



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 23rd September 2025

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.

(Loud consultations)

Order, Hon Members! Clerk, let us proceed.

COMMUNICATION FROM THE CHAIR

(Applause as the Majority Leader entered the Chamber)

Hon. Speaker: Hon Members, good afternoon. I really appreciate and like the spirit on the resumption of the Assembly after a short recess. Thank you for that. Hon Members, you will allow me to welcome you back.

Today, being the 23rd, September 2025, I have got a communication to relay as the Chair. Hon Whip, you may proceed and take your position.

(Applause)

Serjeant-at-Arms, that should be the last Member.

RESUMPTION FROM LONG RECESS

Hon Members, I have got a welcoming note to share with the Assembly.

Hon Members, I take this opportunity to welcome you all back to this Assembly after a long and well-deserved recess. It is my hope and belief that this long period of break has afforded

you the opportunity to rest, reflect, and reconnect with your constituents whose interests we are all here to serve and your families.

Hon Members, we resume at a moment when many tremendous activities have faced the County including some which are related to the how different entities within the structure of the County Government relate to one another. However, I must commend you the Members of the County Assembly for ultimately rising above discontent that was driven by genuine concerns and putting Nairobi City County first.

Your decision to give office holders in the County a second chance to re-commit to the social contract of quality service delivery to the citizens of Nairobi has not only ensured tranquility and business continuity but also elevated the dignity of the County Assembly. We have made it clear that the Assembly's relationship with the County Executive and its officers should always prioritize quality service delivery.

As your Speaker, I assure you of my commitment to the provision of an enabling environment for the Members to exercise their mandate and in collaboration with the Assembly leadership, we will neither relent nor walk back on our commitment to Member's welfare and a functioning government which is committed to service delivery.

Hon Members, the foregoing notwithstanding, our Constitutional calling remains supreme. Our roles as defined in the Constitution and statutes must always be upheld as the ones to defined our being representatives of the people of Nairobi. We will be judged only by how effective we discharge of these roles. Therefore, there should be no fear, relaxation, excuse or special consideration when carrying out representation, legislation and oversight. Therefore, I call upon all Members and Assembly Committees not to relent in the conduct of their mandate.

PRIORITY BUSINESS IN THE COMING PERIOD OF THE CALENDAR

Hon Members, on the day the Assembly adjourned for the Long Recess, I observed that the Assembly's legislative performance was not satisfactory, having only passed one substantive sectoral Bill, which has successfully transitioned into an Act. This is the Regularization of Unauthorized Development Act, which has since been gazetted. However, I also appreciated the Members for the efforts to initiate legislative proposals. I am aware that there are numerous legislative proposals at various stages including in Committees for scrutiny. May I call upon the Clerk and Committee Chairpersons to expedite processing of these proposals and Bills and bring them up for consideration by the Assembly.

Hon. Members, committees are critical in the discharge of the overall mandate as an Assembly. The Committees conduct crucial deliberative business that can only be manifested through reports to the Plenary. It has come to my attention that crucial businesses are pending before Committees including Statements, reports on Petitions, reports to site inspection visits amongst others. In addition, we are at the inception stage of the budget cycle and with the tabling of the Annual Development Plan, we are expected to process the same in the interest of the people

of Nairobi. I therefore call upon all Chairpersons to expedite the consideration of pending business and present reports to the Plenary for consideration.

STATUS OF NAIROBI CITY COUNTY EARLY
CHILDHOOD EDUCATION BILL

Hon Members, you will recall that this Assembly considered His Excellency the Governor's first Memorandum on referral of the said Bill on 10th June 2025. At that sitting, the Assembly partly took into account the Governor's reservations, while overturning the others, and the Bill was thereafter resubmitted to the Governor on 18th June 2025 for assent.

Hon Members, I have since received a further communication from the Governor by way of a second memorandum, vide a letter reference NCC/GOV/ADM/097/2025 dated 20th June 2025 which was delivered to my office on 21st August 2025. This second memorandum repeats some of the earlier concerns, while also raising new ones.

Hon Members, before I guide the Assembly on the way forward, allow me to remind you of the law that governs this process.

First, Article 185 of the Constitution vests legislative authority of a county in its county assembly. Further, Section 14 of the County Governments Act empowers this Assembly to regulate its procedure through Standing Orders.

Second, Sections 21 to 25 of the County Governments Act, 2012, read together with Part XIX of our Standing Orders, set out the procedure for enactment of County laws.

Third, Section 24 (5) of the Act is very clear and it states that if the Assembly passes a Bill a second time, whether or not it accommodates the Governor's reservations, and the Bill is supported by at least two-thirds of the Members, the Speaker must resubmit it to the Governor within seven days, and the Governor must then either assent to it or refer it back within seven days.

Hon Members, Section 24 (6) further provides that if the Governor does not act within that statutory period, then the Bill is deemed to have been assented to automatically. In computing that time, Section 58 of the Interpretation and General Provisions Act, Cap 2 excludes the day of the act. This means that since the Bill was resubmitted to the Governor on 18th June 2025, the seven-day deadline lapsed on 25th June 2025.

In the present case, Hon Members, the Governor's second Memorandum was received in this Assembly on 21st August 2025, being fifty-seven (57) days outside the statutory period. I need to emphasize that the timelines under Section 24 are strict and leave no room for discretion or extension.

It follows therefore, Hon Members, that by operation of Section 24 (6) of the County Governments Act, the Nairobi City County Early Childhood Education Bill, 2025 stood assented to once the statutory period expired. This law is self-executing; once the deadline lapses, the Bill becomes law without further action.

Therefore, the second Memorandum is invalid in law and cannot be entertained by this Assembly. The Bill now stands as the Nairobi City County Early Childhood Education Act, 2025.

However, Hon Members, should His Excellency the Governor or the County Executive wish to pursue any further policy concerns on this matter, the lawful route is to introduce an Amendment Bill to be processed in the ordinary legislative way.

You are so guided, Hon Members. Thank you and feel at most welcome back.

(Applause)

Point of Order

Hon. Speaker: What is it, Hon. Majority Leader?

Hon. Peter Imwatok: Hon Speaker, it is good as a House to be enlightened. You can hear applause of the Members. In the recent days, there is a circulation that Hon Deonysias has resigned from this House. Hon. Speaker, in your communication, I have not heard anything on the same. It is important to be clarified whether the Member is legibly here or has resigned.

Hon. Speaker: Thank you, Hon Majority for that observation and concern. Hon Members, as the spokesperson and the Speaker of the County Assembly, who is actually supposed to declare or even communicate any resignation by any Member, I am here to confirm to this Assembly that I have not received any official communication from any Member.

(Applause)

I can only allude to the fact that I have also seen some funny communication in the media, which actually is not within my jurisdiction as the Speaker. So, I cannot lay any comment or any further action in regard to the purported resignation. But now that you have raised the concern as the Leader of the Majority in the House, and this matter is touching one Member who is actually present in the House, I would only give him at least five minutes' opportunity maybe to raise a concern, because he is a Member of this Hon House, and we should not be left... So, Hon Deonysias, maybe you need to make a clarification. You can come forward here. Sergeant-at-Arms, please give him the microphone.

Hon. Deonysias Waithera: It is working, Hon. Speaker.

Hon. Speaker: Before you proceed, we have the Leader of the Minority, and the Standing Orders gives him preference.

Hon. Anthony Karanja: Thank you, Hon Speaker. I would also like to echo what you said, that we have that information from the grapevine. However, I want to believe that the Assembly is blind and deaf to that, up until the time that he actually decides to resign. I suggest that we do not give him an opportunity to clarify.

(Applause)

Personally, I am from Githurai now, for public participation, and that is a question that I had to answer in front of the people of Githurai.

I have also spoken to him at length, and I would suggest that we give him some time to digest and consult, especially because I am also under instructions from my party to talk to him, to dissuade him and to bring him to calm. So, I kindly ask that you do not allow him to say anything on that, as the system is in process.

(Applause)

Hon. Speaker: Hon Member, I think it is only right and it serves the House right when the Member can express himself and make such requests. It is within his limit and power, maybe, to make such references and request.

(Loud consultations)

Hon. Whip, what is the issue?

Hon. Moses Ogeto: Hon Speaker, the Hon Member has been going to various media stations...

Hon. Speaker: Which Member?

Hon. Moses Ogeto: Hon Deonysias Waithera.

Hon. Speaker: But that should not be for the consumption of this Assembly.

Hon. Moses Ogeto: Hon Speaker, I am driving at something. Just give me time to do so. Under Consumer Protection Act of Kenya, Cap 505, we are consumers of information. Hon Speaker, the Member is on a live television talking about resignation. Such information should be clarified by the Member. As the President said he is a consumer of raw intelligence, I am a consumer of live television.

Hon. Speaker: Hon. Member, you may excuse the House. We don't have to speak on behalf of the Member or his actions.

Hon. Moses Ogeto: Hon. Speaker, I want the Member to clarify; maybe he was not the one who was on the live television.

Hon. Speaker: Hon. Deonysias, no one is to put you on defense. It is at your prerogative to decide whether you need to share with the Assembly anything. But you also have the right to remain silent over the issue. Hon. Minority Whip is on the floor.

Hon. Mark Mugambi: Thank you, Hon. Speaker. First, allow me to welcome back all the Members to this Session. Hon. Speaker, your remarks were loud and clear that you are not in receipt of any resignation papers. Therefore, we treat all the hullabalos that are flying left, right and center as just mere propaganda. You are the Chair of this Assembly and your word is final, Hon. Speaker. Having said candidly that you are not in receipt of any letter, therefore, it will not be fair to subject the Hon. Member, who is from my party, to start addressing allegations until such a time that you shall be in receipt of the same. I don't think it is right...

Hon. Speaker: Thank you. Hon. Members, we put that matter to rest. Clerk, let us proceed to the next Order.

(Applause)

PAPERS

Hon. Peter Imwatok: Bwana Spika, kwa neema ya Mwenyezi Mungu na kwa niaba ya watu wote wa Makongeni, ninashukuru Maulana kwa kunilinda hadi siku ya leo.

Bwana Spika, inatamausha sana wakati Nyumba hii inafaa kupewa jawabu lakini tunaweka chini ya mkeka. Historia inasema kwamba unapokataa yaliyo peupe kuwekwa wazi, yatakuwa giza siku moja. Mambo ya ndugu yetu kuwacha kazi si jambo la kuweka chini ya mkeka. Tutapitisha miswada hapa na mtu aende kotini aseme kwamba Bunge la Nairobi halikuwa sawa ikipitisha. Ni jambo bora, Bwana Spika, umesema hujapata cheti cha ndugu yangu kuwacha kazi ya uhanasheria katika Kaunti hii.

Bwana Spika, Deonysias ni Mheshimiwa wa hadhi kubwa sana. Nikiangalia Katiba, hakuna mahali inazungumzia kufanya *public participation* unapotaka kuwacha kazi. Kama kiongozi wa Nyumba hii, kuna vitu hatuwezi kuweka chini ya mkeka. Kuna barua imekuwa mtandaoni. *Propaganda* ni jambo ambalo mtu mwingine amesema, si wewe mwenyewe ulisema. Kwa hivyo, naomba tu kwa heshima ndugu yetu azungumze. Mheshimiwa Deonysias utupatie heshima hiyo. Itafika wakati majaji watauliza maswali “Huyu Mheshimiwa wa Githurai aliyezungumza kwa NTV, alipitisha huu mswada ya serikali?” Kwa hivyo, Bwana Spika, kama mkuu wa Serikali kati Nyumba hii, naomba kwa heshima ya dhati, kwa taadhima zote na itifaki zilizozingatiwa. Asante, Bwana Spika.

Hon. Speaker: Thank you. I will actually communicate over the concern of the Hon. Leader of Majority later as we proceed.

NAIROBI CITY COUNTY ANNUAL DEVELOPMENT
PLAN FOR FY 2026-2027

Hon. Peter Imwatok: Hon. Speaker, pursuant to Section 12 (b) (3) of the Public Finance Management Act, 2012, I beg to lay the following Papers on the Table of this Assembly, today, Tuesday 23rd September 2025:

The Nairobi City County Annual Development Plan for Financial Year 2026-2027.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. The Paper laid is now committed to the Budget and Appropriations Committee for consideration.

REPORT OF CONTROLLER OF BUDGET ON COUNTY
GOVERNMENT BUDGET IMPLEMENTATION REVIEW
FOR FIRST NINE MONTHS OF FY 2024-2025

Hon. Peter Imwatok: Hon. Speaker, once again, allow me to lay the following Papers. Pursuant to Article 228 (6) of the Constitution of Kenya, 2010, I beg to lay the following Papers on the Table of the Assembly, today, Tuesday 23rd September 2025:

The report of the Office of the Controller of Budget on the County Government Budget Implementation Review for the first nine months of financial year 2024-2025.

(The Paper was laid on the Table)

Hon. Speaker: The same is now committed to the Committee on Budget and Appropriations for consideration. Hon. Majority, you have several of them to lay.

Hon. Peter Imwatok: The other ones, Hon Speaker, I defer because I have never gotten a proper instruction from my major client, which is the Government of the Day. I have asked the Clerk that I need some clarifications from the sectors involved, especially on the Dishu na County. I beg this House to allow me to go through with my officers and then present before this House at the earliest possible date.

Hon. Speaker: Thank you. Hon. Members, the Nairobi City County School Feeding Programme Fund Regulations was supposed to be laid before the Assembly. Out of the request of the Leader of the Majority, and as a regulation, we requested for deferment of the same so that he may find time to go through the report. I expect the same to be tabled tomorrow or Thursday.

Hon. Peter Imwatok: Hon. Speaker, tomorrow might not be possible. As you are aware, I am still the Chair of CASA Games, and CASA Games is handing over the rights tomorrow to the County Government of Meru. Hon. Speaker, I beg to lay these Papers and other materials on Thursday.

Hon. Speaker: On Tuesday next week?

Hon. Peter Imwatok: Perfect, Hon. Speaker.

REPORT ON STATUS OF WASTE DISPOSAL MECHANISMS OF FARMER'S CHOICE, BURMA MARKET AND KIAMAIIKO ABATTOIRS

Hon. Speaker: The report of the Committee on Environment and Natural Resources on the status of the waste disposal mechanisms of Farmers' Choice, Burma Market and Kiamaiko Abattoirs. The Chair, Environment. The Chair for the Environment Committee, I hope you have been facilitated by the Clerk.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. First, I would like to appreciate and thank God for this opportunity that we have been able to return back as an Assembly for this quarter. The Clerk has been able to furnish me with the report, which I beg to lay on this floor. It is important, before I lay it, to raise one or two concerns. One is that, for those of us who do not have cards, it is important that you initiate a process where a replacement can be done so that we do not end up each and every day having to borrow our colleagues' cards to be able to make submissions on this able House. Nairobi County is the second biggest Assembly; it is wrong that we can experience technical challenges for one or two years. Also, Hon. Speaker, whatever statements that I have been able to raise on this floor, if I can receive responses in a good time, I would truly appreciate.

Hon. Speaker, to get into business before me, I would like to lay this Paper.

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 23rd September 2025:

The report of the Sectoral Committee on Environment and Natural Resources on the status of waste disposal mechanisms of Farmer's Choice, Burma Market, and Kiamaiko Abattoirs.

(The Paper was laid on the Table)

Hon. Speaker: Clerk, proceed.

NOTICE OF MOTION

ADOPTION OF REPORT ON STATUS OF WASTE DISPOSAL MECHANISMS OF FARMER'S CHOICE, BURMA MARKET, AND KIAMAIKO ABATTOIRS

Hon. Speaker: Hon. Matara, proceed.

Hon. Silas Matara: Hon. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Environment and Natural Resources on the status of the waste disposal mechanisms of Farmer's Choice, Burma Market, and Kiamaiko Abattoirs, laid on the table of the Assembly on 23rd September 2025.

Hon. Speaker: The notice of Motion stands given. Clerk, proceed.

STATEMENTS

Hon. Speaker: Hon. Alai, then Hon. Themendu; you will be after Alai. We also have Hon. Patrick Karani; you will be after Themendu. Then Hon Cyrus Mugo. So, Hon. Alai, are you ready?

Hon. Robert Alai: Yes, Hon. Speaker.

Hon. Speaker: Kindly proceed.

REQUEST FOR STATEMENT REGARDING LEGALITY OF ASSEMBLY COMMITTEES OPERATIONS

Hon. Robert Alai: Hon. Speaker, pursuant to Standing Order No. 92, I wish to request a Statement from the Hon. Speaker of the Nairobi City County Assembly regarding the legality of the Assembly Committees operations.

Hon. Speaker, pursuant to my duties of oversight and representation, as enshrined in the Constitution of Kenya, 2010, I wish to raise serious concerns regarding the operations of these Assembly Committees. Specifically, I seek your urgent clarification on the legal standing of these committees following the expiry of their membership terms, as stipulated in the Nairobi City County Assembly Standing Orders' 3rd Edition of 26th May 2022. My intent is to uphold the rule of law and protect the integrity of our esteemed institution.

As you are aware, the 3rd County Assembly commenced its first sitting on 29th September 2022. Subsequently, the Select Committee on Selection nominated Members of the various

sectoral committees on 27th October 2022. According to Standing Order 209 (3), Members appointed to these committees are to serve for the three sessions, and the committee shall thereafter be reconstituted.

Given that we are now in our Fourth Session as of September 2025, the three-session term for these committees has unequivocally expired. Despite this clear provision, I have observed that these committees continue to conduct critical business, including oversight and legislative duties, without any evidence of being legally reconstituted. This continued deliberation post-expiry renders their actions ultra vires and potentially null and void, which is a direct contravention of the constitutional principle of legality.

Furthermore, the legal standing of the Liaison Committee is also in question. Standing Order 210 (1) establishes this Committee, with its composition dependent on the chairpersons of the sectoral committees. With the terms of the sectoral committees having expired, their chairpersons no longer have a valid basis to sit on the Liaison Committee. This raises serious doubts about the committee's authority to conduct its business, particularly its engagement with the Governor's Office. Such an irregular structure not only undermines our internal procedures but also risks exposing the Assembly to legal challenges, as any decisions or engagements by a flawed committee could be deemed invalid.

In light of these pressing concerns, I respectfully request that you provide a written response within seven days, detailing the steps taken or to be taken to reconstitute the sectoral committees.

Hon. Speaker, I also seek a legal clarification on the validity of all the committee business conducted since the commencement of the Fourth Session.

Additionally, I ask for a detailed explanation regarding the current composition and legal authority of the Liaison Committee. Failure to address this matter promptly and transparently, will leave with no option but to escalate this issue to relevant oversight bodies, including the courts, to ensure the preservation of the constitutional governance within our Assembly. Thank you. Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker. I am a bit worried on the precedence we are setting in this House. This House cannot oversight itself. Such a statement is literally oversighting ourselves. I may not remember the Standing Order, but that is what it dictates.

Number two, Hon. Speaker, you are aware that as a Committee of Selection, where placement of committees takes place, any Member who has an issue can approach the Selection Committee any time, but not to raise a Statement on the floor of the House.

Hon. Speaker, you communicated this issue, and as leadership, we put facts on the table. All Members are aware that we were sworn in two weeks after elections. The timeframe upon which the chairs and the vice-chairs came to office was October 27th 2022. Are we late? So, let us not be led hysterically. This is a House of order and procedure. We know the Standing Orders. We

are not yet 27th October, and the Whips are very clear on what to do. It is a precedent set by the Senate and the National Assembly. It is a parliamentary practice; not a Nairobi Assembly practice. So, Hon Alai, cool your heels, the whips are on it.

(Applause)

Hon. Speaker: Please, don't engage your Member.

Hon. Peter Imwatok: I withdraw, Hon. Speaker, and apologize, my senior Member, Hon. Alai. I was with somebody this lunchtime and he told me Hon. Alai has a following of 2.5 million followers. I respect you, my brother for that, and we celebrate you for that achievement.

(Loud consultations)

Hon. Peter Imwatok: My fellow senior blogger.

Hon. Speaker: Yes, Minority Leader.

Hon. Anthony Karanja: Thank you, Hon. Leader for reminding me that Hon. Alai has 2.5 million followers. He has also gone on record on social media, saying in very disrespectful way what he has said here, about this House and about the Liaison Committee. Hon. Speaker, I think we should not also let that pass, as we also look at what our brother...

Hon. Speaker: Hon. Minority Leader, as a senior ranking Member of this Assembly, you cannot bring into question the conduct of a Member without a substantive Motion. So, please, kindly withdraw that before you proceed.

Hon. Anthony Karanja: Honorable Speaker, I withdraw as I prepare for the Motion.

Hon. Speaker: Thank you. Hon. Members, be seated. It is only right that we admit observation of Members of this Assembly, and whenever you raise an issue, it should be an issue of concern, that we take it seriously as a business of the Assembly. So, from where Hon. Alai is sitting, he is notifying the Assembly on the need to do what is rightful, and within the Constitution. I have communicated this on two occasions to our Whips, and I hope the Whips from both divides of the House will activate the process and do what is expected of you as the leaders of the political parties, who are responsible for nominating Members to sit in the committee. So, I am just reminding you of my earlier communication.

Do you want to engage the Speaker or something else?

Hon. Moses Ogeto: I want to inform the House.

Hon. Speaker: Okay, please proceed. Do you have your card?

Hon. Moses Ogeto: Hon. Speaker, I want to inform the House that truly you did a communique, and my counterpart and I are trying to evaluate even the performance of the chairs, so that when we bring the names... The reshuffling of committees should be done by 27th October. We are within the time. This Third County Assembly started late because they wanted their own Speaker, but God decided that you are going to be our Speaker. So, they were playing delay tactics of gazetting this House. Hon. Speaker, you can see the consequences of not following the law. So, we must accept the consequences.

(Laughter)

Hon. Speaker: Thank you. But for some reason, that should not be the case, because the gazetting of the First Sitting of the Assembly is a prerogative of one person; being the Governor. So, I really don't understand why you are running away from the reality, and including everybody in the whole circus of gazetting of the First Sitting of the Assembly.

Hon. Moses Ogeto: Hon. Speaker, I wanted to inform the House that, that delay is what precipitated what Hon. Alia is raising now. They never wanted you to be the Speaker. It is good to say the truth. For some reason, you became the Speaker. So, let us continue enjoying the consequence of delaying.

Hon. Speaker: Hon. Themendu. Honorable Whip, is it...

(Loud consultations)

REQUEST FOR STATEMENT REGARDING STATUS OF AD HOC
COMMITTEE'S REPORT ON INVESTIGATION OF COUNTY
LOCAL REVENUE COLLECTION SYSTEMS AND ADMINISTRATION

Hon. Jeremiah Themendu: Hon. Speaker, let me first thank the entire Assembly for coming together to make sure Nairobi is going in the right direction.

(Applause)

As I stand here, let me continue with today's business.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Ad Hoc Committee on Investigation of the County Local Revenue Collection Systems and the Administration regarding the status of its report.

(Applause)

Hon. Speaker, Standing Order 211 provides for the establishment of an Ad Hoc Committee for purposes of inquiring into a matter or matters specified in the resolution.

Hon. Speaker, at its sitting, held on Wednesday 11th October, 2023, the County Assembly approved a Motion to establish an Ad Hoc Committee to investigate into the performance of Nairobi City County's revenue collection system and administration. On 1st November 2023, the County Assembly approved a subsequent Motion constituting the said Ad Hoc Committee.

Hon. Speaker, the Committee was to inquire into reasons why local revenue had been declining, the nature, the strengths and the weaknesses of the revenue collection systems currently being used by the County Government, and the proposed legal policy and administrative interventions on improvement of local revenue collection.

Hon. Speaker, Standing Order 211 (4) (b) provides that the Ad Hoc Committee shall submit its report to the Assembly within three months and shall, upon submission of the report, stand

dissolved. On 14th February 2024, the County Assembly resolved to renew the mandate of the Ad Hoc Committee by a further period not exceeding 45 days, with effect from 1st February 2024, and to table its final report on or before Tuesday 19th March 2024. But to date, the report is yet to be submitted to the County Assembly for consideration.

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

- i. Reasons for the delay by the Ad Hoc Committee to submit its report to the County Assembly;
- ii. Status of the report of the Ad Hoc Committee formally to investigate County local revenue collection systems and administration; and
- iii. Measures the Chairman of the said Committee is taking to ensure the report is submitted to the County Assembly within the shortest time possible.

Hon. Speaker, as I conclude, we have the server or the company that is collecting funds for Nairobians called Nairobi Pay. As a Member of the ICT Committee, we had many questions that we were asking there. So, Hon. Speaker, as you have said, we shall play our role without fear or intimidation from any quarters. For now, let us have the report submitted to this Assembly. Then from there, we start counting 60 days. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Hon Majority leader you have an issue?

Hon. Peter Imwatok: Hon. Speaker, I stand in as a Leader of Majority because it is good to raise these Statements, but...

Hon. Speaker: *(Inaudible)* --the Chair of the Ad Hoc Committee?

Hon. Peter Imwatok: No, I am not a Chair for the Ad Hoc Committee.

Hon. Speaker: Okay, proceed.

Hon. Peter Imwatok: I agree with the clerk who drafted this particular Statement, as it is pragmatic Statement. But the question is, what locus standi do I have as it is? This House approved a 90-day period for investigation and subsequent tabling of the report. Thereafter, the same House gave an extension of 45 days. Upon expiry of 45 days, the same House has not given any other extension. What locus standi do I have even to call this particular Committee to give a response to Hon. Themendu?

Hon. Speaker, I want also to implore upon the Clerk's Office and the clerks, before drafting a Statement, can we have end-to-end inscription of particular statements? Now, you are asking me, as a former Ad Hoc Chair, to give you a report, and I have no locus standi according to the law. How do you want me to go about it? Just answer me. Hon. Chege, help me legally. How do I start calling my former Members to give you a response to a Statement when I have no locus standi in this particular issue?

Hon. Speaker, I beg to see the scrutiny of some Statement coming from this House. We cannot oversight ourselves.

Hon. Speaker: Hon. Members, as the Chair, I believe that there is no lacuna in law when it comes to the concerns as raised by the Hon. Members of this Assembly. Over the issue, and the concern of Hon. Themendu and Hon. Alai, I think, as the Chair, I will give a substantive direction in due course.

There is another Member. Hon. Cyrus Mugo, are you ready? Okay. Is Mheshimiwa Karani in the House? Okay. Thank you.

REQUEST FOR STATEMENT REGARDING VECTOR
AND PEST CONTROL IN NAIROBI CITY COUNTY

Hon. Cyrus Mubea: Hon. Speaker, pursuant to the Standing Order 47 (2) (c), I wish to request for a Statement from the Sectoral Committee on Health Services Committee Services regarding vector and pest control in the County.

Hon. Speaker, Article 42 of the Constitution of Kenya guarantees every person right to clean and healthy environment. Fourth Schedule of the said Constitution places the responsibility for county health services, including public nuisance and solid waste disposal on the county government.

Hon Speaker, Section 5.5.11 of the Kenya Environmental Sanitation and Hygiene Policy 2016 - 2030 explicitly obligates county government to make arrangements directly and through the private sector for effective and continuous control of insect vectors and pests, particularly mosquitoes, flies, and rodents.

Hon. Speaker, it is with great concern that I report to this House that Nairobi City County continues to be afflicted by widespread pest infestation. Our markets, residential areas, and informal settlements are plagued by poor sanitation, uncollected waste, and the persistent threat of vermin. This is a direct consequence of the executive inaction and a serious threat to public health.

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

- i. The specific strategies that the County Executive has adopted to control vectors and pests;
- ii. Measures taken to improve drainage and waste management for the purpose of pest control;
- iii. The implementation status of necessary by-laws to regulate private control operation; and
- iv. Plans to put in place to partner with the private sector to address this crisis.

Hon. Speaker: Chair, Health Committee, kindly give undertaking on the period of time you would want to respond to the concern of the Member.

Hon. Maurice Onyango: Thank you, Hon. Speaker. I will need three weeks. But from his Statement, I was listening very keenly, it cross-cuts the Environment and Health Sectors.

Hon. Speaker: So what are you suggesting?

Hon. Maurice Onyango: We need to have a joint sitting, because the end result is the fumigation, which is the part of Health, but the cause is wastes, which is the Environment.

Hon. Speaker: I think on that, the Clerk will guide and maybe communicate to the other relevant sector.

Hon. Mugo, are you okay with the three-week period?

Hon. Cyrus Mubea: Yes, Hon Speaker.

Hon. Speaker: Thank you. Hon Karani.

REQUEST FOR STATEMENT REGARDING MISCONDUCT AND DIVERSION
OF COUNTY REVENUE FUND IN NAIROBI COUNTY GOVERNMENT

Hon. Patrick Karani: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Finance, Budget and Appropriations Committee regarding misconduct and the diversion of County Revenue Fund (CRF) in Nairobi County.

Hon. Speaker, I wish to bring to the attention of this House a matter of grave concern regarding the management of CRF within Nairobi City County. As a Member of this August Assembly, we are the guardians of public finance, and it is our duty to ensure that all funds are managed with integrity, transparency and strict adherence to the law.

Mr. Speaker, Article 207 of the Constitution of Kenya clearly establishes the CRF as the repository for all county revenues. Furthermore, Article 228(5) explicitly states that withdrawal from this Fund may only be made with approval of the Controller of Budget, and must be applied strictly with the purpose for which that approval is granted. This principle is reinforced by the Public Finance Management Act, 2012.

It has come to my attention that the County Executive has consistently, and without the approval of this Assembly, diverted funds from their intended purposes. This constitutes a blatant disregard of the legal and constitutional provisions that govern public finances.

Specifically, I draw the attention of the House to two critical areas of concern:

1. Contractors retention monies - Funds that were duly requisitioned and approved for payment to contractors at the conclusion of their defect liability period have been diverted. This has led to unjustifiable delays in payment, leaving contractors in distress and exposing the county to significant legal and financial liability.
2. Compensation of employees- Despite the County Treasury requisitioning funds for full gross salary of employees, including statutory deductions, monies intended for vital schemes such as retirement benefits, NSSF, SHIF and HELP have been misappropriated.

This not only violates several key pieces of legislation including Employment Act and PFM Act, but it also constitutes gross exploitation of public servants and exposes them to loss of their benefits.

Mr. Speaker, these practices are more than just procedural error, they represent fundamental breach of the trust and form a financial misconduct. They are corrosive to our institution and threaten to erode public confidence in our ability to govern effectively.

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

1. The total amount requisitioned and the actual amount disbursed for contractors' retention money for the last two financial years;
2. A detailed breakdown of total amount requisitioned for employees' compensation juxtaposed with the actual remittance to respective statutory bodies;
3. A full account of the reasons provided by the County Executive for this diversion;
4. An assessment of the financial, legal and reputational risk the County now faces; and
5. Recommendations for holding accountable any officer found culpable of this illegal act.

Thank you, Mr. Speaker.

Hon. Speaker: Do we have the Chairperson for Budget and Appropriation Committee? The Vice-Chair?

Hon. Emily Oduor: Thank you, Hon. Speaker. I have listened very keenly and the Hon. Member requires a lot of information. For us to give a very comprehensive answer without going back and forth, I am kindly requesting for 21 days.

Hon. Speaker: Is that okay, Hon. Member?

(Hon. Patrick Karani agreed off the record)

Thank you. Hon. Majority Leader had a statement.

HOSTING OF CASA GAMES IN MERU COUNTY FROM 24TH OCTOBER TO 1ST NOVEMBER

Hon. Peter Imwatok: Hon. Speaker, I had initially spoken briefly but I want to officially - courtesy of my boss, Hon. Chege Mwaura, who is present on behalf of County Assemblies Sports Association (CASA) and County Assemblies Forum (CAF), that we will be hosting our CASA games in Meru from the 24th October to 1st November this year. This informs the entire House who are participants that we will be having a break, with your indulgence, Hon. Speaker and the Clerk, because it says back to back. Tomorrow we will go to Meru until Friday to make sure that the handing over ceremony by the Governor of Bungoma to the Governor of Meru and the entire CAF and CASA, Speakers from all the 47 counties of the country and the Clerks will be there.

Hon. Speaker and the Clerk, you should allow enough time for these Members and the staff to practice. This time around we have tried to remove some shame. I know that you have been from recess, but, Hon. Speaker, a week before the games I request that the House adjourns to give Members and staff enough time to practice before we go for the CASA games in Meru on 24th October. This will be good for us. All said and done, I wish all those who are participating energy to practice. The sporting team is looking for the fields for netball, football, volleyball and tug-of war.

Hon. Speaker, there is a communication from the Controller of Budget that every participant must be clearly known that they are participating. Let us not cause a lot of problems to Hon. Chege, our CAF boss, in terms of requisition for money, they are very strict this time around. You must be a participant of a particular sport for you to go for the games. I indulge this House that a week before the games start, we would be asking the Speaker to give us a recess so that we can have enough time to practice and be able to compete with other counties out there. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Majority Leader, I hope the House will deliberate on that at the appropriate time. Yes, Hon. Majiwa?

Hon. Geophrey Majiwa: I want to indulge on the Hon. Majority Leader's information shared and also throw in a word. It is important for the leader of this Assembly to remember the well performing teams by way of rewarding them. You should emulate the President of the Republic of Kenya to encourage participants to do better the next time. I remember the choir performed very well but they were forgotten, they were not rewarded and we sang so well.

Hon. Speaker: Order, Hon. Majiwa! You are advising the leadership of the Assembly to emulate the president? Kindly withdraw such unparliamentary remarks please and the same must be expunged from the Assembly proceedings.

Hon. Geophrey Majiwa: Hon. Speaker, I withdraw the words but the gestures will...

Hon. Speaker: Please, Hon. Majiwa, don't turn this into tantrums, kindly withdraw.

Hon. Geophrey Majiwa: Hon. Speaker, I withdraw and apologize.

Hon. Peter Imwatok Hon. Speaker, does it mean that I cannot emulate the President?

Hon. Speaker: No. Majority Leader, let us not engage in such, please. Let us not go there. Hon. Fiunifiu?

Hon. Kamau Fiunifiu: Hon. Speaker, I rise to seek your intervention concerning a Statement that I sought on June 2024. Last session, you gave a directive to the Chairperson of the Transport Committee. I wish that you reprimand this Member on my behalf and on behalf of the residents of Karura Ward. Mr. Speaker, don't leave me at the mercy of the Chairman of the Transport Committee, I need that you intervene so that my Statement can be responded to.

Lastly, Hon. Speaker, I have noticed the Member for Makongeni Ward and the Member for Waithaka Ward are discussing issues that are not before this House. This is unbecoming behavior from these two leaders...

Hon. Speaker: Order, Hon. Member! Don't be vague in your concerns. Hon. Musango, kindly can you put this matter to rest. What is the issue, Hon. Majority Leader?

Hon. Peter Imwatok Hon. Speaker, as the leader of this House, protect us also.

Hon. Speaker: What is the issue?

Hon. Peter Imwatok You have just asked the legend of this County to withdraw and apologize on a statement on emulation, but on a statement of a Member purporting that the two leaders of this House are discussing issues which are not a concern of this House, he has not withdrawn or apologized or being expunged from the Hansard. Hon. Speaker, let us not use this

House as theatre of superiority of DCP Party. It has become an issue, everybody wants to go out to the media and earn *bonga points* from DCP. We are not here for that.

(A Member consulted loudly)

Hon. Peter Imwatok We know that! There are people here who are talking only of DCP in order to be seen that you can handle Hon. Bishop, Hon. Imwatok or the Speaker, just because you want to get supremacy. DCP is not superior to us please. Mheshimiwa from Karura, I know you want *bonga points* but it is not working.

(Ho. Kamau Fiunifiu spoke off the record)

Hon. Speaker: Order, Hon. Fiunifiu! I hope I have reprimanded the Member in good time. I have actually mentioned that he is irrelevant and he is vague, that should be noted. Hon. Musango, please.

Hon. Musango Maithya: Thank you Mr. Speaker. On unanswered statement, Mr. Speaker, I know you know the procedure of a statement. When a statement is requested...

Hon. Speaker: Kindly address the House.

Hon. Musango Maithya: The Committee takes the responsibility, through the Clerk, of writing to the Executive, who are then invited by the Committee and table the responses. That Statement has not come to the committee and the Clerk has not written to the Executive to come and submit the responses. I can't remember seeing that, Mr. Speaker. The Statement was requested in 2023, but if the response is with us, I can give 14 days we go through it with the Clerk and come back here with the response.

Hon. Speaker: Mheshimiwa Musango, kindly engage with the member so that you get the concurrence on his concerns. It is quite pertinent that he addressed the same issue last time. You should actually be giving the status

Hon. Musango Maithya: I am addressing him through you, the Chair. I am saying, if there is a statement...

Hon. Speaker: Kindly liaise with him because you seem not to be aware of his concerns. You can reach out to the Member outside the plenary.

Hon. Musango Maithya: Thank you for your advice.

Hon. Speaker: You are guided, thank you.

Hon. Musango Maithya: Together with the Clerk, we will reach out to the Member and bring back the report here in the Assembly.

Hon. Speaker: Thank you, next week. Clerk, let us proceed.

MOTION

RENAMING OF JUJA ROAD TO LEONARD MAMBO MBOTELA ROAD

Hon. Speaker: Do we have the mover of the Motion in the House?

Hon. Joseph Ndung'u: Mr. Speaker, allow me to inform the House.

THAT, pursuant to the provisions of Standing Order No. 65, I seek the leave of the County Assembly to withdraw the Motion under Order No. 8, urging the County Assembly to initiate the process of renaming Juja Road to Leonard Mambo Mbotela Road in honor of the late Leonard Mambo Mbotela, EGH, in recognition of his exceptional service to the Republic of Kenya.

Mr. Speaker, I would like to cite a few reasons why I have decided to withdraw this Motion. When I gave the notice of the Motion, I realized that there was a lot of opposition to it. The Leader of Majority threw aspersions to the motion, and the Leader of Minority also did not support. I didn't know the exact reason, but it ruffled a lot of feathers.

For that reason, Mr. Speaker, and because I had not done a good job on mobilizing my fellow Members, I have decided to seek the leave of the Assembly and withdraw the Motion under Order No. 8. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member, the Motion stands withdrawn, as requested by the Hon. Member. He had mentioned the same to the Speaker two hours before the plenary.

(Motion withdrawn)

Hon. Members, that brings us to the conclusion of the day. At the rise of the Assembly...

(The Speaker consulted with the Clerk)

Order, Hon. Members! Kindly be seated.

(Hon. Mark Mugambi spoke off the record)

I have not mentioned anything as such, Hon. Mark Mugambi. Clerk, read out the business.

MOTION

COUNTY ATTORNEY AND COUNTY EXECUTIVE TO UTILIZE LITIGATION AS A LAST RESORT IN COUNTY LEGAL MATTERS

Hon. Speaker: Hon. Anthony Maragu?

Hon. Anthony Maragu: Yes, Hon. Speaker.

Hon. Speaker: Why are Members saying that you are not present?

Hon. Anthony Maragu: I am, Hon. Speaker. Let me proceed.

Hon. Speaker: Kindly proceed.

Hon. Anthony Maragu: Thank you for this opportunity.

(The Speaker left the Chair)

(The Deputy Speaker (Hon. Paul Kados) took the Chair)

Hon. Speaker, I wish to move the following Motion:

AWARE THAT Article 159 (2) (c) of the Constitution of Kenya, 2010 provides that in exercising judicial authority, courts and tribunals shall be guided by the principle that alternative

forms of dispute resolution, including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted;

FURTHER AWARE THAT the County Governments Act, 2012 and the County Attorney Act, 2020 obligate County governments to pursue lawful, efficient and cost effective mechanisms in the discharge of their legal and governance functions;

COGNIZANT THAT Section 9 of the County Attorney Act, 2020 empowers the County Attorney to represent the County Government in civil litigation and to provide legal advice aimed at protecting the interest of the County Government;

CONCERNED THAT a significant portion of the County's annual budget continues to be spent on settling court awards and legal costs resulting from litigation initiated by the County Legal Department, with many of these matters capable of resolution through alternative means;

NOTING THAT prolonged legal battles not only deplete County resources but also result in judgements that could have been mitigated to avoided.

THIS ASSEMBLY THEREFORE URGES the County Executive through the Office of the County Attorney to: -

- i. Ensure that litigation is used strictly as a last resort in resolving disputes involving the County Executive;
- ii. Establish structured negotiation frameworks, and institutionalize the use of tribunals, mediation, conciliation and arbitration in line with Article 159 (2) (c) of the Constitution within 60days; and
- iii. Develop a County Alternative Dispute Resolution (ADR) policy to guide the resolution of disputes involving the County and its agencies within 60 days.

Hon. Speaker, the spirit of this Motion was directed from our agitation in the previous days to push the County Executive towards a more efficient service delivery to our people. As I was thinking about the kind of budgets that we pass on this floor, it came to my attention that even as we continue to agitate for services to our people, this Assembly must be on record to be champions...

Hon. Deputy Speaker: Sergeant-at-Arms, can you restrain Members from leaving, please.

Hon. Anthony Maragu: Thank you, Hon. Speaker. This House must be on record to be champions and protectors of the very resources that are given to us by the people of Nairobi in them expecting services.

Hon. Speaker, in my opinion, the County Attorney's office has what we call hemorrhage of public resources. It will interest you to realize that in the budget that we recently, the budget that we allocated to that office is Kshs. 639 million. Hon. Speaker, as we speak today, the total pending bill in legal fees is Kshs.21 billion. The Auditor General recently opined that, of that Kshs.21 billion, Kshs. 6.2 billion is owed to only four advocates. Members will ask why. In the streets of Nairobi, the legal fraternity appears to portray a picture that the only lucrative business you can do with Nairobi County is legal fees.

Hon. Speaker, the office of the Auditor General also unearthed some anomalies in terms of how the advocates are raising the fees to the County. In a case in the Environmental Land Court,

Case No.248 of 2021, I will demonstrate my doubt in how an advocate raised a fee note of Kshs. 77,851,800, then upon further negotiations with the office of the County Attorney, that figure was revised to Kshs. 47 million. Another case in the Legal Department, somebody took the County to court upon the County demanding from them land rates to a tune of Kshs.5 million, and when the County sought to get an advocate to represent them, the advocate fee was Kshs. 80 million, to recover Kshs. 5million. It was further revised to Kshs. 34 million.

Hon. Speaker, the reason for giving these examples is to persuade the Hon. Members to join me in this attempt to compel the County Executive to institute and operationalize a separate alternative dispute resolution mechanism within the County so that then the very service that we are agitating for our people, we can get money to make sure that we get development to our wards.

Hon. Speaker, I wish to invite His Worship, Hon. Majiwa, to second my Motion. Thank you.

Hon. Geoffrey Majiwa: Thank you, Hon. Speaker. As I rise to second the Motion, it is a very noble idea to come up with such a Motion because the biggest problem we have in this County is an animal called pending bills. It has eaten into development; it has eaten into the welfare of the people of this County. Hon. Speaker, provisions of the law give us what we call alternative dispute resolution. This is a wisdom that was brought within the legal fraternity so that people do not carry a lot of baggage.

Hon. Speaker, if you listen to the Motion, the way the mover has brought it, he has researched on how the money that was supposed to go for development is used to pay legal decrees, which sometimes can be controlled and avoided through what we call alternative dispute resolution. It is unfortunate that the Department of Legal has not seen it wise to try and look into the alternative dispute resolution as a means of running this County positively and providing services to the people of Nairobi County.

Hon. Speaker, the other day we passed a Motion here. A group called Mathare 4A took the County to court and court gave them an order that they should be given back their land, which was bought for them by donors. The value of the land is huge, but to date, the County is still running around buying time as a way of managing them, which is not good. There are people who have developed interest in this land that belongs to the people of Mathare 4A, and this will make the County pay a lot of money to the group because it is land that was given to them through a court resolution, and it is only fair that they be given their land to avoid them going to court to sue the County to pay a huge amount which will now pull down the development.

It is important that as an Assembly, we support this Motion and direct that the County Executive should respect an avenue of dispute resolution, which can save us a lot of money, as opposed to payment of the cashed money that they are paying to lawyers and claimants who can be settled by way of giving them alternative land in places where we have land. This is something that can save us a lot of money because we are now running like the County coffers are dry, we cannot pay salaries. But to hear some people talk about how we want to take land that belongs to Mathare 4A so that they can sue the County the following day and end up with a huger pending bill.

Hon. Speaker, it is important that as Assembly we stand firm on taking care of the people we represent and the people who brought us here so that we make sure that resolutions of this House are followed to the later to save the situation. I second

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, Majority Whip.

Hon. Moses Ogeto: Hon. Speaker, first and foremost, I want to thank the Member for Karen Ward for bringing such a serious Motion before this House. The Member has given examples of how our learned friends get businesses at City Hall. It is the most lucrative business that you can engage at City Hall, because we do not have a policy. If the policy was in place, then it could give leeway for the County Executive to ensure that arbitration, which has been recognized in article 159 of the Constitution of the Republic of Kenya, is part and parcel of ensuring that not all matters should end up in court.

Hon. Speaker, the other day when Member were angry with the Governor, we went into an arbitration process. So, this arbitration is necessary. If the policy is developed, it will guide in many cases. Hon. Speaker, you remember the Chief Officer for Urban Housing, she could have involved the arbitration process instead of chasing out members of the public.

Hon. Muragu, congratulations for bringing this Motion, and I believe that this policy will be developed within the time framework and be brought back to the Assembly to be passed, and the Delegated Committee to ensure that the framework be implemented. Hon. Speaker, I beg to support this Motion.

Hon. Deputy Speaker: Hon. Ngibuini.

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker, I rise to support this Motion. I remember after the elections, there was a post on social media at some point by a leading lawyer in Nairobi County called Donald Kipkorir, who claimed that Nairobi County operatives had attempted to extort him of money so as to release his payments which has accrued to billions of shillings. That was the first red flag in this Legal Department.

Hon. Speaker, indeed the use of external lawyers in the County has cost us a lot of money, and has become a conduit and an opportunity for high ranking officers of the County Executive to grease their hands by demanding 50% of lawyers' fees as kickbacks in order to release payments. This must come to an end.

Hon. Speaker, it makes no sense for us to have a Legal Department which is headed by a County Attorney, fully staffed, with a County Solicitor, as well as lawyers who we recruited in this regime, but shockingly, there are even times when there is absolute negligence in the department. How so? Hon. Speaker, there are times when the County Attorney has not appeared in litigation matters to defend the matters of Nairobi City County Government. This has led to us losing cases which we should not have lost as a County Government. It begs the question; how can Nairobi County be issued with orders and rulings, ex parte - meaning in absentia, yet we have

a County Attorney with a mandate, role and earning salary every single month. Many issues which end up in court, as has been said by Members today, can be prevented in Nairobi County Government. Simply engage aggrieved parties and give them a listening ear.

I support this Motion and the alternative dispute resolution mechanism proposed herein, which can also be supported by area MCA especially where issues affect distinct wards. I will give you an example, Hon. Speaker, on the case of Woodley Estate where my residents have been engaged in court cases and litigation non-stop since I was elected. Why? Simply because they were never given a listening ear and the County Executive has operated in absolute high handedness. Hon. Speaker, I beg to submit as I support. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Heho.

Hon. Carrington Heho: Thank you, Speaker. I want to thank Hon. Maragu for bringing such a beautifully scripted Motion. I am privileged to sit in the Public Accounts Committee, whereby when we were interrogating the legal fees, we found out that the legal fee notes that are given out by legal practitioners are dictated by the remunerations framework by the Law Society of Kenya, which is based on the land value. So, these legal practitioners are usually in cohort with the land valuers so that the land can be overvalued and a certain percentile can be charged as the legal fee note. It begs the question on why we should not be having a framework contract for all desirable legal practitioners to be undertaking the legal issues that are capped under the public Procurement and Asset Disposal Act. Therefore, this is a good approach, and I will really love this House to take an adequate measure in ensuring the implementation of this Motion to the letter. I beg to support the Motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon Sospeter.

Hon. Sospeter Mumbi: Thank you, Hon Speaker. May I begin by acknowledging the good work done by my colleague, Hon Antony Maragu. Allow me to point out just three advantages that I see with the realization of the proposed alternative dispute a resolution mechanism. If it is put in place, because we are spending a lot of money with litigation issues, that budget could be channeled towards development. So, if we are able to realize that idea of alternative dispute resolution, we will be saving a lot of money that can be channeled towards development.

Two, in terms of accelerated service delivery and development, it means anytime a matter is in court, we will have to wait until the matter is sorted and ruling is given, which may take years, and we don't have control over the court. If it is a matter that is touching on service delivery or sewer land, members of the public have to wait until the matter is addressed. Meaning, if we could explore out of court kind of agreement, then it means will be able to have accelerated service delivery and development

Lastly, it is going to change the image of the County. I was reading a newspaper few days ago, and Nairobi County was named as one of the counties that is having a lot of pending bills. If you want to go into mental business, try to do business with Nairobi County. So, if we are able to explore this avenue of alternative dispute resolution, then we will try to renew the image of the County, because we will not continue having a lot of pending bills and people suffering because of pending bills. Thank you very much, I stand to support.

Hon. Deputy Speaker: Hon Mataara?

Hon. Silas Matara: Thank you, Hon Speaker for this opportunity. I would like to congratulate my colleague, Hon Maragu, the Member for Karen Ward. We are half way through the term, so the term first timers “monos” do not apply. In the last Assembly, we used to bring Statements and Motions in this House, and there was analogy which I proved wrong, that the Members who bring most of the Motions and Statements never return to this House. So, continue in the same spirit, and I urge other Members to bring businesses because we are going to be judged by the kind of businesses we bring to this House.

Going to the subject matter of discussion, before we approve this Motion, it has been indicated from history, that from the two cases that Mheshimiwa has mentioned, I suspect that there was a foul play, because in everything that we do as an Assembly and as Government, at the end of the day it must make sense. An officer or the County makes claim of Kshs.5 million, and the lawyer issues a fee note of Kshs.80 million, then they negotiate with the County officers and reduce it to Kshs.34 million. A report should be tabled to this House indicating the parameters that the Legal Office is using to negotiate to Kshs.34 million.

Second, as an Assembly, of which maybe you are going to bring another Motion to this House, we should try to determine whether there was foul play from the respective sectors. Unless we try to do things differently, the coming year we are going to deal with these matters of abnormal fee notes issued to this County. Officers must be held accountable and reports be made in the investigative institutions of this country so that it sends a clear warning to the other officers who are currently working in the County, that it should never be business as usual whereby you commit acts of omission or commission that makes the County suffer enormous financial loss.

Third, I would like to call out the Judiciary and the Law Society of Kenya. The reason why I said that things must make sense, it is important that we lay claims that the County is wasting resources. It is the same institution that give rulings. It doesn't make sense that a court can give an award of Kshs.80 million or Kshs. 1 billion on a case of Kshs. 5 million. So, it is important that the Judiciary gets to do a review on what is ailing this country so that we don't have to sanitize an illegality that fleeces out taxes of Kenyans.

I would like also to urge National Parliament to review the laws governing the Law Society of Kenya or whatever body that is mandated to reviews these fees that Law Society of Kenya and these lawyers get to use to properly fleece counties, the government and Kenyans. From the foregoing, it is clear that these engagements are vendor driven whereby County officers, National Government officers, and members of the Judiciary are working in cohort to ensure that these programs and the awards are vendor driven.

Hon Speaker, a year or two ago, we made an allocation in our Appropriation to recruit Judicial officers at the Executive. Is it that we recruited incompetent officers? Is it that we recruited officers with questionable character? Or is it possible that we made a wrong decision to recruit legal officers? It doesn't make sense as an Assembly to allocate funds to recruit officers, and when they go to court there is nothing to show. So, I propose that as they work on the ADR program, they should put a program whereby the Legal officers that we recruited sign performance contract,

and a continuous evaluation should be done each and every financial year, so that if it is found there are legal officers who do not appear in court, they should be held accountable and they should be surcharged because that is where the problem emanates from.

Hon Speaker, as I had indicated during my first submission, we must do things differently. The only way the officers will change is if we narrow down to personal responsibility of the respective officers who have made this County lose money, and the effect is enormous. Each and every financial year we have challenges of meeting our financial obligation as a County because of the minimal public purse we have.

It is important that this Motion is passed by this House, and most important is that the Executive is able to implement what we have passed, because it will wrong for us to receive salaries and allowances and we pass Motions only to gather dust at the Executive.

(Applause)

The Implementation Committee should implement and ensure that they follow up on such Motions, then at the end of the day we will be judged correctly by the Nairobians.

Finally, alternative dispute resolution mechanism is the way to go as a County. We can have this policy put in place and the Executive to act in speed to ensure that the department or the officers assigned this responsibility of coming up with this policy, bring to us and we pass it so that the intentions and the desired results of this House by the sponsor of this Motion sees the light of day. Thank you, Hon Speaker.

Hon. Deputy Speaker: Hon Emily?

Hon. Emmy Isalambo: Thank you, Hon Speaker for catching my eye. I want to congratulate the mover of the Motion. It is timely, and will benefit Nairobians. As Delegated Committee, where I am a Member, we have been urging the Executive to bring in new laws or regulations to the committee, but they have never done so. Even today we were talking about the same in the Committee. Hon Member, you have done a good thing in bringing this Motion. I think when this thing is put in order, we know a lot of good things will happen in the county.

Also, our County lawyers should be given a number of cases to handle. You can see in most cases one lawyer handling like twenty cases. I stand in support of the Motion. Thank you, Hon Speaker.

Hon. Deputy Speaker: Mover?

Hon. Anthony Maragu: Thank you so much, Hon Speaker. I want to take the opportunity to thank the Hon Members who have stood in support of this Motion, and I am certain in my mind that even those who have not had an opportunity to contribute are together with us in spirit, in an attempt to try and ensure that we safeguard the monies that we need to realize some services delivery to our people.

Hon. Speaker, a time will come when the goodwill of the powers that be will favor the people of Nairobi, and we will have two figures to compare: The figure of the budget that we passed and allocated to the County Attorney's office; and the money that will have eventually been

paid in legal fees. That day, I will be back here for another serious debate. Otherwise, I want to thank you, and I beg to reply. Thank you.

Hon. Deputy Speaker: Thank you, Hon Members

(Question put to and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon Members, there being no other business, kindly note that there will a sitting of the Assembly Business committee today at the rise of this assembly at the Chamber board room.

The House rose at 4:30 p.m.