(Question put and agreed to)*

APPROVAL OF THE NOMINATION OF  
MR. DAVID OYOLO ALUKOME FOR THE APPOINTMENT  
AS THE COUNTY CHIEF OFFICER FOR DIGITAL ECONOMY AND START UPS

**Hon. Speaker:** Where is the Chair? Proceed

**Hon. Robert Alai:** Hon. Speaker, I beg to move the following Motion: That this Assembly adopts the report of the sectoral committee on Energy and ICT on the vetting of the nominee for the appointment of Chief Officer for digital economy and startups subsector laid on the Table of the Assembly on Tuesday 21<sup>st</sup> May 2024.

Hon. Speaker, pursuant to section 45 (1a and b) of the County Governments Act 2012, His Excellency the Governor forwarded to the Assembly the name of David Sunday Oyolo Alukome for vetting and approval for appointment as chief officer responsible for digital economy and startup sector.

Pursuant to Standing Order 43(1), the Honorable Speaker informed the Assembly on 10<sup>th</sup> April 2024 that he had received the notification for the nomination and committed the same to the sectoral committee of energy and ICT for vetting and reporting in accordance with the Public Appointments (County Assembly Approvals Act 2017).

Hon. Speaker, the nominees appeared before the committee on 6<sup>th</sup> May 2024 and was vetted in accordance with the provisions of the constitution public appointments (County Assemblies Approval Act of 2017) and County Assembly Standing Orders on their suitability for appointment for the said position.

Hon. Speaker, the committee having considered and filed the questionnaires, CVs and oral submissions of David Sunday Oyolo Alukome the nominee for chief officer Digital Economy and Startup subsector made the observation that the nominee was suitable for the appointment to the position.

Hon. Speaker the committee urges this House to approve the nominee as the committees confirmed his suitability to hold the said position during the vetting process. Hon. Speaker, I now call upon Hon. Stephen Ndegwa to second. Thank you Hon. Speaker.

**Hon. Speaker:** Hon. Ndegwa

**Hon. Stephen Ndegwa:** Thank you Hon. Speaker. I second

**Hon. Speaker:** Thank you

*(Question proposed)*

**Hon. Speaker:** Hon. Waithera Chege

**Hon. Waithera Chege:** Thank you Mr. Speaker. On the same note, section 45(1) of the County Government Act, I am opposing that candidate because he only attended the first interview and did not attend the second one.

**Hon. Speaker:** I do not see any other request. Does that mean that I call the mover? Hon. Mofire, you have not pressed your microphone

**Hon. Jeremiah Themendu:** Hon. Speaker, I stand to support the Motion and say that the committee on Energy, information and technology held committee meeting and vetted the nominee David Sunday Oyolo Ayukome as the Chief Officer Digital and startups. We found that he had all the requirements needed for that position and so I urge the Assembly to approve the nominee as the Chief Officer. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Member. I do not see any further request. Allow me to call Hon. Alai who is the mover of the Motion

**Hon. Robert Alai:** Hon. Speaker, I wish to thank the whole House and the honorable Member who has risen to oppose because she is expressing her democratic right. I would like to express to this House that the job of the committee was only one and that was to vet and approve. As for the other processes before the appointments were laid before the House we were not aware of and we recognize her plight but as a committee, we found the right candidate for the job and we beg the House to pass the nominee as indicated. I beg to reply Hon. Speaker. Thank you.

**Hon. Speaker:** Thank you Hon. Alai.

*(Question put and agreed to)*

#### APPROVAL OF THE NOMINATION OF

## MRS. GLADWELL CHESIRE CHERUIYOT FOR THE APPOINTMENT

AS THE COUNTY CHIEF OFFICER FOR FOOD, AGRICULTURE AND NATURAL RESOURCES

**Hon. Emmy Isalambo:** Thank you Hon. Speaker, I beg to move that this Assembly adopts the report of the sectoral committee on Agriculture, Livestock and Natural Resources on the vetting of nominee for appointment to the position of county chief officer responsible for Food, Agriculture and Natural Resources laid on the Table of the Assembly Wednesday 2<sup>nd</sup> May 2024.

Hon. Speaker, the name of Mrs. Gladwell Chesire Cheruiyot was committee to the sectoral committee on Agriculture, Livestock and Natural Resources for vetting and reporting to the Assembly pursuant to Standing Order 209 (6f) and section 10 (1) of the Public Appointments (County Assembly Approval Act 2017 number 5 of 2017).

Hon. Speaker, upon consideration of the committee, CV and information received from the clearance entities of the committee observed as follows:

The nominee satisfied the requirement of Chapter Six of the Constitution of Kenya on leadership and integrity which is a requirement under section 35 (3c) of the County Government Act 2012.

The nominee had been cleared by the Ethics and Anti-corruption commission (EACC), Directorate of Criminal Investigations, Kenya Revenue Authority, Higher Education Loans Board and Credit Reference Bureau.

The nominee has not been charged in any court of law

The nominee does not exhibit a potential of conflict of interest

The nominee met the requirement of Section 35(3)(d) since they exhibited impressive knowledge of tropical issues touching on the respective token and of requisite abilities, qualifications and experience

Hon. Speaker, the nominee informed the committee that if appointed she will reach her network to try secure financial help from donors in the section, create a good working relationship with the National Government for the good of the public and entities on public service delivery, strive to promote casual working relationship to ensure delivery on her mandate and the Assembly expectations of mandates, act in professionalism and within the confines of the law in dealing with pressure around her.

Hon. Speaker, the committee found the nominee suitable for appointment as county chief officer responsible for food, agriculture and natural resources and having met with both constitutional and statutory requirements.

Hon. Speaker, the committee therefore recommends that pursuant to Article 179 (2b) of the Constitution, Section 35 of the County Government Act 2012, section 9 of the Public Appointments (County Assemblies Approval Act 2017) and Standing Order 209 (f) of Nairobi City County Assembly Standing Order, the committee recommends that this Assembly approves Mrs. Gladwell Chesire Cheruiyot for appointment by his Excellency the Governor as chief officer for Food and Agriculture.

Hon. Speaker, I urge Members to support this report and I call upon Hon. Beatrice Wandai Khungwa to support the Motion. Thank you.



**Hon. Speaker:** Thank you.

**Hon. Beatrice Khungwa:** Thank you Mr. Speaker. I second

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Thuo

**Hon. Stephen Thuo:** Thank you Hon. Speaker. Finally, I have been able to catch your eye, as it has been very difficult. I rise to support this Motion because the candidate has a very impressive CV and a dynamic personality owing to the diverse academic background. Holding three degrees and a doctorate Hon. Speaker is not a mean fit and having the requisite work related experience in the national, county and cooperate governance is more than this county requires. I must say that this is a very crucial section sector not to have an accounting officer and so I support this candidate so that the sector can have a substantive accounting officer who will dedicate herself in the work of the chief officer. Thank you.

**Hon. Speaker:** Hon. Irungu, would someone be using your card? Robert Alai your light is on.

**Hon. Robert Alai:** Hon. Speaker, I did not want to speak on this issue, but as a Member of this committee, I would like to plead with the House to specially give this candidate an approval because I think she qualifies for the sector. Also the sector has been lagging behind on many regards and this sector as we have recognized it as some of the committee Members that it became a mortuary of careers and the sector sometimes you do not see.

When the CECs and the directors and now the Chief Officer appear before Members in committee sittings, I don't think that we are ever going to sing *kifo kifo hakina huruma* when they enter.

Hon. Speaker, with Gladwell, we have seen this candidate, talked to her, interviewed and vetted her. I think that she fits to be somebody who can rescue this sector and actively help the CEC to work on modalities of improving the sector because we have a lot.

I know in my Ward, people who are keeping dairy cattle, I know people who are breeding dogs, I know in Karen somebody who has one hundred hectares of flower farm, I know that even a Member here is a very serious farmer in the city of Nairobi. There are a lot of farming which are happening here. Personally, I have ten dogs in Nairobi.

Hon. Speaker, I think a lot of things can happen in this [sector]. We have visited the dog pond in Pangani, there is a lot of potential for that facility there. I think we can even partner with people like SPCA, we have a dog show or a pet show or something so as to improve the outlook of Nairobi on urban agriculture. The vertical urban farming can happen in Nairobi.

Hon. Speaker, with those remarks, I beg this House that we pass this candidate so as to help us in this sector to make it more vibrant, with the help of the Chairman of Budget. Thank you Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you. May I call the mover of the Motion to reply?

**Hon. Emmy Khatemeshi:** Thank you, Hon. Speaker, I am privileged to have such Members in my committee and they all know what we have been going through. I also give gratitude to Hon. Thuo who has really been a friend of the committee for decades and what Hon. Alai has said is true. Our committee has been going through thick and thin. We have had acting Chief Officer who has been busy most of the time with other sections. I say it is very much in order and I think the Assembly will do us honour in approving this member and I beg to reply. Thank you so much.

*(Applause)*

**Hon. Speaker:** Thank you.

*(Question put and agreed to)*

APPROVAL OF THE NOMINATION OF  
MS. JANE MURUNGI WANGUI FOR THE APPOINTMENT  
AS THE COUNTY CHIEF OFFICER FOR MARKET AND TRADE

**Hon. Paul Ndungu:** Thank you Mr. Speaker. I just want to thank the Almighty God because *karma*... let me stop there, *karma*... Hon. Akama knows that *karma* is there. Thank you God.

*(Laughter)*

**Hon. Speaker:** Hon. Member, please before you proceed, we are transacting a serious business before the Assembly. Do not engage a fellow Honourable member. Are you trying to threaten the Member?

**Hon. Paul Ndungu:** No, I am just happy; he is here and healthy. My brother is healthy, Mr. Speaker.

**Hon. Speaker:** Kindly proceed.

**Hon. Paul Ndungu:** Thank you Mr. Speaker, I beg to move that this Assembly adopts the report the Sectoral Committee on Trade, Tourism and Cooperatives on the vetting of nominee for Chief Officer of Markets and Trade laid on the Table of the Assembly today.

Hon. Speaker, as honourable Members are aware on Wednesday 17<sup>th</sup> April 2024, the Hon. Speaker in a message to the Assembly informed the Assembly that his office had received the names of the nominees to be considered for approval from the Governor and directed that the names of the said nominees to be referred to the relevant sectoral committee, for vetting and reporting to the Assembly pursuant to section 10 (1) of the Public Appointments Act 2017.

Hon. Speaker, the name of Ms. Jane Murungi Wangui was committed to the Sectoral Committee on Trade, Tourism and Cooperatives for vetting and approval by the County Assembly for appointment as the Chief Officer responsible for Markets and Trade and report to the Assembly pursuant to section 45 (1) (a) and (b) of the County Government Act 2012.

Hon. Speaker, the nominees suitable for appointment as Chief Officer, having met both constitutional and statutory requirements as highlighted in our report.

Hon. Speaker, pursuant to Article 179 (2) (b) of the constitution, section 45 of the County Government Act 2012, section 9 of the Public Appointments Act 2017 and Standing Order number 209 (f) of the Nairobi City County Assembly Standing Orders the committee recommends that this assembly approve Ms. Jane Murungi Wangui for appointment by His Excellency the Governor as the Chief Officer for the Markets and Trade.

Hon. Speaker, I urge Members to support the report as I call upon Hon. Owera to second this Motion Mr. Speaker.

**Hon. Peter Owera:** Thank you, Hon. Speaker. I second the Motion.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Owera.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, my screen is clear, an indication that I need to call the mover of the Motion to proceed and reply.

**Hon. Paul Ndungu:** Thank you Mr. Speaker, I beg to reply.

*(Applause)*

*(Question put and agreed to)*

*(Applause)*

APPROVAL OF THE NOMINATION OF MS. AMINA MOHAMMED  
FOR THE APPOINTMENT  
AS THE COUNTY CHIEF OFFICER FOR  
WELLNESS, NUTRITION AND SCHOOL FEEDING PROGRAMME

**Hon. Maurice Ochieng’:** Thank you, Mr. Speaker. I beg to move that this Assembly adopt the report of Sectoral Committee on Health Services on the vetting of nominee for Chief Officer for Wellness, Nutrition and School Feeding Programme, laid on the table of the Assembly on Tuesday 21<sup>st</sup> May 2024.

Hon. Speaker, as Hon. Members are aware, on Wednesday 17<sup>th</sup> April 2024, the Hon Speaker, in a message to the Assembly informed the Assembly that his office had received the name of the nominees to be considered for approval from the Governor and directed that the name of the said nominee be referred to relevant Sectoral Committee for vetting and reporting to the Assembly pursuant to section 10 (1) of Public Appointment Act of 2017.

Hon. Speaker, the name of Ms. Amina Mohammed was committed to the Sectoral Committee on Health Services for vetting and approval by the County Assembly for appointment as the Chief Officer responsible for Wellness, Nutrition and School Feeding Programme, and report back to the Assembly pursuant to Section 45 (1) (a) and (b) of the County Government Act 2012.

Hon. Speaker, the nominee is suitable for appointment as Chief Officer having met both constitutional and statutory requirements as highlighted in our report.

Hon. Speaker, in our report, with respect to self-introduction, knowledge experience and qualification, the nominee qualifies to be the Chief Officer for Nutrition, Wellness and School Feeding having a Bachelor of Science in food, nutrition and dietetics from Kenyatta University from the year 2007 to 2011.

Hon. Speaker, the nominee is a certified nutrition survey and member of Kenya Nutritionists and Dietitians Institute. Hon. Speaker with respect to the suitability for the position nominated for she has a twelve years' experience as nutritionist and successfully managed various integral health and nutrition process.

Hon. Speaker, with respect to challenges she expects to meet in the docket, Hon. Speaker I beg your attention.

*(Loud consultation)*

**Hon. Speaker:** Kindly proceed, Hon. Member.

**Hon. Maurice Ochieng':** Okay thank you. With respect to her suitability for the position nominated, the nominee has 12 years' experience as nutritionist and has successfully managed various integral health and nutrition projects.

Hon. Speaker, in respect to challenges that she expects to meet in the docket, the nominee stated that she will priorities wellness and school feeding sector and promoting health nutrition of Nairobi-school going children.

On regard of the programme, the nominee will have a new programme and we will support the new programme, which was introduced by His Excellency the Governor and has teething problems with policy and regulations. She stated that she will ensure that the correct guidelines, policies and frameworks will be put in place to facilitate the implementation of the programme.

Hon. Speaker, I am going to repeat that because you are aware that as we are doing an inquiry for the school feeding programme. The most challenging issues which has risen are the policy guidelines and regulations and the nominee did inform the committee that if she is given the opportunity, she is going to make sure that she puts these guidelines in a proper way.

Hon. Speaker, on the observation and findings of the committee, pursuant to the Article 179 (2) (b) of the constitution, Section 45 of the County Government Act 2012, Section 9 of Public Appointments, County Assembly Approvals Act 2017, the Standing Order number 209 (f) of Nairobi City County Assembly Standing Orders, the committee recommends that this Assembly approves Ms. Amina Mohammed for appointment by his Excellency the Governor as Chief Officer for Wellness, Nutrition and School Feeding Programme.

Hon. Speaker, I now urge Members to support this report and I call upon Hon. Emily Oduor to second the report.

*(Applause)*

**Hon. Speaker:** Hon. Emily?

**Hon. Emily Oduor:** Thank you Hon. Speaker, I stand here to second and support this candidate.

Hon. Speaker just to give a summary, Ms. Amina Mohammed is really qualified. A graduate from the prestigious Kenyatta University with food, nutrition and knowledge of diabetes, she has worked for Kenyatta National Hospital, a national hospital. Having worked there, you know she is very good at nutrition. She has worked for Save the children international and she has worked for the Red Cross.

Then as my Chair said, she came at a very appropriate time. Remember I think when we had one of the meetings one of the issues that was brought up is whether our children are having a balanced diet with when we are doing the school feeding as a project. Therefore, we really needed a nutritionist so that our children do not only have the meal to fill their stomach, but something that is nutritious. In addition, with the passing of this candidate, we know all that will be done.

With those few remarks Hon. Speaker, I second.

*(Applause)*

**Hon. Speaker:** Thank you.

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, I was resisting to speak on this particular appointment but nature as it calls it is important to add my voice to it. Hon. Speaker when I was hustling in this city many years ago, I used to do construction of ablution blocks at FTC formerly known as Feed the Children. In addition, this particular lady was working there and I can testify she is a worker. Therefore, Hon. Speaker, I want to put equivocally that the honorable lady is qualified and personally I support her approval.

Second, to that Hon. Speaker, it ought to be put on question into reality that the County Assembly of Nairobi County, it cannot be a conveyor belt of illegality. That is why Hon. Speaker when the public looks at our eyes it must identify purity in it.

Hon. Speaker, the essence of the County Assembly's Appointment Act must be procedural. Of all the nominees this House has approved this afternoon, all of them - an advert was placed - this particular nominee applied on that advert, they were long listed, they were shortlisted and they were called upon for an interview.

Hon. Speaker, to report to this honorable House, in the government that I lived before this House, there is no first and second interview on appointment of the Chief Officer. There was only one interview, which was gazetted in all three newspapers for these people to appear. If you have a privilege to see the newspaper, Hon. Speaker, there was no in time the appointment of a particular Chief Officer who had two dates for first and second interview.

Hon. Speaker, am talking on section 8 of the same particular Act, The County Assembly Approval Act that speaks on the processes upon which a member of appointee has to pass through. The process upon which you arrived at the County Assembly must be very explicit. Hon. Speaker

the clerk's office is authorized in law to validate every particular appointment communicated to this House by verifying by other independence bodies one of the bodies is the EACC.

Hon. Speaker, I have gone to a ballot box for four terms from 2007, there is no day the IEBC refused my application as the honorable member of this House without his clarity. All of us were here including Speaker I remember I was elected before I vetted you to be a Speaker, you had to present your clearance from EACC, and all this six Members of this Appointment committee this afternoon all have clearance from EACC. That shows the Clerk's Office has done its due diligence.

Hon. Speaker I want to point out to my colleagues we are looked as an assembly that does not understand what it is doing. Also, allow leadership at some particular point to guide this House with the Speaker's direction. This House will not be allowed to be a conveyor belt.

I have always said this red carpet has seen it all. As Hon. Members in your respective committee, let us not look what is on the table, let us look behind what is in the screen. I want to give a comprehension when you go to a TV station, it is not what you see a person speaking. In the break time there is this somebody doing your face; all that is important. I agree all of us have interest of our communities, religion, all what we have. But the question is, does Nairobians look at us that Speaker Ken Ng'ondi is an Adventist like me? No. We must do what is right and what is just.

I also to implore, those who think that these committees can be brokerage centers, the House committees are not broker centers. If you have to be a broker kindly apply for brokerage center at any sea not here. This is a House of procedure. Do not bring your brokerage in Appointment Committees. Do it somewhere else.

Hon. Speaker I want to implore this House the procedures of anything that come before this House must be followed. It does not matter whether you are my mother or father but I want to guide an Assembly that is within the procedure.

Hon. Speaker I want to speak on the six members approved, and we will stand by it because all the procedures had been fulfilled and the members have vetted them according to the law.

Hon. Speaker about any other pending businesses as the head of government business, the Planning Committee is directed to call for a sitting. The Standing Orders requires upon appointment, any other issues arising the committee has to ventilate on it before bringing any report before this House. Therefore Hon. Speaker as the leader of government I want to direct the committee of Planning under the chairmanship that to look on the appointment which was before them critically within the eyes of the law so that we get this report and ventilate as a House.

Hon. Speaker I beg to support the six appointees. I beg to support.

*(Applause)*

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

**Hon. Kennedy Oyugi:** Thank you Mr. Speaker, let me begin by saying that I support. Based on the explanation by the Majority Leader I want to also take the opportunity to inform the House there is what we call statement of facts Mr. Speaker ...

**Hon. Speaker:** Statement of what?

**Hon. Kennedy Oyugi:** Statement of facts.

**Hon. Speaker:** Statement of facts?

**Hon. Kennedy Oyugi:** yes, so Mr. Speaker it has been alleged on the floor that some of the nominees that we are now approving did not go for the interview. Mr. Speaker if at all that could be the case then as a House we are perpetuating an illegality.

Mr. Speaker therefore, I want to say the onus is with the Member who alleged to prove beyond reasonable doubt that indeed these members did not attend the interview. If not, it should be expunged from the HANSARD, because if it is left so it can be used against this House elsewhere in litigation cases because it was recorded on the floor of the house.

So, Mr. Speaker I want to remind you that Hon. Member Waithera Chege has the onus to prove to the House the allegation that she did put on the floor otherwise the statement should be expunged from the HANSARD. Thank you.

**Hon. Speaker:** Hon. Hellen.

**Hon. Hellen Okello:** Asante sana Bwana Spika kwa kunipatia nafasi hii. Bwana Spika ningependa kuhakikishia hii nyumba kuwa, Bi. Amina Mohamed tulimwalika Bwana Spika na alikuja kwa uchunguzi. Mimi nikiwa mmoja wa kamitii member, nilikuwa na hofu. Uniruhusu nikiri kuwa nilikuwa na hofu Bwana Spika lakini maswali zangu yaliweza kujibiwa, Bwana Spika na hofu yangu ikatoka. Bwana Spika naweza kuhakikishia hii Nyumba kuwa Bi. Amina Mohamed anfaa kuwepo kwa Ofisi hii Bwana Spika. Asante.

**Hon. Speaker:** Thank you. Honorable Chege Esther.

**Hon. Waithere Chege:** Thank you, Mr. Speaker. Number one, I am standing to oppose the candidature of Chief Officer of Health on one ground, on section 49 (1). This candidate did not attend either of the interviews; interview one and two. Number two Hon. Speaker ...

### *Point of Order*

**Hon. Peter Imwatok:** This is a House of procedure. The honorable Chair for Water stood on a substantive of the statements of facts.

Hon. Speaker it ought first before Hon. Waithera Chege comes to oppose or support this particular Motion to answer to the facts that Hon. Oyugi has asked her: to substantiate or withdraw or Hon. Speaker you direct this House that particular statement to be expunged.

As I said before, there was no any requirement in the advert for first or second interview. She is cardinally opposing.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Majority Leader. The House stands informed that any Member has all the reason to oppose any Motion. However, it is again at the discretion of the chair to demand for evidential support on the allegations at different time to be allocated by the chair. Hon. Waithera you may proceed.

**Hon. Waithera Chege:** Thank you Mr. Speaker as you have stated it is my right to oppose or approve the nominee, and I am standing here to say that am opposing the candidature of the Chief Officer for Health on two grounds:

One the candidate neither attended the first nor the second interview.

The Majority Leader himself is on record the HANSARD is the official record for debate in this House, he is on record in one of the committees that I sat and to be specific the Committee for Planning and Housing asking one of the candidate to produce evidence on whether he attended the second interview. Having said that Mr. Speaker, on this specific issue on vetting, we must look at three things: was the agenda procedural; is it legal and do we have the facts.

I am sending him to the HANSARD to go and check his own audio in one of the committees that I sat. I beg to oppose, Mr. Speaker.

*(Hon. Pater Imwatok rose to speak)*

**Hon. Speaker:** Declined Hon. Majority leader, please let us not go there. Hon. Members before I call upon the mover of the Motion to reply, kindly Hon. Member please do have something you would want to say with the Assembly. This is not the right time to defend yourself, Hon. Majority Leader, please.

Kindly please do not engage the Honorable Member on a sideshow debate. She has just given terms of reference, maybe we will at some time get an opportunity to explain further. Again, Hon. Member I would want to remind you why we are transacting the business on behalf of the entire Assembly.

Why the reports of the committees for the Assembly? The reports are here for your approval or disapproval. It is not at the discretion of the Speaker to decide on which side the debate takes or how you vote. Therefore, you have all the reasons to oppose and to vote for any report before the Assembly.

The Hon. Chege Waithera, has just opposed the nomination of three nominees but again at the point of concluding the debate, there is a reason to believe that the Chair had to put a question. Moreover, she has all the reasons to convince the House to vote in her favor, something that has not happened.

Therefore, I really do not understand why you need to engage a Member who has not succeeded in convincing Members to vote with her or him. Hon. Members, when the Chair puts a question ‘may as many of the similar opinion say aye’ and then the declaration is made that is the resolution as per the House and we will stand by that.



Therefore, anything that has gone to HANSARD forms part of the debate. When the time of litigation comes that is now the time when the said Member will be required to produce evidence. Therefore, the House stands guided, Hon. Members. The mover of the Motion to reply.

**Hon. Maurice Ochieng’:** Hon. Speaker, before I reply, I also want to add my voice on what was said by Majority Leader and Hon. Oyugi on the allegations which are being raised in this Assembly. What we are doing today is not an event, it is a procedure.

Therefore, it has been a procedure. If the Hon. Member had any issue, she was supposed to bring a memorandum to the committee of which I as a Chair never got any memorandum. Therefore, if she feels that she wants to oppose that is her democratic right but she should not come to the Assembly to misguide the honorable Members. I therefore reply, Hon. Members. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Member. As you have confirmed you did not get any memorandum. I as the chair did not as well receive one so the House is in order.

*(Question was put and agreed to)*

*(Applause)*

**Hon. Speaker:** Hon. Members, in the sequence of the business of today and in line with my communication as earlier made, Hon. Members you are aware in my communication I had indicated under gazette notice 69 for the following purposes to be transacted under: Consideration of reports of the Nairobi City County Assembly Sectoral Committee on vetting of seven nominees for appointment to the position of the Chief Officer.

Hon. Members, in the Order Paper as it appeared before the Assembly today, we have transacted up to about six nominees and that calls out for the Chair of the Planning Committee to bring to speed the attention of the Assembly on the report of the nominee for the Housing and Lands under Planning Committee. When is the report supposed to be before the Assembly, Hon. Chairperson for Planning Committee?

**Hon. Alvin Palapala:** We have technicalities here and there but we still are within the timeline. Nothing to worry, when we are done we will notify your office. Thank you.

*(Applause)*

## ADJOURNMENT

**Hon. Speaker:** Honorable Members, the Assembly stands adjourned until Tuesday 4<sup>th</sup> June 2024 at 2.30 p.m. as per the Assembly calendar.

**The House rose at 4.48 p.m.**