



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Thursday 11th April 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: Hon. Members, the attention of the Chair has been raised for lack of quorum in the Assembly. I direct the Serjeant-at-Arms, under Standing Order 37 (2), to ring the Bell for a record of ten minutes.

(Quorum Bell was rung)

Hon. Members, we are still less by nine Members. Under Standing Order 37 (2), I direct the Serjeant-at-Arms to ring the Bell for a further five minutes.

(Quorum Bell was rung)

Hon. Members, we may proceed. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

REFUND OF THE TAX CHARGED ON MOTOR VEHICLE REIMBURSEMENT

Hon. Speaker: Now that the Clerk has called out the Communication from the Chair, I only have a small communication to make. This is in regard to the '666.'

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(Applause)

Today, at least we had a conversation with the Secretary General of CAF, who happens to be our Member of this County Assembly. The KRA Commissioner called him today and they had a discussion in regard to the same.

I would like to plead with the House leadership and the Budget Committee that in the supplementary budget, you find a way to capture the money which was advanced to the KRA for the purposes of the refund of the Hon. Members of this Assembly.

(Applause)

I know the Leader of the Government Business in the Assembly, who happens to be the Majority Leader, is present in the Assembly. Kindly, Hon. Member, take this positively and aggressively to make the necessary steps that these Members are honoured. Thank you.

(Applause)

STATEMENTS

Hon. Speaker: Hon. Akama, I was made to understand that you are holding brief on behalf of our Whip, Hon. Ogeto. You are supposed to make a request of Statement. What is the position?

Hon. Jared Ondieki: True, Hon. Speaker, and I think the Statement is on its way. It is a very important Statement to the Hon. Whip, and if I don't read it today, I think we will have antagonized him.

Hon. Speaker: Thank you. I have actually been advised by the Clerk, you hold a bit as the Statement is being brought. Meanwhile, Hon. Kitema, please.

Point of Order

Hon. Speaker: Hon. Majority Leader, what is the issue?

Hon. Peter Imwatok: Hon. Speaker, I am a bit confused because Hon. Ogeto, who is the leader of this House, has dedicated a Statement to a Member to read, but this Statement has been so elusive since last week. Yesterday but one, I stood here on behalf of Hon. Ogeto looking for the same Statement but it was not found here. Today, it is also not found. Is there any interest that the Clerk's Office has in this Statement that makes it not to see the light of the day in this House? May be, Hon. Speaker, you can clarify and give proper direction that we have to read this Statement before this House today.

Hon. Speaker: Thank you, Majority Leader. The information that I have received as the Chair is that the said Statement was supposed to be before the Assembly, however, there were some resolutions by the House Business Committee to defer any other Business so that we discuss and conclude the debate on the Address by the Governor. But by the leave of the Chair, I directed that this Statement be read out today. So, it is coming.

BUSINESS APPEARING BEFORE THE ASSEMBLY
FOR WEEK BEGINNING 10TH APRIL 2024

Hon. Speaker: Hon. Member for Kware Ward, please.

Hon. Moses Kitema: Thank you, Mr. Speaker for giving me this chance. Pursuant to Standing Order 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the Business appearing before the Assembly for the week beginning Wednesday 10th April 2024 at 2.30 p.m.

Hon. Speaker, the Assembly Business Committee met on Tuesday 9th April 2024 to allocate Business for the week for consideration by this Assembly. In that regard, allow me to brief the Assembly as follows:

That, today, Thursday 11th April 2024, under Order No. 8, the Assembly will be considering the Motion by the Leader of the Majority Party on the Governor's Address, pursuant to the provisions of Standing Order 27 (5) (Day 2).

Hon. Speaker, on Tuesday 16th April 2024, under Order No. 8, the Assembly will still be considering the Motion by the Leader of the Majority Party on the Governor's Address, pursuant to the provisions of Standing Order 27 (5) (Day 3).

Hon. Speaker, the Assembly Business Committee urges members of this Assembly to familiarize with the aforementioned Bills and prepare accordingly for debate, through the help of our Research Department. Details of the Address by His Excellency the Governor can be obtained online on the Assembly website.

Hon. Speaker, the Assembly Business Committee shall be informing this Assembly through its designee, on the allotted business every Wednesday during the Statement Hour for timely preparations.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 16th April 2024 at the rise of the Assembly to ballot Business for the subsequent week.

Hon. Speaker, I now wish to lay the Statement on the Table of the Assembly. Thank you.

Hon. Speaker: Thank you, Hon. Member for Kware Ward. Hon. Akama, you may proceed before the Majority Leader.

REQUEST FOR STATEMENT REGARDING CREATION AND
UTILIZATION OF NAIROBI CITY COUNTY HEALTH FUND

Hon. Jared Ondieki: Sorry, Majority Leader for that. Hon. Speaker, I have the Statement for Hon. Moses Nyangaresi Ogeto.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the creation and utilization of the Nairobi City County Health Fund.

Hon. Speaker, Section 116 of the Public Finance Management Act, 2012 provides that a County Executive Committee Member for Finance may establish other public funds with the approval of the County Executive Committee and the County Assembly.

Hon. Speaker, there are reasons to believe that the County Executive created a health fund in which funds arising from programs such as Linda Mama under the defunct National Hospital Insurance Fund (NHIF) amongst other sources, are deposited and utilized particularly at Mama Lucy Hospital. Further, it is believed that funds under the said health fund were recently withdrawn and utilized at Mutuini Hospital for unnamed projects.

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

- i. When was the County Health Fund created, and for what purpose? Provide regulations governing said fund;
- ii. Details of the said fund's bank account. Provide bank statements for the fund since its inception and details of previous and current signatories to the said bank account; and
- iii. Details of the projects implemented at Mutuini Hospital using funds under the Fund. Provide supporting evidence related to the procurement process for the said projects.

Hon. Moses Nyangaresi Ogeto, MCA, Member for Kilimani Ward, Majority Chief Whip.
Thank you, Hon. Speaker.

Hon. Speaker: Hon. Member, kindly help me with your copy. Hon. Chair of Budget Appropriations, can you give an undertaking over the same request by the Hon. Member, and your partner, the Chair of the Committee on Health?

Hon. Wilfred Odalo: Two weeks, Sir.

Hon. Speaker: Hon. Maurice?

Hon. Maurice Onyango: Two weeks.

Hon. Speaker: Hon. Akama, are you in concurrence with the period of time?

Hon. Jared Ondieki: Hon. Speaker, this is purely advice from the Whip himself, that these things are in their fingertips and they should provide the information within eight days. I feel that eight days are enough.

Hon. Speaker: Eight sitting days or eight days?

Hon. Jared Ondieki: Hon. Speaker, eight days because these things are in their fingertips.

Hon. Speaker: That includes weekends?

Hon. Jared Ondieki: Yes, Hon. Speaker. That is a firm instruction from the Majority Whip himself.

Hon. Speaker: Hon. Maurice.

Hon. Maurice Onyango: Hon. Speaker, I think the Statement squarely lies in Health Committee, that is why the Hon. Member has asked the Chairman for Health Services. That notwithstanding, the Committee can deal with it in eight days.

Hon. Speaker: It is possible?

Hon. Maurice Onyango: Yes, it is possible.

Hon. Speaker: Thank you. Hon. Majority Leader, you had an issue?

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

**INFRINGEMENT OF INDEPENDENCE OF
THE COUNTY ASSEMBLY OF NAIROBI**

Hon. Peter Imwatok: Hon. Speaker, before I go to Motion No. 8, allow me to go to Standing Order No. 36 (1). It says: -

“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, if you go to Order 36 (4), it speaks about adjourning the House for a particular reason.

Hon. Speaker, therefore, I stand before this House as the Leader of the Majority of Government Business and a Member of the Orange Democratic Party, permanent registration No. 01754 ODM, to seek the leave of this House to adjourn the sitting of the House, if you allow us, to discuss the infringement of independence of the County Assembly of Nairobi.

Hon. Speaker, a fortnight ago, I received a message via WhatsApp. The message was from a Member of Parliament for Embakasi East Constituency, Hon. Babu Owino. The message reads, *“You talked a lot of nonsense. You are happy because your wife is working in State House, and you are stealing money for Nairobi County in the name of, ‘I don’t take instructions.’ Bullshit. Kula polepole, lakini wacha kiburi, Nairobians are suffering under your watch”*.

Hon. Speaker, we can’t allow the Members of Parliament to infringe on our role in terms of oversight. I am also aware that some of them have planted a few of us here to record when Members are speaking and send to them whatever we say. I said yesterday but one that I am not interested to be the Governor of Nairobi. What I know is, I am serving this term as the Leader of the Majority to expound on the Government businesses.

Hon. Speaker, everyone is born, even so called Sakaja is a son of somebody. If someone wants to be the Governor of Nairobi, kindly wait for the time to campaign. Our names have been maligned. Today in the blogs, Cyprian Nyakundi and another one called Wanga Wanga wrote about how this County Assembly is abetting corruption.

Hon. Speaker, this is a House of Order; it is not good to discuss a person who is not in this House without a substantive motion. Therefore, I seek the leave of this House to bring a proper substantive motion to discuss the conduct of one Babu Owino Ongili. This is because we are becoming like a laughingstock. We are leaders, for heaven’s sake.

(Applause)

Whether you came through a window or door, we are all Hon. Leaders of this House. There is no special MCA than the other in this House. I am not going to allow the County Assembly of

Nairobi and the County Government of Nairobi – Even if there are challenges, we can mitigate them ourselves.

Doctors have gone on strike in this country, I have not heard Hon. Babu Owino addressing the media asking the doctors to go back to work yet people are suffering. That is the role of a Member of Parliament.

Hon. Speaker, it is upon us to stand firm. The Public Accounts Committee has a duty to look at these reports from the Auditor General. If you report that the County Government of Nairobi reported Kshs.8.7 billion and paid lawyers Kshs.10 billion, how do you pay a negative figure? I thought that Hon. Babu Owino teaches mathematics, how do you pay a negative figure? Kshs.10 billion minus Kshs.8.7 billion is negative Kshs.1.4 billion.

Hon. Speaker, it is pertinent that I am moving a notice of motion to discuss the conduct of Babu Owino with the County Government of Nairobi. He insinuated that he is my party leader. I want to answer him today; a child cannot be my party leader. He needs to grow first before he becomes my party leader. And if it is only Babu Owino who is remaining to be a party leader in Kenya, I don't want to be a politician.

(Applause)

Hon. Speaker, I therefore seek the leave of this House to protect integrity of this House and that of the County Government. Thank you.

Hon. Speaker: Thank you, Hon. Majority Leader for the request. I agree with you that this is a pertinent and grave matter of importance, given that the entire Assembly of Nairobi has been lumped up as corrupt. But then again, Majority Leader, you will agree with me under the same Standing Order No. 36 (2), you need to seek the leave of the Chair two hours before the sitting of the Assembly. Allow me to direct the House to adjourn on Tuesday to consider this, not to discuss the conduct, but as a grave matter of importance to the County of Nairobi.

Hon. Members, you will agree with me that what is happening today is painting the entire Assembly and questioning the integrity and the ability of some of our institutions such as Public Accounts Committee. Because the audited reports should be interrogated by the Public Accounts Committee chaired by our able Member, Hon. Chege Mwaura, he has not raised his voice on the audited books of accounts. So, what does that mean to this House? These are allegations if left unattended can damage the reputation of this Assembly in a very big way.

For that reason, Hon. Majority Leader who happens to be the Leader of Government Business in the Assembly, I direct that on Tuesday 16th April 2023 at 2.30 p.m., the Assembly adjourns to consider and bring to speed the consumers of the allegations who happen to be your electorates and tell them the exact position in regards to the statement by Hon. Babu Owino. It is important that your electorates get the correct position as soon as possible of the allegations. Hon. Members, you stand guided.

(Applause)

Hon. Peter Imwatok: Hon. Speaker, I stand guided. On a lighter note, I looked for you from 9 a.m. this morning. One of your phones was on and the other one was off, my apologies for not coming two hours before the start of the Assembly sitting, I was late. I wanted to expound on this one today but I am directed that Tuesday...

Hon. Speaker: I was at the Senate.

Hon. Peter Imwatok: That is true. Hon. Speaker' having been directed, allow me now to move the Motion.

Hon. Speaker: Hon. Majority Leader, allow the Clerk to call the Order.

MOTION

DEBATE ON THE GOVERNOR'S ADDRESS (DAY 2)

(Resumption of Debate interrupted on 09.04.2024)

Hon. Peter Imwatok: Hon. Speaker, before I move the Motion, I must thank the Azimio Coalition for their numbers to appreciate the Speech of the Governor. By being present in the Assembly shows that sense of togetherness for the County Government. I want you to clap for yourselves because it shows how we are.

(Applause)

I challenge the Members on the other side of UDA Party to make sure that they participate in the Assembly proceedings.

Hon. Speaker: Hon. Majority Leader, just to advice you and bring you to speed, the Motion was moved and it is alive before the plenary. If you had not gotten the opportunity to contribute...

Hon. Peter Imwatok: Hon. Speaker mine is that, the debate was good from last week, let us continue from there.

Hon. Speaker: Thank you. From the screen I cannot see any request, does that mean that the County Address by the Governor is conclusively debated? Hon. Emmy Isalambo, please.

Hon. Emmy Isalambo: Thank you so much, Hon. Speaker. I stand to congratulate our Governor for his speech. I have only two points to mention; first, he spoke about water. We all know the consequences of not having water as a County. But now when it is raining, most of our electorates have clean running water.

Second, I also want to congratulate our Governor in regards to the 'Dishi na County.' Despite some people not supporting it like those from the opposition or people who do not have children in primary school like myself, but to me it is a good initiative because there are people who only have one meal per day. With the children getting food at school through this initiative, they will be able to get two meals a day making them to be strong and healthy.

As I conclude, Hon. Speaker, we have seen a lot of developments in our hospitals. For example, Mama Lucy Hospital has an ICU unit which was not here before and a blood bank. I

want to urge the Governor to champion blood donation within the County so that we can be the ambassadors of donating blood. This is good because you may have a patient in hospital and your blood is not of the same blood group as that patient, and some of us have health issues and you cannot donate blood to that patient. A healthy nation will always depend on the kind of water we have, the food we consume and the education we have. For that, Nairobi County leads. Thank you Hon. Speaker.

Hon. Speaker: Hon. Hamisi Maleya.

Hon. Hamisi Maleya: Thank you, Hon. Speaker. I rise to contribute on our Governor's speech. It was very articulate and to the point. Having being elected for the first time, I have gotten the opportunity to employ some of my electorates in the government, which has been a privilege that no other Member before had gotten before. Our Governor's manifesto was to create employment, and true to his words he has created employment for our youth specifically in the Environment Sector. I can stand confidently here knowing that I have more than 30 people who were employed from my ward in the Environment Sector.

Second, on pending bills, our contractors have been paid. I am a Member of the Ward Development Programmes Committee; I can confirm that our contractors have been paid, which has been a problem in the previous government.

Third, we can see some capital projects being done across the County. Our Governor has stood out without favour across the political divide regardless of our political affiliation. He has spread development across the wards in Nairobi.

I see no reason why as an ODM Member I should feel ashamed of my Governor. He has done good. For the three points that I have raised, I support the Motion on the Governor's address. Thank you.

(Applause)

Hon. Speaker: Hon. Themendu.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker for this chance you have given me to contribute on the Motion concerning the Governor's Address. Let me first congratulate the Governor for the good work he has done for Nairobians. For example, he mentioned about water supply in Nairobi. This is important because Nairobians have suffered for a very long time.

Hon. Speaker, I congratulate the Governor for he has employed youths especially the 'Green Army' whose number is about 3,500, and more than 1,000 constables in Nairobi. I also congratulate him because of education in Nairobi where the poor children have benefitted from bursaries. This is a big milestone in education in Nairobi.

On water, the Governor mentioned that we have already laid about 55 km of pipes in Nairobi. He also mentioned about the Northern Collector Tunnel which shall be distributing water, I think in two weeks or three months' time. He said it does not matter the time, but the fact remains that Nairobians shall get extra water from the Northern Tunnel. I believe that we shall move forward through what the Governor said.

He also talked about housing in Nairobi. I think as Members because we are also Nairobians, we shall benefit from the same. We are here because of Nairobians. I cannot sit down without talking about garbage. This sector affects Nairobians a lot when garbage piles up everywhere in our estates. This brings about diseases such as cholera and many others.

Hon. Speaker, I think our Governor touched all sectors in Nairobi that are helpful to our people. I support the Governor's address and urge us to implement the same. He touched on the Health Sector and said that he is constructing many Level 4 and 5 hospitals. I think he has touched on every sector and as Members, we are happy. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Member. Hon. Members, from my screen, there is an indication that there is no further interrogation on the State of Address by the Governor. Hon. Mark Thiga has just requested, you may proceed.

Hon. Mark Thiga: Thank you, Hon. Speaker for giving me this chance to weigh in on this very important matter on the Governor's Address. I do not want to be seen as if I am repeating what has been said. Most of what has been contributed here has been pegged on resources and I am glad that the Governor has found it wise to come up with the Nairobi Revenue Authority (NRA) that will in one way or the other aid in raising revenue for this county so that we can be able to implement most of what is in the manifesto. I am a huge believer that if we are able to fix the inputs, because I have seen that the parameters have been put in place to ensure that the County is able to collect a lot of revenue, definitely the outputs will be able to fix themselves.

The other issue that I cannot ignore is the issue of bursaries. The Governor has been very supportive in ensuring that we get our bursaries in good time, which has ensured that our students have been able to stay in school more.

The other issue which he highlighted was the 'Dishi na County', which is going to ensure that most of our children stay in school more because it is very hard for a student to stay in school on an empty stomach. I have a testimony on this because when I was in primary school around Class 6, there was a programme that was run by United Nations (UN) where our Chair of Budget represents where I schooled. There was a very huge turnout in school when the feeding programme was introduced. This will ensure that our students stay longer in school and acquire education. Thank you, Mr. Speaker.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business to transact, we carry forward the State of the County Address by the Governor to next week on Tuesday 16th April 2024 at 2.30 p.m. The House stands adjourned.

The House rose at 3:32 p.m.