



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 7th October 2025

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may now be seated.

QUORUM

Hon. Temporary Speaker: Clerk, confirm if we have quorum.

(The Clerk-at-the-Table confirmed there was no quorum)

Sergeant-at-Arms, please ring the Bell for 10 minutes for us to attain quorum. Order, Hon. Members!

(Quorum Bell was rung)

Hon. Members, the House is fully constituted to transact the business of the day. Clerk, kindly proceed.

MOTION

NAMING OF HON. SUSAN MAKUNGU

Yes, Majority Leader.

Hon. Peter Imwatok: Madam Speaker, I am rising on Standing Order No.118, on naming of a Member. No. 118 (1) says:

“Any Member may at any time, on a point of order, invite the Speaker or the Deputy Speaker to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.”

Madam Speaker, I rise to name one Member, Hon. Susan Makungu, for her misconduct and misbehavior. A week ago, as a leader of this House, I was following the procession of the Speaker to the House, and I found a Sergeant-at-Arms who was checking the Members of this House who are not properly dressed. He was on a shirt and a tie, but without a coat. As a leader of this House, I told the staff to put on a coat, before inspecting Members who were not properly dressed.

Hon. Speaker, in the evening, while at my private office, I got a message from Hon. Susan Makungu, and I quote; *“Jaribu tena utajua ako na watu wao. I will embarrass you na tupigane vita vya mkono hapa Assembly. I am more than ready to deal with you if you are man enough. Vuruga huyo kijana tena.”* To my surprise, I learnt that the boy is the brother, which I did not know.

Madam Speaker, subsequently on our WhatsApp page, all Members read what transpired there. I never answered because I respected the courtesy of the other Members who were telling this Hon. Member to tone down while addressing the leader of this House, which she never did.

Hon. Speaker, yesterday as we were having a leadership meeting before H.E the Governor, the same utterances came from Hon. Susan Makungu demeaning the office of other leaders.

Hon. Speaker, I seek to name the Member to proceed to the Powers and Privileges Committee so that we can understand if there is a staff that belongs to a brother or sister here. Or are we less leaders in this County Assembly? I believe that the precedent that we set today – I am not here forever as the Leader of Majority; my party has a prerogative to decide even tomorrow that I am no longer the Leader of Majority. But I still believe that even Hon. Kiragu deserves respect, even the other ordinary members they deserve respect.

I hereby name the said member, Madam Speaker.

Hon. Temporary Speaker: Hon. Majority Leader please call your seconder.

Hon Peter Imwatok: I hereby request anyone to volunteer to second. Emily Isalambo has stood up first.

Hon Emmy Isalambo: Thank you, Madam Speaker. I was one of the people who was telling my colleague, Hon Makungu to tone down. And this is not the first time doing so in the Assembly WhatsApp group, she has been doing the same to other leaders in this Assembly. I second. Thank you, Hon Speaker.

Temporary Speaker: Hon Members, for the purpose of fair hearing, I therefore direct the Member to be taken to... The Member is not in the House to at least respond to the complaints raised by the Majority Leader.

(Question put and agreed to)

For the purposes of fair hearing, Hon Members, I direct the matter to the Powers and Privilege Committee, prior to the suspension of the Member. For clarification purposes, the

Member is not suspended, but she is going to defend herself in the Committee. When we receive the report, we will communicate to House. Clerk?

QUESTIONS AND STATEMENTS

DELIBERATIONS ON THE MEETING WITH H.E THE GOVERNOR

Hon Peter Imwatok: Hon Speaker, I had two statements. Hon Members, I know this is a sketchy statement that most Members are hearing from the clouds. As you are aware, as the leadership, yesterday we had a constructive meeting with the Governor. It should not be heard on the periphery, but it is important for my counterpart and I to update the House that indeed we had the meeting. You know there are a lot of rumors and innuendos left, right and center that the leadership has met with the Governor and they have been paid, and they can't address the Members' issues. That we are now flying on a speed of 170km/h.

Hon Members, we had a first inaugural meeting yesterday with the Governor, as envisioned on our previous back to work formula, that we have a monthly meeting as leadership, thereafter, quarterly retreat with all the Members. At the meeting, we agreed on raft of issues.

Number one, we agreed on the issue of Ward Development Fund. All the 22 wards that were not paid, payment be expedited as quick as possible on the e-GP. By the end of next week, at least all those 22 wards are paid.

Number two, we agreed on the issue of the bursary, courtesy of the Education Committee. That bursaries will be given as per the budget, but in tranches. Phase one before the end of December and the other before April 2026. My colleague leaders were there, and we agreed that we are not reducing the amount, it will remain at Kshs 7 million.

Number three, all Members retreat had been planned for this Thursday in Mombasa. Unfortunately, we are reliably informed that the Liaison Committee is going to schedule our committees. Therefore, we will hold the retreat before we head for CASA games. So, Hon Members, be prepared. The Speaker is not feeling that well today, but he might communicate anytime soon where and when we will have a proper All Members' retreat and engagement with the Governor.

More importantly, for all those Members whose wards have housing units of the County Government, we have a meeting at 4 p.m. They are about seven Members. We raised the issue of the lady that we impeached from this Chamber, that the Assembly has to be respected and the resolution has to be obeyed, and the Governor was amiable to it. He agreed to have a working relationship with the Assembly, and respect its determination.

Lastly, Hon Members, just to bring to the attention of this House, the Nairobi City Water and Sewerage Company is a company under our jurisdiction. We own 100% of the shares of that company. I did not share with my counterpart today this, there is change of guard in Nairobi Water. The immediate former Managing Director, Muguna resigned from his position, and a new Acting Managing Director, Martin Nangole, was appointed. This is for noting and not for debate. Madam Speaker, that was the brief I wanted to bring before the House. My counterpart, if he has any?

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Hon. Temporary Speaker: Hon. Minority Leader?

Hon. Anthony Karanja: Thank you, Hon. Speaker. I want to second what the Majority Leader has said, and correct him that rumors spread at 270 km/h and not 170km/h, as he has said. That is where we are. We are asking Members to issue the bursaries that we have received, the Kshs.3.5 million, as we await the other one. As the Majority Leader has said, the Governor committed that the Kshs. 7 million we passed is not going to change and we will still get 1400 forms, as earlier planned. So, be sure that we continue to represent you and your welfare. The other things that the Majority Leader will communicate in due time are not for the Hansard. Thank you.

Hon. Temporary Speaker: Thank you so much, leaders.

NOTICE OF MOTION

RENAMING OF A COUNTY ROAD AFTER PHEROZE NOWROJEE

Hon. Temporary Speaker: Hon. Members, under Standing Order 43 (2), I will change the sequence of proceedings. I therefore direct Hon. Waithera Chege to give us the notice of motion that she had.

Hon. Waithera Chege: Thank you, Madam Speaker. I beg to give Notice of the following Motion: -

AWARE that Article 186 (1) of the Constitution of Kenya, 2010 and Paragraph 5 of Part 2 of the Fourth Schedule to the Constitution provide for transport including County roads, street lighting, public road transport traffic, and parking as a devolved county function;

FURTHER AWARE that the country has since independence named and renamed roads and other public facilities in honor of heroes and heroines who have contributed immensely in the society as a way of honoring them;

APPRECIATING the late Pheroze Nowrojee SC, who was a distinguished and patriotic Kenyan lawyer, human rights defender, a poet, historian and patriot, who made indelible contributions to the Nation through his dedicated service and deep commitment to justice, human dignity, and the rule of law. His early legal training in Kenya and later years in India, United Kingdom and the United States of America gave him a unique blend of local understanding and global perspective, that informed his work throughout his life. He was a kind of advocate who pursued justice over grandstanding and or profit, often offering his services pro-bono whenever the occasion so required, and who believed in the sanctity of the Constitution, even in the most turbulent political climates;

IN ACKNOWLEDGING some of the immense contributions by Senior Counsel Pheroze Nowrojee, in 1995, the Kenyan section of the International Commission of Jurists (ICJ Kenya) awarded him the Jurist of the Year, a recognition reserved for individuals who have demonstrated exceptional commitment to the protection and promotion of human rights, justice, and the rule of law. SC Pheroze Nowrojee, was also recognized by the International Bar Association in 1995, he received the Bernard Simons Human Rights prize for 2002-2004, the Law Society Roll of Honor 2005, the Maasai People Safeguarding Rights Award 2007, the CB Madan Constitutional prize

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2014. He was a distinguished lecturer in the University of Dar salaam, University of Nairobi and Kenya school of law. He was a distinguished scholar and author of many books among them; A vote for Kenya, The Elections and the Constitution 2013, and A Kenyan Journey, 2014, among others;

RECOGNIZING that County established a County Policy on property addressing and street naming which provides for procedures that should be undertaken in relation to address management functions, such as address selection and naming of roads and streets within the County,

FURTHER APPRECIATING that by renaming of a prominent road in Nairobi would serve as a fitting tribute to his lasting legacy and ensure that his contributions are remembered and celebrated by future generations;

THIS ASSEMBLY THEREFORE URGES the County Executive to rename a County road after the late Senior Counsel Pheroze Nowrojee in recognition of not only his patriotism, excellent contribution to the rule of law, human rights and democracy and generally good governance in the Republic of Kenya, but also the values he espoused; justice, integrity, humility, and above all, service to humanity.

Thank you, Hon. Speaker. I beg to give notice of the motion.

Hon. Temporary Speaker: Thank you, Hon Members. Back to the sequence. Clerk?

MOTIONS

ADOPTION OF REPORT OF AUDITOR GENERAL ON NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD CAR LOAN AND MORTGAGE SCHEME FUND FOR YEAR ENDED 30TH JUNE 2020

Hon Chege Mwaura: Thank you, Madam Speaker. I rise to move the following Motion:

THAT, this County Assembly adopts the report of the Select Committee on Public Accounts on consideration of the report...

(Several Members left the Chamber)

Hon. Temporary Speaker: Hon Members, you should minimize moving. We have a very important document that is being articulated.

Hon Chege Mwaura: THAT, this Assembly adopts the Report of Select Committee on Public Accounts on Consideration of the Report of Auditor General on Nairobi City County Assembly Service Board Car Loan and Mortgage Scheme Fund for the year ended 30th June 2020, laid on the Table of the Assembly on Wednesday, 30th April 2025.

Madam Speaker, pursuant to Standing Order 203, the primary mandate of this Committee is to oversight the expenditure of public funds by the Nairobi City County and its entities to ensure value for money, and adherence to government financial regulations and procedures. Again, Article 201 of the Constitution enacts fundamental principles aimed at guiding all aspects of public finance in the republic. This Committee has considered all the constitutional legal provisions for

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the basis of holding accounting officers and other public officers directly and personally liable for any loss of public funds that may occur under their watch.

Madam Speaker, the audit involved auditing the financial statements for the Nairobi City County Assembly Services Board Car Loan and Mortgage Scheme Fund by the Auditor General, which comprise of statements of financial position as of 30th June 2020, statements of income and expenditure, statements of changes in equity, statement of cash flow, summary of significant accounting policies, and other explanatory information, in accordance with the provisions of Article 229 of the Constitution of Kenya and the Section 35 of the Public Audit Act, 2015.

The Committee held its sittings, which interrogated the Clerk of the County Assembly on key findings raised by the Auditor General. Similarly, the Committee received written responses to the audit findings. While taking evidence, the Committee was guided by the existing procedures and modalities of operations of the Nairobi City County Assembly, derived from the Constitution of Kenya 2010, Acts of National Parliament, Acts of Nairobi City County Assembly, Standing Orders, conventions, usages, practices and rulings, directives of the chairperson.

Regulation 114 of the PFM, County Governments Regulations, 2015 says that the accounting officer shall prepare financial statements in a form that complies with the relevant accounting standards not later than three months after the end of the financial year and submit them to the Auditor General. In the audit opinion, except for the effects of matters described on the basis of a qualified opinion, in all material respect and its financial positions, we consequently, through the Auditor General, did not find many key matters to communicate in this report.

However, the report of the Auditor General for this particular year and the written responses recommend that the fund administrator to prudently do its findings, and also urge the issues raised by the Auditor General be addressed to avoid the recurrence of the same.

Madam Speaker, maybe just to take the Members through, this Committee not only just looks at the Executive, it also looks at the Assembly and the Clerk, and the team also appear before the Committee where they are interrogated within the precincts and the presides of the law with regards to expenditure on the Assembly side. And so it is important for Members to understand that since this Committee started, we started with a backlog. That is why we are still doing 2020. I think hopefully by the end of this year, we will have caught up at least to 2023/2024 thereabout.

I want to thank the members of the PAC Committee that toil a lot to make it happen. Madam Speaker, without any particular order, I want to recognize the Vice Chair of the Committee, I don't know if he is here. He does a lot of work in terms of supporting my work. Also, the Members who are very instrumental in getting us here. I see Hon. Cyrus Mugo, Hon. Fatuma, Hon. Emmy Hon. Simon Maina, Hon Heho, and Madam Rachel over there. Also, to add, the bulk of this work was also ably supported when the Chair of Water Committee was the Vice Chair of the Committee. Hon. Oyugi, Hon. Agnes Njeri, and Hon. Kimani did a lot of work in getting us these kinds of reports. I also want to thank you, Hon. Speaker, for helping us achieve this.

We are not easy on the Clerk. The Committee has recommended that some administrative action should be taken for professional negligence and misconduct. Again, we have also recommended a strong reprimand for accounting officers for failure to adhere to the PFM

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regulations. So, in as much as we usually interrogate the Executive, when it comes to the Assembly side, we are also equally very tough on them.

Madam Speaker, I also want to thank the leadership led by the Leader of the Majority and the Minority Leader, they gave us ample time and space to be able to work without getting phone calls to support. I thank the Whips as well. I also thank the Board, led by the Speaker for coming to our sessions. So, we are able to table this report.

Madam Speaker, with these few remarks, I wish to request Hon. Rachel Maina to second me. Thank you.

Hon. Rachel Maina: Thank you, Madam Speaker. I stand to second.

Hon. Temporary Speaker: Thank you, Hon. Rachel.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate. My screen is still clear. I call upon the mover to reply.

Hon. Chege Mwaura: Thank you, Madam Speaker. I just wish to tell Members that these reports, immediately after they are adopted, will be on the screens of the Assembly website. Should any Member feel that they want to interrogate the report further and see how we arrived at what we arrived at, the Table Office can give you a copy so that you can understand the workings that we have done. Other than that, I thank you all for agreeing that we proceed. I beg to reply. Thank you.

(Question put and agreed to)

ADOPTION OF REPORT OF AUDITOR GENERAL ON NAIROBI
CITY COUNTY ASSEMBLY SERVICE BOARD CAR LOAN AND
MORTGAGE SCHEME FUND FOR YEAR ENDED 30TH JUNE 2021

Hon. Chege Mwaura: Madam Speaker, I rise again to move the following Motion:

THAT, this Assembly adopts the Report of Select Committee on Public Accounts on Consideration of the Report of Auditor General on Nairobi City County Assembly Service Board Car Loan and Mortgage Scheme Fund for the year ended 30th June 2021, laid on the Table of the Assembly on Wednesday, 30th April, 2025.

Madam Speaker, the Committee having considered the report just like the other one, we also got written responses to the audit queries. We also were able to interrogate this the same way as the other one, and so I do not wish to take the Members through the same. Again, to promise them that the report has been adopted, they are free to look at them again in depth.

Madam Speaker, I would request Hon. Fatuma to second. Thank you.

Hon. Temporary Speaker: Hon. Fatuma Abey.

Hon. Fatuma Abey: Thank you, Madam Speaker, I stand to second.

Hon. Temporary Speaker: Thank you Hon. Member.

(Question proposed)

Hon. Members, you may now debate. Hon Majority Leader.

Hon. Peter Imwatok: Madam Speaker, the Member behind me is shoeless. Is it a procedure in this Parliament for a Member to walk without shoes? Maybe Sergeant-at-Arms was trying to hide him. That is Hon. Mofire. We want you to clarify whether a Member is allowed to walk barefooted in this Chamber, before I contribute to my senior most... Deputy Whip says the Member is broke.

Hon. Temporary Speaker: Sergeant-at-Arms, please confirm.

Hon. Peter Imwatok: He didn't even bow. The Member is taking this House very casually. Before you, is the golden Mace, which is a symbol of power. He is just crossing casually. Hon. Speaker, protect the dignity of the House.

Hon. Temporary Speaker: Hon. Members, according to the Speaker's Rules... Confirm if he is fully dressed, otherwise, he will miss the plenary for the remainder of the day. Sergeant-at-Arms, please confirm. Next time you should dress like a Hon. Member. If you don't have shoes, you shouldn't come to the plenary. The Sergeant-at-Arms has confirmed.

Hon. Peter Imwatok: Contributing to my senior's Motion, the Chairman for Public Accounts Committee, this particular audit report was strictly towards the Loans and Mortgage Fund account, where I chair. I believe our secretariat so far has done well. You are aware this fund has really helped us as a House. I implore on those Members who have not done the current reimbursement, not to give our Chair more problems. This financial year's audit is coming. If you have not finalized with our secretariat on the issue of current reimbursement, do something on it so that you don't leave behind traces. You might ignore now, but during the clearance time for you to go and vie in 2027, it will be a challenge. It is not about Hon Chege as the Chair of Public Accounts Committee. It will be an audit query, and it will be difficult for the Clerk to clear you for any position if you want to vie in this Country. Hon. Speaker I beg to support.

Hon. Temporary Speaker: My screens are clear. Any other Member? Hon. Carrington.

Hon. Carrington Heho: Hon. Speaker, I rise to give breath to whatever the Majority Leader and the Chair of the Committee has said. It is a report that touches inwardly on financial aspect of every Member in this Committee and in this House.

When you look at that report, just to give breath to whatever the Chairman for PAC was saying, all you could find was simple misdemeanors, because this is a revolving fund, whereby the fund administrator is the Clerk. The only issue we had is that they had not properly and timely tabled the reports for audit, and equally underreporting, which basically in financial terms, it cannot be equated to a financial crime, but a financial misdemeanor. So I beg to support the Motion. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you Hon. Member. Any other Member who wants to contribute? My screen is clear; I therefore call upon the mover to reply.

Hon. Chege Mwaura: Thank you so much, Madam Speaker, for the opportunity to be able to conclude this matter. It is important that we inform the House that these reports again make it to the Senate, so that the Senate can be able to interrogate further. So, the Committee tries as best as it can so that we don't take a flimsy report that will make this House look like a joke. I am happy

that the Committee has put a good work in it, and when we go to Senate, we are able to defend the positions that we took as far as this report is concerned.

Having said that, I want to thank the Members and also the leadership of the House for allowing us to get there. I beg to reply. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Chair.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, there being no other business, the House is adjourned until tomorrow, Wednesday 8th October 2025 at 2.30 p.m. The Assembly Business Committee to meet at the rise of the Assembly.

The House rose at 3:26 p.m.