



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Thursday 27th June 2019

The House met at 10.50 a.m.

[Hon. Acting Speaker (Mr Chege Mwaura) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Acting Speaker: Hon. Members, I have some communications to make.

STUDY VISIT FROM WEITHAGA BOYS HIGH SCHOOL

In the Speaker's gallery all the way to the main gallery, we have visiting students from Weithaga Boys High School.

(Applause)

We have ben graced by students and teachers from Weithaga Boys High School visiting us on a study tour. I wish to warmly welcome you to Nairobi City County Assembly. I hope you enjoy your study visit and learn as much as possible from us.

Hon. members, I will ask you to help me give them warm legislative welcome.

(Applause)

SIGNING INTO LAW OF THE NAIROBI CITY COUNTY TRADE LICENSING ACT, 2019

Secondly, hon. members, I wish to bring to your attention that the County Assembly considered and passed the Nairobi City County Trade Licensing Act, 2019 to regulate grant of trade licenses. The bill was subsequently forwarded for assent by the Governor.

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Hon. members. I wish to report that the bill was signed into law, having been assented and published as an act of the Nairobi City County Assembly. You can always get the copies from the Assembly website or the Table and Journal Office for your own perusal and record keeping.

MANAGEMENT AND ATTENDANCE OF WITNESSES BEFORE THE COMMITTEES

Thirdly, hon. members, I wish to make this communication and I will also allow you to deliberate before I make final directions. It regards the management and attendance of witnesses before the committees.

Hon. members, my attention has been drawn to issue of grave concern regarding handling of witnesses summoned by the committees to give evidence and produce documents. I must address at once. First, to provide direction and secondly, to safeguard the integrity and dignity of the Assembly in so far as handling of witnesses is concerned.

Hon. members, the management and attendance of witnesses is provided for broadly under the Constitution, the County Assemblies Powers and Privileges Act, 2017 and the Standing Orders. Specifically, Standing Order 18(3) provides for the powers and privileges of committees. It states that: *"The committees shall enjoy and exercise all the powers and privileges bestowed on the county assembly by the constitution and statute, including the powers to summon witnesses, receive evidence to request for and receive papers and documents from the government and the public."*

Hon. members, the range of powers and privileges is enjoyed by the committees in so far as the powers to summon and examine witnesses is concerned emanates directly from the range of broad powers enjoyed by the Assembly. Accordingly, there is a legitimate petition on the part of the Assembly that committees leverage this power cautiously and utmost care. Witnesses summoned under Section 18 of the act have a legitimate expectation. They are wellbeing within the precincts and th the privileges will enjoy the same protection extended to them under the act.

This is why the events of yesterday Wednesday, 26th June 2019 during the meeting of the sectoral committee on Early Childhood Education and Vocational Training must be censured in the strongest terms possible.

Hon. Members, the conduct of witnesses' examinations must be undertaken in an atmosphere of respect, dignity and decorum. Committees are an extension of this House, which extension demands that the committees conduct their affairs in the most dignified manner possible. It is therefore unfortunate that a committee would chose upon invitation of a witness to proceed to daunt, harass, intimidate and threaten a witness. This unfortunate events do not add value derived from these inquiries but instead they heavily dent the credibility of the Assembly und indeed the oversight process itself.

Equally hon. members, the Chair has noted a decline in the standards and benchmark set for the dress codes within the Assembly precincts particularly in the committees. Your attention is also drawn to the provisions of Standing Orders and Speaker's rules on this matter.

I would like to make a direction from what I have read, but before I do so, I will allow you to ventilate on that issue before I pronounce myself on it. I want to hear your views on that issue before I make a direction. Is there anyone who wants to ventilate on the issue? I can see the Hon. Chairman of Planning.

Hon. Antony Karanja: Thank you, Mr. Speaker. As unfortunate as it is, I would also not want what happened trivialize the importance of bursaries to the people of this city.

(Applause)

Hon. Speaker, we know when members or when anybody including animals are pushed to the point of desperation. They have very limited ways of communicating their desperation.

(Applause)

I would wish to hear the same communication with the same strong wording and with the same energy and zeal from you directed to the Executive to give the people of Nairobi bursaries.

(Applause)

We are desperate and we would want not to focus on the sideshow because I believe what happened is a sideshow. Let us focus on the main issue which is bringing bursaries to the people of this city. Thank you.

Hon. Acting Speaker: I hear you. I will allow as much sentiments about it as possible. But you cannot say that a witness who was threatened to the point of running for safety is a sideshow. However, I have heard the concerns and I am equally aware what precipitated the issue is of great concern. How we handle a witness who is a stranger to this House is also of great concern to the dignity and decorum of this House.

Hon. Moses Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker. As my colleague has said that at times animals--- I want to rectify him that we are not animals but hon. members. The Privileges Act gives us the opportunity to ventilate our anger to individuals especially from the Executive. Hon. Speaker, whenever I use abusive language before this House, you will tell me to withdraw that word. It is very unfortunate about what happened yesterday but we should also not run away from the issue of bursaries. There is no formal complaint before this House. As you make the communication, it is also good to know if for real that incident happened within the precincts of this Assembly.

I would wish to remind hon. members that despite the Privileges Act, criminal proceedings can be instituted against any member who may want to cause a grievous harm to any individual in this House. Hon. Speaker, I also want to request your office to give members the act so that when Hon. Kiriba slaps me, he will face the law. Personally, I did not see what happened, and if there is a formal complaint, it is good for you to table before the House so that we can see if there was grievous harm to the individual.

The Executive must know that there are needy students who applied for bursaries December last year.

(Applause)

What we are requesting is bursary. The leadership of the House must give direction about bursary issue. We paraded parents in the 85 wards but they have not received the bursary. Mr. Speaker I don't know whether you are pronouncing yourself over the media.

So, Hon. Speaker, it is in your wisdom to give guidance to this house then we will do the needed communication. Hon. Members should know that the privileges Act doesn't cover them from any criminal proceedings. It only gives them civil proceedings. Thank you.

Hon. Acting Speaker: Thank you. I also wish to inform you that there is something called an incident report that is written and signed by the serjeant-at-arms. That is how the report is brought to the attention of the Chair or the Speaker. Secondly, I am also privy to a footage. So, I am not relying on a social media reports. The House dispenses itself through the committees. The people who come to give you the position of government on issues are the said county government officials. If they are harassed to the point of not being able to come because of security reasons, then I have to come in. All the committees will come to a standstill if all the CECs feel threatened to come. You also need to understand that communications from the Chair are not usually open to debates. But I have allowed us to weigh in so that we make a collective decision that captures everyone. Hon. Themendu.

Hon. Jeremiah Themendu: Thank you Mr. Speaker for giving me this opportunity to say something concerning the issue. What I understand is that we gave the bursary in December last year and up to now nothing has happened. I would like to say that even if you clean your house very nicely and your children are sleeping hungry, then you are doing nothing. What happened yesterday was unfortunate, but on the other side it was in order.

(Laughter)

Even if it was me, I would do the same.

(Laughter)

How can you give those bursary forms, distribute to poor parents and you delay releasing those bursaries until parents sell their cows, the only cow that the family depends on. They have sold their cow to return the kid to school. That is when you are releasing the bursary. Let me say something as a reply to my able Minority Leader here. I am representative of the people of Kayole Central Ward. Hon. Leader of Minority, can you define to us what the meaning of the word---

Hon. Acting Speaker: Order! Hon. Address the Chair. Do not direct your attacks to the Leader of Minority.

Hon. Jeremiah Themendu: Let me finish---

Hon. Acting Speaker: Order, Hon. Themendu! My business is to allow every member to speak whatever they have to say and without curtailing their line of thought. But if you move out of the agenda and direct your anger at the residents of Kileleshwa, it is my business to bring you back to order. Proceed before I give him a chance.

Hon. Jeremiah Themendu: Let me finish. I think even Member of Parliament give bursaries. The meaning of the word representing is like saying you are the lawyer to the people of Kayole Central. And if they have any problem even if it is bursary, it is me to represent them in this Assembly. And I won't be scared by anybody when I am doing my work. So, Hon. Speaker, can you---

(Loud consultations)

Hon. Acting Speaker: Hon. Kennedy Oyugi.

Hon. Kennedy Oyugi: Thank you Mr. Speaker. I am a member of the education committee and I also attended the committee session yesterday. Let me give you a brief chronology of events as they unfolded. The truth of the matter is that we are dealing with the wrong executive. When you are dealing with the wrong executive, how do you expect Members to behave? How rogue is the executive? Let me explain. There was a report that was tabled by the executive in our meeting yesterday and part of the report, I gave example of three wards namely Kileleshwa, Highrise and Dandora IV. In Highrise, we were to get a bursary of 3.5 million and we had a balance of over 700,000 and in their report, we got everything. In Kileleshwa, the Member had a balance of over 1 million and in their report, Kileleshwa already consumed 3.5 million. In Dandora IV, the Member had a balance of over 400,000. In their report, they had already given out what was to be given. And imagine they were insisting that the report is very credible. This argument attracted other Members. They came in as friends of the committee.

Another example that I want to give you to justify how rogue the executive is when we had a meeting with the culture and education committee. There was a discussion over the stadia that are being built by the county. You know what happened? The account is giving the cost of putting up a stadium at Dandora to be at 350 million shillings and the QS in charge of the same project is saying that the figure is 250 million. How do you expect Members to behave? I want to applaud the Members who attended that session yesterday. Even if you were there, you would have whipped those executive members.

Hon. Acting Speaker: Order! You are out of order. You cannot insight while you are an Hon. Member. If we resorted to whipping everyone we do not agree with because of a report, the committee can sanction. But you cannot take powers in your hands and justify on the floor of the House. You are out of order. You must withdraw that line and then I give you chance to proceed.

Hon. Kennedy Oyugi: Mr. Speaker, I withdraw the word 'whipping' but let me put it to you and the House that we are dealing with 'thieves'. KSh. 90 million cannot be accounted for and these people are deliberately giving you a falsified report and they are forcing it down our throats. As human beings, they are professionals and old enough, and they are insisting. Do you want to tell me that the Leader of Minority who is the representative of Kileleshwa does not know that the county owes the people of Kileleshwa over 1 million shillings? Do you want to tell me that Leader of Minority is lying? Do you think I am lying? I don't know the treatment that these guys deserve. Before you give communication, get facts from both sides. Again, the county secretary has been summoned by the same committee. She completely refused to come. Are we not

dealing with rogue executive? Then advise the house on how you expect us to behave when dealing with such people. Thank you.

Hon. Acting Speaker: Thank you. You need to know that you also have the powers equivalent to a high court and I will be waiting for a report from education committee giving us those sanctions. Hon. Oyugi, you are giving us half the story. You are telling us what happened in the committee. You are not telling us what happened on the corridors. Hon. Mark Mugambi.

Hon. Mark Mugambi: Thank you Mr. Speaker. I want to echo the sentiments of my fellow Members. I understand the boiling point starts from the issue of bursaries. You are well aware that each of the 85 elected leaders were given 700 forms. You can understand the pressure we are getting from the 700 parents. Before that, you understand that all the 85 Members got less bursaries during the last financial year. We cannot get responses as to the balances. And I understand that the controller of budget is not lying about the bursaries that we got. The issue with the COB is about the cheques that we didn't get. The balances that were not utilized. And the executive members are not able to tell Members what transpired. The common *mwananchi* doesn't know any story regarding the executive. They only know about the elected leaders. Hon. Speaker, almost all these 85-elected leaders cannot go to their officers in the wards because the parents come to cry for fees and we are not able to assist them, and we keep on pushing them.

Mr. Speaker, we have less than three days and additional two weeks for the financial year to end. If these parents would not have received these cheques, that means our budget has been used and it shall be returned back to the Central Bank. This coming financial year we will not have any other bursary, which is so up sad. I understand that is what is making these Members boil. I was not able to view the clip through the Ghetto Radio online page.

(Point of order)

Hon. Acting Speaker: Order! There is a point of order. What is your point of order, Hon. Whip?

Hon. Moses Ogeto: Hon. Speaker, is Hon. Mugambi confirming that the incident that happened yesterday is in his findings so that we can understand that our hon. members despite meeting the Executive Members in their meeting were rude? This is to enable us to understand that the Committee of Education insisted members to rough up Executive Members. When a member says that he has seen the clip, does that one confirm that the incident happened? He can therefore be a witness in the court of law.

Hon. Acting Speaker: The Issue he was raising regards to issue in social media. I want you to conclude and respond to what he is saying.

Hon. Mark Mugambi: Yes, Mheshimiwa Ogeto, I have just mentioned that I saw the clip online in Ghetto Radio page but at no point was the officer roughed up, they were only arguing. He was not touched and I can share the clip with you, therefore let us not create a mountain out of nothing.

Hon. Acting Speaker: Order! You are out of order, Hon. Mark Mugambi resume your seat! The chair cannot raise an issue and then you purport to make mountain out of nothing a. I am only going to give two then you split before I give the leadership a chance to conclude the matter. I will allow you if you allow

yourselves to go for a minute and a half. I can give two on this side and on the other side then we conclude it. I will start with Hon. Majiwa.

Hon. Geoffrey Majiwa: Thank you, Mr. Speaker. I would like to support the discussion for today. I think it is also important that we point it out to you as the Speaker of this House. We will not bury our heads in the sand and fail to inform you where the error is. This is because as the Speaker of this House, you know when we started fighting about the bursaries. It is now close to seven months and we have been making noise here.

Hon. Acting Speaker: Hon. Majiwa, has you make your contribution, I also want you to dissociate yourself from putting it to the chair because he is not a Member of the Education Committee and Executive. It is the business of the Chair to guide the debate. That is why we want to come with a conclusive issue in this matter. Therefore, if you are saying that there is an error from the chair because you have not gotten the bursary you are out of order, you can proceed.

Hon. Geoffrey Majiwa: Hon. Speaker, I wish you gave me an opportunity to elaborate on that. The first time this question was asked in the House, you took it upon yourself and said you are going to call the Minister of Education from the Executive to come to your office to explain to you why these cheques cannot be issued.

Hon. Speaker, it did not take a month before we saw the Minister on the Television when they were having issues with the Governor and you did not inform us what transpired. However, let us deal with what is before us now. On the issues of bursaries, personally I have been summoned in my ward and people have written to me letters that they want to meet me so that I can explain to the, where their bursaries are. This is because I had given them forms that they filled dully and returned it to me and I then brought them here.

Hon. Speaker, what is even sad is that the day when we were supposed to be collecting the cheques, we were given empty boxes here and nobody talked about it. It was in open daylight when we were given open boxes here. When we tried to follow-up, we were told that next week the cheques would be out

Hon. Speaker, this is not a small matter it is a matter that we are talking about. Over one million children in Nairobi cannot go to school and here we are discussing, giving all information about the committee. We need to be fair to the people of Nairobi because they have hopes in what we are doing here. We cannot sit here and defend an individual who has failed in his duty while we forget about the one million children who are not going to school.

(Applause)

Hon. Clarence Muga: Thank you, Mr. Speaker for giving me this opportunity. I am a Member of Education Committee and I can ascertain that the Chief Officer of Finance and the CEC Education were called upon to come and answer some of the questions concerning the bursaries.

Hon. Speaker, at no point in the committee room were these members harassed or roughed up as the way other Members alleged here. I was in the committee room. Actually what they were asked was to answer or account the 100million shillings that are making Nairobian children not to get their bursaries. If there was someone who was harassed in the corridor, it was beyond the committee because the members were exercising their emotional rights. I want to make some clarification that as a member of Education

Committee, there is no point where these officers were harassed. We did our Jurisdiction as members of the Education Committee to find the underlying cause of this issue. Thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. James Wambui.

Hon. James Wambui: Nashukuru sana, Bwana Spika kwa kunipa huu muda. Hasa kwangu, nina uchungu mwingi sana kwa sababu sisi hatuwezi kwenda katika wodi zetu kwa sababu ya changamoto ya bursary ambazo tunaitishwa kila siku na tumetatizika sana. Wengi wetu tumetoka vitongoji duni vya Mathare. Hatuwezi kulinganishwa na ambao wametoka uko kwa matajiri kama Kileleshwa na Lavington.

Hon. Acting Speaker: Order, Withdraw that! Bursary zinapeanwa kwa maeneo yote ambayo yanawakilishwa hapa. Kwa hivyo, ambayo mnaambiana kule nje uwezi leta hapa. Toa maneno hayo ili uweze kuendelea ama nikunyime nafasi.

Hon. James Wambui: Natoa Bwana Spika, lakini ningepomba wakati mwingine kama zinapeanwa, tunalinganisha na wingi wa watu. Kama mimi nimechaguliwa na watu karinu laki tano. Nikiwapa bursary n ikama duni sana, haziwasaidii. Nasumbuliwa kila siku kuwa bursary hazijatasha na kuna wengine wetu hapa wako na wodi ndogo ambayo wanawakilisha watu wachache. Hata ukiwa na bursary za mia mbili, zitatasha.

Kwa hivyo kile kitu mimi naomba hii kitu ichukuliwe kwa uzito sana na ujaribu kusaidia wanaichi wa kawaida. Kwangu Kiamaiko, kuna shida ambayo imenikoroga sana. Juzi wamenitandika sana hata mbavu zinauma sana wakiniitisha bursary. Nataka uchukulie hili jambo kwa uzito sana kwa sababu tutaumizwa zaidi.

Hon. Acting Speaker: Shukurani sana Mhesimiwa kutoka Kiamaiko.

Hon. Mwaura Samora: Thank you, Mr. Speaker Si, for giving me this opportunity to contribute to this critical debate. First, I would like to say that I was in that committee at that particular moment and the reason why there was an emotional outburst is that the officer in question was asked by the Chair of the Committee---

Hon. Acting Speaker: Are you a Member of the Committee?

Hon. Mwaura Samora: I am a friend of the Committee.

Hon. Acting Speaker: Okay, proceed!

Hon. Mwaura Samora: The officer in question was actually asked by the Chair of the Committee to address the media and apologize to the Nairobians for delaying the bursaries. At that point, that particular officer became very emotional and he walked out. So, the incident at the corridor was that some members were trying to ask him to come back to the committee. Therefore, there was no harassment. It was just members exercising their right.

Secondly, before I sit down, I attended the whole committee session. Those officers including the CEC had no solid answers. After them being asked when we were going to get these bursaries, they did not have a solid answer. As it stands now we don't know when we will get the bursaries and the 85 elected members – you have heard some members saying they were roughed up – are being pressurized every day.

Our people there don't know about the officers. They know us. We are the ones who gave them the forms. At the moment we are being called thieves because we gave out forms yet there are no bursaries. We are going to third term, some students are in Form Four, so by the time those bursaries come those students will have completed high school.

Mr. Speaker I hope you use your chair and authority to force the executive to tell us when we are supposed to get the bursaries. I don't know what will happen to us if 700 people don't get their cheques and we have two years to go before the next elections. Thank you very much.

Hon. Acting Speaker: Thank you. Hon Deputy Majority Leader.

Hon. James Kariuki: Thank you Mr. Speaker. I have a few words although I am not justifying what happened yesterday but whatever happened was very wrong. However, I know you are a member of your ward where there are slum dwellers. What is happening to this officers, in fact you should now allow an ad hoc committee to investigate the officer. The question will remain bursary and the answer will remain bursary and we will not compromise on this. In this house we have students from a school who are listening to this debate and this is going to be wired to the village today after this session.

Mr. Speaker as much as you want to be very neutral, you need now to wear the suit of a member of the County Assembly for Ngara *uambie hii nyumba*. If a hon member airs grievance to an officer I want to remind you that we have capacity to bring, from all our 85 wards, all these beneficiaries to come to that officer and that officer get to explain to these particular beneficiaries. We are dealing with orphans; we are not dealing with people who are able to place a meal on their table. As I seek your indulgence to guide this house may you guide the house on when to expect this bursary and if we are not expecting these bursaries soon may you also guide the house.

One of our election promise was bursary to be accessible to all students that are needy which we believed is going to happen, in this house. Mr. Speaker sir I know you have never lost a seat like me because of that bursary. We have so many new strange faces in this house and we have had a history that those who lost their seats lost because one thing: the bursary. Mr. Speaker unless you support this officer to sack us in our wards we will not have a voice. Give us a way forward on when we are getting these bursaries. As much as the Minority Leader- I know you have never lost a seat and you know how seats are lost; it is so simple. I want the Speaker to guide us.

Hon. Elias Otieno: Thank you Mr. Speaker. Today I am going to use the wise words of wisdom the way Oyugi always do: 'If you can't be a bridge to connect people then don't be a wall to separate people'. That is what I am saying. If you can't be light to brighten people's lives, then don't be darkness to be people's efforts. I am talking to the old man who is our grandfather in this assembly, because he was accusing Kileleshwa that people there don't need bursaries, rather those of Kayole.

Mr. Speaker I talk like that because I always say this old man doesn't belong to this house. That is the reason why...

Hon. Acting Speaker: Order, order Leader of Minority. The member is duly elected member of Kayole. Proceed.

Hon. Elias Otieno: I want this old man to be a bridge to connect people. He should not be a wall to separate people. He was talking as if he wanted to separate Kileleshwa from your people. Don't be a wall to separate them. Initially I was not supporting this bursary thing but I think there were some empty bags paraded at Charter hall. I think there are several parents and children who came there to witness and were told your MCAs are going to get the voucher for you to take to the school. That is the bone of contention.

Mr. Speaker when you are sitting there, as far as I am concerned, whether you are elected, nominated you belong to this assembly. You should work for this assembly all the time, protect it all the time. I will always quote the words of Martin Luther King: 'cowards die many times'. Don't be a coward Mr. Speaker. In any case somebody somewhere was roughed up. I don't think it was a fight; it was just miscommunication. If you go to a communication class, there are several types of communication. Some people communicate speaking loud, some nod, some whisper and some use eye contact while others push. Maybe they wanted to alert the person that this was our communication and you can take it to the big boss. What happened is unfortunate but all in all people want bursaries.

Mr. Speaker what is the way forward? You brought it as if you wanted to warn somebody in the house but later on I saw the self-proclaimed bishop change the topic. I read your mind before you spoke because I always talk to my ancestors before I come to this house (*Laughter*).

Mr. Speaker the bursary is tarnishing the names of these members. Let us take it up with the executive to give us these bursaries. Yesterday I said clearly that it is not a right to get bursary. It is privilege but when you give it a privilege and parade it to the public it is a right. Somebody somewhere turned the privilege into a right. That is the reason members demanded it. Let us get this one for the last time. If they don't want to give again well and good. I also want to give free advice to members. These bursaries will not make you reelected. 75% of you members are going home (*applause*). The first person going home is this old *mzee*...

Hon. Acting Speaker: Have your seat Leader of Minority. You are not on record. Hon Members I am ready to make a direction. I have noted the chair of education has also arrived. Hon members, order! I make the following direction. That time be allocated in the afternoon session whereby you will conclusively come up with a position to explain to the executive whatever the house is going to take. We shall have a dedicated time to discuss bursaries in the afternoon session.

Secondly it is the business of the chair of the session to protect their witnesses. If I have a guest in my office, it is my business to protect him or her. If it is breached I am liable. If I am a chair of a committee and business is disrupted it is your business to protect to the best of your ability. If it is not possible then the Sergeant-at-Arms should come in. If it is not possible then the law should take its course. Having said that the incidence of misconduct emanating from examination of the witness invited to appear before the sectoral committee on Early Education and Vocational Training I hereby take it to the Powers and Privileges committee to further inquire and give us a report within 14 days.

(Loud consultations)

Order! Order! If the committee thinks there is no wrong taken so be it but we are not going to close our eyes to it. I also direct...

(Loud consultations)

Hon member for Nairobi West ward, it is the business of the Powers and Privilege committee to investigate and if they find no fault they will table that report. The Chairs of Chairs, I wish that you take charge and advise the Chairs of committees to take charge in the running of their committee affairs especially when they have witness so that they conform with the House Standing Orders to protect witnesses and report the

same within 14 days and also adhere to the code that is directed especially on how witnesses are dressed and how the members conduct themselves including dressing in the committees.

Thirdly, that is also in our business, that the Serjeant-at-Arms will take deliberate steps to ensure that the safety and the wellbeing of the witnesses as well as the members when the business is proceeding and as well as the committee proceedings. It is so directed. Proceed to the next order.

PAPERS

THE NAIROBI CITY COUNTY GOVERNMENT BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2019-2020

Hon. Peter Karani: Thank you Mr. Speaker, Pursuant to Standing Order No. 226, I beg to lay the following paper on the table of the assembly today Thursday 27th June 2019; the Nairobi City County Government Budget Estimates for the Financial Year 2019-2020.

Hon. Acting Speaker: Thank you. There is also a report to be tabled by the Chair Environment, the vice-chair? Proceed Hon. Okello.

Hon. David Okello: Thank you Mr. Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay following paper on the table of the assembly today Thursday 27th June 2019; the report of the Sectoral Committee on Environment and Natural Resources on the Committee Retreat held at Windsor Golf Hotel in Kiambu County on Thursday 28th to Sunday 31st March 2019, I beg to lay. Thank you.


NOTICES OF MOTION

THE DEVELOPMENT OF THE PROPOSED COUNTY NON-MOTORIZED POLICY

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I beg to give Notice of the following motion; THAT, aware that under Article 186 (1) of the Constitution of Kenya and the 4th Schedule on the functions and powers of the County government among others, covers county transport including county roads, street lighting, public road traffic and parking; further aware that recent years have witnessed an increase in population working and residing within the Nairobi City County who use bicycles, hand carts, walking and other non-motorized transport modes; concerned that plans throughout the city for new city roads construction and upgrades have only partially provided physical infrastructure for non-motorized road users who are at great risk of accidents as they share a common way with motorized transport; further concerned that, encroachment of non-motorized transport spaces is rampant and vulnerable to road users women and children have difficulties travelling without assistance; noting that non-motorized transport is of significance to this county more particularly as they can be used as an effective form of mobility for short trips and for last mile connectivity to the proposed mass transportation system such as the Bus Rapid Transit System (BRT); further noting that the previous transport system had started developing a policy on non-motorized transport; this Assembly urges the County Executive to move with speed and conclude the development of the proposed County Non-motorized Policy to provide the non-motorized users with appropriate space and facilities to enjoy their freedom of safe movement within which is a fundamental human right. Thank you Mr. Speaker

Hon. Acting Speaker: Thank you. It will be taken to the House Business for allocation. Next order.

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STATEMENTS

Hon. Acting Speaker: I am looking for the Chairman Planning so that he can give responses for Hon. Kennedy Oyugi, Hon. Pius Mbono, Hon. Patrick Karani and Hon. Mputhia, I know you are expecting your responses today from the Planning Committee. Will take them in the afternoon so that he is able to come and respond.

Chairman Environment, there is a response for David Okello. I know you are ready; can we also move it to the afternoon session? The Chair Water, are you ready with the response for Hon. Redson?

Hon. Paul Kados: Right now I am not ready with it. Oh, my vice has it.

Hon. Acting Speaker: Why don't you offload it in the afternoon so that you re better prepared.

Hon. Paul Kados: Alright.

Hon. Acting Speaker: Thank you very much, next order.

MOTION

THE WITHDRAWAL FROM THE COUNTY REVENUE FUND OF THE SUM OF KSHS. 8,701,425,708/=

Hon. Peter Karani: Hon. Speaker I beg to move that pursuant to the provision of Section 134 of the Public Finance Management Act of 2012 and Standing Order No.227, the withdrawal from the County Revenue Fund of the sum of Kshs. 8,701,425,708/= made up in the manner set out in the Vote of Account Schedule laid before the County Assembly, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government during the financial year ending on the 30th June, 2020 until such a time as the Appropriations Act for the Financial year 2019-2020 comes into operation.

Mr. Speaker, it is noted that the Constitution gives circumstances under which funds may be withdrawn from the County Revenue Fund. This includes; through an Appropriation Act by the vote of account during the transition between fiscal years where the County Assembly approves withdrawer of not more than a half of the approved amount for a vote, through Supplementary Appropriation and finally through authority of the Constitution or County Legislation. The last method is the case where law is passed which occasion expenditure of public funds that shall be imposed and direct charge on County Revenue Fund and not the regular appropriation.

In line with the second method of withdrawal above Mr. Speaker, and so as to ensure that the County does not grid to a financial halt on Monday 1st July 2019 when the next financial year starts, the Finance, Budget and Appropriation Committee urges this assembly to approve withdrawal out of the County Revenue Fund total amount as tabulated in the payment schedule the provisions of Section 134 anticipate this scenario and indeed state that if the County Appropriation Bill has not been assented to or is not likely to be assented to by the beginning of the financial year, a county assembly may authorize withdrawal of money from the County Revenue Fund. The passing of the vote on account has been occasioned by the delay of parliament to agree on and pass the Division on Revenue Bill and the County Allocation on Revenue Bill which are critical as they determine the County equitable shares of revenue, conditional grants and the incurrent ceilings for the County Assembly. Without this role therefore the County Assembly would be engaging in guess work if it purports to appropriate sums where amount meant to fund more than half of the budget has not been agreed on. This is a temporary and an important middle ground that grant the County departments authority to spend amount not exceeding 8.7 billion or 25% of the

amount contained in the table of estimates as required by the provisions of Section 134 (2) (b). In this approval, there is no authority granted for expenditure on development of projects, Hon. Members.

As was resolved yesterday during the consideration of the report of budget estimates, the County Executive Committee Member for Finance is required to submit the list of projects together with the Appropriation Bill 2019 for consideration. The Finance, Budget and Appropriation Committee commits to review the projects with outmost diligence to ensure they meet the principles of equity and fairness. Mr. Speaker, just to underscore the importance of this process, it is important for the Members to note that without this authority, the County government will not have any legal backing to pay county employees and members their salaries for July as well as ensure a seamless delivery of services in critical sectors like health and education.

As a committee we would once again like to thank all Members of this Assembly for the support they have rendered to the Budget committee during the entire budget process that has seen the committee table 15 reports that have been approved our consideration and approval of various budget documents has been devoid of acrimony mostly due to your untiring desire to see to it that Nairobian get nothing but services for the elected representatives. Mr. Speaker I beg to move and request Hon. Okeyo to second.

Hon. Acting Speaker: Hon. Okeyo?

Hon. Frederick Okeyo: Thank you Mr. Speaker. Yesterday we did the report on Budget estimates and today we are on the vote of account. As we all know, a County cannot stop operations and that is why we are moving the vote on account as stated clearly by the Vice chairman that we are on transition from one financial year to the next. Through the vote on account, we as the Assembly pass the law so that we allow the Executive to use monies appropriated. Currently, the Senate and Members of Parliament are on a stalemate regarding the County revenue allocation and this has been occasioned by some of these things. If you look at the document that we have on the third column, it has a total of Ksh. 35 billion and we are allowed as a County Assembly to pass a vote of less than 50% and recurrent so that we ensure that the Executive and members of the Assembly get to be paid salaries. The vice chairman has also indicated that we as members of budget requested for projects with the aim of looking at them to ensure equity to the various members of the house and that is why we have zero percent on development. I urge all members to support this and beg to second

Hon. Acting Speaker: Thank you very much.

(Question proposed)

Hon. Acting Speaker: Hon. Members, the floor is open for debate. Hon. Silas Matara?

Hon. Silas Matara: Thank you Hon. Speaker. I wanted to make a submission on the issue that was on the floor of the House but because of this opportunity. I rise to support the motion with the intention that it will be uncalled for if the County employees work for a whole month without pay. So if the input of this motion and priority will be to pay their salaries then it is prudent that we get to approve it and I urge my fellow members to move with speed so that we get to dispense off with other matters. With that, I rise to support. Thank you.

Hon. Acting Speaker: Thank you. Hon. Kennedy Obuya?

Hon. Kennedy Obuya: Thank you Hon. Speaker. I rise to support the motion and make a few comments sir.

Hon. Acting Speaker: With regards to the motion?

Hon. Kennedy Obuya: Sorry?

Hon. Acting Speaker: With regards to the motion?

Hon. Kennedy Obuya: Yes

Hon. Acting Speaker: Proceed

Hon. Kennedy Obuya: Thank you. Hon. Speaker, it is interesting that quite a good Amount of money has been given to the vote on account of public service board yet it does not require a lot of money. This board has done us serious injustice and I beg that in future the good committee of budget can look into this and lower the vote that they allocate sectors like the public service board and improve on sectors like agriculture which I see has been given very little monies. So I wish to support and highlight that. Thank you

Hon. Acting Speaker: Thank you Hon. Member. Let me say this for guidance, the vote on account is a recurrent expenditure allowed so that the County does not stall in its daily operations after the 30th of June because we have not yet passed the division of revenue bill and so once the Appropriations Bill is tabled then those issues will be relevant. I hear you and I believe that they have been captured. Hon. Mwangi Komu

Hon. Mwangi Komu: Thank you Hon. Speaker. Looking at the mood of the House, I request that you call the mover---

Hon. Acting Speaker: Order Hon. Member! You are a member of the budget committee. Hon. Susan Makhungu

Hon. Susan Makhungu: Thank you Mr. Speaker for giving me this opportunity. As legislatures, our mandate is to ensure that the Governor through the Executive gets resources to implement our promise to Nairobians and with that I rise to support

Hon. Acting Speaker: I will give two members a chance then call the mover to reply. Hon. Leah?

Hon. Leah Supuko: Mr. Speaker sir, I did not place a request but I support the motion

Hon. Acting Speaker: Your name is here and I can also see Hon. Clarence and the rest but if you are not supporting then it is fine. Leader of Minority?

Hon. Elias Otieno: Mr. Speaker, we should not open debate to the vote on account because some people just got in and want to contribute on a topic that they are aware of like Hon. Obuya. Therefore, as I look at both sides of the House, I believe that the mood of the House is good and you should let the mover of the House to reply

Hon. Acting Speaker: Mover?

Hon. Patrick Karani: Thank you Mr. Speaker. I would like to thank the Hon. Members for appreciating that for the County Government to be operational starting Monday 1st July 2019/2020, we require some monies so that we can fund basic necessities or activities that is the minimum requirement for the government to operate. Mr. Speaker, I would also like to emphasize to members that the budget committee has taken care of the bursary issue. If we pass this vote on account without consideration of the budget line that can dispense off the bursaries, then it will be very difficult to pay and so the committee found it very important to have a roll-over of funds totaling Ksh. 300 million in this vote of account and with that I wish to assure members that if the controller of budget gets to resolve this issue then that will be taken care of. So

with those few remarks Mr. Speaker, I want to appreciate our secretariat, our members and everyone who participated in the budget process for a job well done. Thank you

Hon. Acting Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Acting Speaker: Hon. Members, there being no other business, we will adjourn until the afternoon session at 2:30 p.m. Thank you.

The House rose at 12:18 p.m.