



THE NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY
(FOURTH SESSION)

MESSAGES

MESSAGE FROM THE GOVERNOR

Hon. Members,

Standing Order 43 (1) relating to Messages from the Governor provides that and I quote, *“the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.”* In this regard, **Hon. Members,** I wish to report that I received a Message on Wednesday 15th April, 2020, from the Governor vide a letter dated 15th April, 2020.

Hon. Members,

The Message regards the refusal to assent the Nairobi City County Supplementary Appropriations Bill, 2020, (Assembly Bill No. 1 of 2020).

Hon. Members, Standing Order 43 (2) further provides, and I quote,

“If a message is received from the Governor or the Senator of the County, at a time when the County Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the County Assembly on the day the County Assembly next sits.”

In this regard, I wish to confirm that this message was received while the Assembly was not in session due to the Covid-19 crisis; however, the **electronic**

version of this Message was circulated to all Members yesterday Thursday, 16th April 2020.

Accordingly, **Hon. Members**, I now wish to convey the following Message:-

REFUSAL TO ASSENT THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2020, (ASSEMBLY BILL NO. 1 OF 2020) PURSUANT TO SECTION 24(2) (b) OF THE COUNTY GOVERNMENTS ACT, 2012 AND STANDING ORDER NO. 145(2) (b)

Hon. Members, you may recall that on **Thursday 2nd April, 2020**, the County Assembly passed the **Nairobi City County Supplementary Appropriations Bill, 2020(Assembly Bill No. 1 of 2020)**. Thereafter, I presented the Bill for assent to His Excellency the Governor on **Monday 6th April, 2020** in accordance with the provisions of Section 24 of the County Governments Act, 2012 and Standing Order 145. However, on **Wednesday 15th April, 2020**, His Excellency the Governor, by way of a memorandum, referred the Bill back to the County Assembly for reconsideration pursuant to the provisions of Section 24(2) (b) of the County Governments Act, 2012 and standing order no. 145(2) (b).

Hon. Members, while refusing to assent to the Bill, His Excellency the Governor has raised a general concern on the Bill and expressed reservations on the provisions of the First and Second Schedules as follows:-

i) General Concern

H.E. the Governor avers that the Bill has in effect transferred certain functions to the Nairobi Metropolitan Services (NMS) against the provisions of the Deed of Transfer of Functions entered between the County Government and the National Government. In particular, the Governor singles out the following:-

- (a) Accounting Services;
- (b) Supply Chain;
- (c) Human Resource;

- (d) Security; and
- (e) Legal Services.

It should be noted that these are the ancillary services contemplated under the Deed of Transfer of Functions.

ii) First Schedule

The Governor raises the following reservations and recommendations:-

- (a) That the following programmes be retained by the County Government;

Programme Code and Name
0724005310: Security and Safety Management
0726005310: Disaster Management Coordination
0208000: Information And Communication Services
0701005310: Public Financial Management
0719000 P3: Economic and Financial Policy Formulation and Management
0710000: Public Service Transformation
0116005310: Animal Health, Safety and Quality Assurance
0117005310: Afforestation
0118015310: Food Systems and Surveillance
0214005310: Ward Development
0718005310: General Administrative Services

- (b) That the Bill contravenes the provisions of Section 113 of the Public Finance Management Act 2012.
- (c) That under the heading, Nairobi Metropolitan Service, under the Vote R5315, item 0401000 P.1 Preventive & Promotive Health Services, be amended by deleting Kshs245, 001,723 and replacing therefore with Kshs 745,001,723.

Hon. Members, Standing Order 43 (3) provides as follows, and I quote,

(3) When a message from the Governor or the Senator of the County is read, the message shall be deemed to have been laid before the County Assembly and the Speaker may either-

(a) Direct that the message be dealt with forthwith, or

(b) Appoint a day for the consideration of the message; or

(c) Refer the message to the relevant Committee of the County Assembly for consideration.

In view of the above, **Hon. Members**, I will shortly be giving directions on how the Assembly shall proceed with this business.

I thank you.

HON. BEATRICE ELACHI, CBS
SPEAKER OF THE NAIROBI CITY COUNTY ASSEMBLY
APRIL 17, 2020