



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – First Session

Thursday 10<sup>th</sup> November 2022

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]*

#### PRAYERS

#### PAPERS

**Hon. Wilfred Odalo:** Thank you Hon. Speaker. Pursuant to Standing Order No. 135, I beg to lay the following Paper on the floor of the assembly today Thursday 10<sup>th</sup> November 2022:

The first report of the select committee on County Finance, Budget and Appropriation on Nairobi City County Appropriation Bill 2022. Thank you Speaker.

#### NOTICES OF MOTION

*(A Member picked a telephone call)*

**Hon. Speaker:** Honorable Member, I do not expect you to come in plenary with your phone please. Mheshimiwa Chege, you may proceed.

**Hon. Chege Mwaura:** Thank you Mr. Speaker for your indulgence. My sincere apologies, I was late from another meeting.

I beg to move the following Notice of Motion on the resolution to petition the National Assembly on the County Ward Equitable Development Fund.

That, pursuant to Article 37 and 119 of Constitution of Kenya, this County Assembly resolves to Petition the National Assembly individually and collectively as the County Assemblies' Forum vide their next draft petition for the National Assembly to intervene and ensure that: -

1. The County Ward Equitable Development Fund be incorporated in the proposed Constitution Amendment Bill before the National Assembly by the Hon. Stephen Mule and Hon. Gichimu Githinji MPs alongside other proposed funds namely the National Government Constituency

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Development Fund, the National Government Affirmative Action Fund (GAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance to the rules and procedures of Parliament.

2. That the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to the County Ward Equitable Development Fund:
  - a) That, each county government shall allocate funds comprising of a certain percentage of the respective total county annual budget estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for the County Ward Equitable Development Fund.
  - b) All monies allocated to the County Ward Equitable Development Fund shall be considered as funds allocated to the wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of the act of parliament; and
  - c) That parliament shall enact a legislation to provide for the administration of the County Ward Equitable Development Fund

With your permission, Mr. Speaker, I know that when you are moving a Motion, you just read and that is it. But for the Members to understand, without moving the Motion, this Motion is a proposal that I am raising as the Secretary General of the County Assemblies' Forum, for the benefit of all elected Members and all Members of County Assemblies so that the County Ward Equitable Development Fund may be taken the same with CDF, GAF and the Senate Oversight Fund. The proposed Bill is supposed to enact the proposed amendment to the Constitution so that WDF will be part of that vehicle; we want those funds to be captured in the Constitution.

Secondly, Mr. Speaker, every County Assembly in the country will have a chance to table the same, after we have moved this Motion. Next to this is a Petition that we will be taking to the National Assembly and we will ask all Members of County Assemblies to sign against it so that at the time we are taking the proposals to be entrenched in the Constitution at the National Assembly, all the 47 County Assemblies will be on board. At no time that the National Assembly will feel that the proposed amendments do not have the requisite support from all over the country. When they will be doing their public participation, it will be important for them to capture Ward Development Fund in their proposed Bill.


Mr. Speaker as I give the Notice of Motion, once we are back from recess, we will have a better chance to reschedule it and be able to explain further what we want to do and the process that we are going to take. At the end of the day, it will be in the Constitution that whoever becomes the Governor in a County Government, it will not be according to his whims to give Members development fund but it will be captured in the constitution.

Finally, the issue of percentages will be dealt with from county to county. In the law that the national Parliament will legislate, all the counties will have a chance to put a certain percentage from the total revenue that they are going to collect. Thank you for your indulgence, Mr. Speaker.

## STATEMENTS

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REQUEST FOR STATEMENT REGARDING THE OPERATIONALIZATION OF THE NAIROBI CITY COUNTY POP-UP MARKETS AND STREET VENDORS ACT 2021

**Hon. Perpetua Mpojiwa:** Thank you Hon. Speaker. I rise pursuant to Standing Order No. 47 (2) (c), I wish to request or a statement from the Chairperson of the Select Committee on Implementation regarding the operationalization of the Nairobi City County Pop-Up Markets and Street Vendors Act 2021.

Hon. Speaker, on 16<sup>th</sup> February 2021, the Second Assembly passed the Nairobi City County Pop-Up Markets and Street Vendors Act 2021 into an Act with a view of creating a legal framework for establishment, regulation and recognition of pop-up markets and street vending in Nairobi City County and for the identification of minimum standards for pop-up markets and street vendors.

Hon. Speaker, I have perused both the Assembly and County Executive websites to establish whether the Act is in operation but no information indicating the operationalization of the said legislation.

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

1. A status report operationalization of the Nairobi City County Pop-Up Markets and Street Vendors Act 2021;
2. Measures that the County Executive is taking to ensure that the Act is fully operationalized; and
3. Steps the County Executive is taking to ensure that Assembly resolutions are implemented.

Thank you Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Perpetua. I commit the statement to the committee on Implementation. I hope the Chair of the committee is in the House to do the undertaking on the same.

**Hon. Anthony Kiragu:** Hon. Speaker, give us three weeks to respond on that.

**Hon. Speaker:** That is in order.

REQUEST FOR STATEMENT REGARDING PREPAREDNESS OF THE COUNTY GOVERNMENT TO RESPOND TO THE EFFECTS OF CLIMATE CHANGE

**Hon. Anthony Kimemia:** Shukrani za dhati Bwana Spika. Pursuant to Standing Order 47 (2) (c), I wish to request or a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding preparedness of the County Government to respond to the effects of climate action change.

Hon. Speaker, the National Government recently passed the Climate Change Act 2016 of Kenya. The main objective of the act is the development, management, implementation and regulation mechanisms to enhance climate change resilience and low carbon development for the sustainable development of Kenya.

Hon. Speaker, currently the Government of Egypt is hoisting the 27<sup>th</sup> Conference of the Parties of United Nations Framework Convention on Climate Change (UNFCCC) (COP 27) with a view to build on previous successes and paving the way for future ambition to effectively tackle the global challenge of climate change.

Hon. Speaker, it is very important for us as a county to come up with a framework immediately to ensure that we protect our environment from carbon emissions most importantly since the county is densely populated.

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

1. Whether the County Executive has any plans to come up with a climate change adaptation and mitigation policy framework; and
2. Measures that the County Executive has put in place to regulate or curb emission of green houses in the city.

Asante sana Mheshimiwa Spika.

**Hon. Speaker:** Thank you. Do we have the Hon. Chair of Environment in the House? The vice-chair? I hope the Whips are taking note of these Members.

*(Point of order)*

**Hon. Moses Ogeto:** Hon. Speaker I am on Point of Order No. 47 (b), 'where the Leader of the Majority Party and the Minority party may make a case relating to the responsibilities of the county assembly. Hon. Speaker, I have consulted widely with my counterpart Hon. Mugambi, and we want you and the Office of the Clerk to give us an easy time. We want the Chairperson and the vice-chairperson who do not attend the plenary sittings unless under Standing Order No.176 if a chairperson is incapacitated, and the vice-chair is incapacitated.

Hon. Speaker we are requesting with the leave of the assembly, the office of the Clerk to facilitate us with the attendance of the chairs and the vice-chairs. Chairpersons should always attend the assembly, failure to which we will commence our work of de-whipping.

*(Applause)*

Hon. Speaker, there is nowhere in a parliamentary practice where the chair and the vice-chair should miss the assembly. As the Majority Leader of the Azimio La Umoja Coalition, I want to give guidance to the chairpersons and vice-chairpersons that they must attend the assembly on every Tuesday, Wednesday and Thursday failure to which we are going to start our de-whipping.

I believe that my counterpart will agree with this. Let it go on record to that there will be no time that a statement is requested in this House and we do not have the chairperson or the vice-chairperson. There are serious Members who are ready to take these responsibilities.

*(Applause)*

I am requesting my counterpart to ensure that this happens and Hon. Speaker, I wish that he gives a statement on the same. Thank you.

**Hon. Mark Mugambi:** Hon. Speaker, I second my counterpart's---

**Hon. Speaker:** Minority Whip, you echo.

**Hon. Mark Mugambi:** I echo rather. Hon. Speaker, allow me read Standing Order 176 on duties of committee chairpersons:

*Subject to the provisions of the standing orders and the direction of the committee, A chairperson of committee shall: -*

- a) *Preside at meetings of committees*
- b) *Perform the functions and exercise the powers assigned to the office of the chairperson of the committee resolutions of the county assembly or legislations;*
- c) *Be the spokesperson of the committee.*

Hon. Speaker, if a chairperson does not attend the plenary sessions where honorable members request for statements regarding various issues that are directed to their committees, then they would not be serving any meaningful purpose.

You remember during my first speech in the Third Assembly, I requested Hon. Speaker that the front seats on both sides be for chairpersons - and they should be labelled - so that we can know who is not attending the plenary sittings.

*(Applause)*

We have 123 Members and are all capable of being chairpersons of different committees. It is so absurd that we give leadership roles to Members and they do not attend. It was a wrong precedence set in the Second Assembly, which we will not tolerate in the Third Assembly. We want this assembly to be the most vibrant--

*(A honorable Member walked out of the House)*

**Hon. Speaker:** Honorable Member, you have requested for a statement from the chairperson and you are walking out. Serjeant-at-Arms, reprimand the Member not to leave the plenary.

**Hon. Mark Mugambi:** Serjeants, you can show her that we have lavatories behind which are within the precincts of the assembly. Just like my counterpart has promised to whip his side, I promise the same on the Kenya Kwanza side. If you know that you are a chairperson or a vice-chairperson, we expect you to be in the chambers on Tuesdays, Wednesdays and Thursdays without fail unless you are on an international trip or you are sick. If you are not available, delegate to your vice-chair and make sure that the vice-chair is within the chambers.

I think with that we are destined for greatness in this House. I beg to echo. Thank you.

**Hon. Speaker:** The Chairperson Environment ..., kindly the Majority Leader is on the floor.

**Hon. Peter Imwatok:** Thank you Majority and Minority Whips for being diligent in your work. I want to assure you that us as leaders must lead by example. I want to say on HANSARD that on Monday at 11.30 a.m. there will be no siting of committees but a meeting of all the chairpersons and vice-chairpersons so that we can put the rules of engagement. Thank you, Hon. Speaker.

**Hon. Silas Matara:** I register my apologies for coming late, Hon. Speaker. I have been going around the city looking for parking. My honorable colleague from Harambee Ward had requested for a statement from my docket. I do not know whether a commitment had been done. I commit myself to respond adequately within two weeks. Thank you, Hon. Speaker.

#### REQUEST FOR STATEMENT REGARDING THE ALLOCATION OF PICK UP AND DROP OFF POINTS OF ONLINE TAXI IN THE COUNTY

**Hon. Stazo Omang'ala:** Thank you Mr. Speaker. Pursuant to Standing Order no 47 (2) (c), I wish to request for a statement from the Chairperson for the Sectoral Committee on Transport and Public Works regarding the allocation of pick up and drop off points of online taxi in the county.

Hon. Speaker, the Nairobi City County Transport Act 2015 Section 55 provides that the operator of a taxi cab shall not park the taxi cab upon any roadway other than within a taxi zone, unless such a taxi cab is displaying a "Not for hire" sign and the operator is out of the taxi cab.

Hon. Speaker, the digital taxi operators in Nairobi city center have in the recent past reported cases of harassment from County askaris when they are picking or dropping of their customers at the city center. Unlike the public service vehicles, online taxis do not have any designated dropping or picking areas in the county.

Hon. Speaker, in the statement, the chairperson should inquire into and report on: -

1. A comprehensive report detailing how allocation of public parking slots in the county has been done; and
2. Plans the County Government has put in place to ensure that online taxicabs are allocated picking and dropping points in the county.

Let the chairperson not say it is the same statement again.

**Hon. Samson Ooko:** Thank you Mr. Speaker. I request for 21 days.

*(Point of order)*

**Hon. Chege Mwaure:** Thank you Mr. Speaker. I do not want to take the House back but this is a House of rules and procedure. When the Majority Whip stood on standing Order No. 47, and was backed by his counterpart, we never made a proper resolution on the same. We want it to be clear to the House that that is what is going to happen. The Leader of Majority also backed it. It was not backed by a resolution of this House.

I am saying that the national government was having a function at City Market; they were launching free ICT for the market. The Chair of ICT Committee in this House was not included. The Chair of trade where the function was happening was not attending. I urge that as the leadership is pushing that the Chairs be in this House always; the leadership should ensure that the Executive support and strengthen the Chairperson by inviting them in all meetings that are being held in part of this city.

*(Applause)*

Mr. Speaker as I support their request, let the House make a resolution on this and let the leadership also take a responsibility of ensuring that the Executive is going to support, strengthen and respect the Chairpersons and the vice-chairpersons of these committees. Thank you.

**Hon. Speaker:** Thank you Hon. Chege. Kindly, let us proceed.

**Hon. Mark Thiga:** Hon. Speaker, I did not get my statement in good time. I will bring it next time. Thank you.

**Hon. Speaker:** Honorable Members, on the leadership of the assembly under Standing Order No. 47 (g), 'Unless by Speaker for the convenience of the assembly direct otherwise, the response to statements as tabled by chairperson of the committee or the leadership may not be debated'.

As directed by the statement, it is very clear that you take charge of your responsibility as the Whips. You know what you are supposed to do. Under the Standing Orders, you are directed to whip Members. I expect communication from your offices and act on it accordingly. On reserving the front seats from the chairpersons of the various committees, it is so directed. Thank you.

*(Applause)*

## BILL

*Second Reading*

## THE NAIROBI COUNTY APPROPRIATION BILL 2022, ASSEMBLY BILL NO. 7 OF 2022

**Hon. Speaker:** Hon. Chairperson for the Budget Committee, you are alive to the fact that our salaries are becoming a thorn in the flesh, also the loans and mortgages for the Members. Kindly move with speed.

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. On issue of money Mr. Speaker, I do not want to challenge you but they do not need speed. They are detailed and within the law so that no Nairobian can challenge us.

Hon. Speaker, I beg o move that the Nairobi City County Appropriation Bill 2022 be read a second time. Honorable Members this will be a bit detailed but after this you will enjoy most of the things that are pending.

Mr. Speaker, the provision of Article 224 of the Constitution decree that, on the basis of the enacted Division of Revenue Bill passed by the parliament, under Article 218, each county government shall prepare and adapt its own Budget and Appropriation Bill in form. Accordingly, the procedure in an Act of parliament, the provision of the Public Finance Act 2012 provides further guidelines for preparation and consideration of any budget estimates and their later document in terms of Appropriations Bill. The importance of the Bill is to provide legal basis for withdrawal, utilization of any amount contained in the approved budget estimates.

Hon. Speaker Sir, at the sitting of the Second County Assembly, held on Wednesday 22<sup>nd</sup> June 2022, approval was granted for the FY 2022-23 totaling Kshs.38.32billion consisting of Kshs.26.98billion for recurrent and Kshs.11.35billion for development expenditures, an amount that was to be geared towards the operations of the Nairobi City County Government, the Nairobi Metropolitan Services and the County Assembly.

Hon. Speaker, while granting the authority, the County Assembly was fully alive of the fact that the year 2022 was an electioneering year a time when the elected representatives were legally bound to face their electorates for the purposes of renewing their terms of office.


Based on this, the County Assembly sought to safeguard the County resources, for use by the Third Government by relying on the provisions of Section 134 of the PFM Act, 2012 which dictate that in special circumstances the County Assembly may grant leeway for the County Government to withdraw from the County Revenue Fund, amounts not exceeding 50% of the submitted budget estimates. The approval by the County Assembly, the law anticipates, should be undertaken based on a Vote of Account Schedule laid before the County Assembly.

Therefore, Hon. Speaker, the County Assembly granted an approval to the tune of Kshs.13.49billion meant for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government and County Assembly during the financial year ending on the 30<sup>th</sup> June 2023 until such a time as the Appropriations Act for the financial year, 2022-23 comes into operation. The Vote on Account as passed did not contain the allocations meant to jumpstart the various development activities in order to enable the Third County Government enough legroom to consider and accommodate her priority areas.

Hon. Speaker, Country Government having finalized the transition period, this Assembly is hereby called upon to consider the Nairobi City County Appropriation Bill, 2022 with an aim of facilitating the full access to the amounts intended in the annual budget for the FY 2022-23.

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It is noteworthy that this consideration has been undertaken at a time when most of the County's fiscal dynamics have shifted with special mention being the lapse of the Deed of Transfer of Functions, change in the financial objectives, time having dipped almost five months into the financial year and the takeover by a new implementing regime of the budget as approved.

Hon. Speaker, the consideration of this Appropriation Bill has been undertaken in the full glare of the legal infrastructure provided by the provisions of Sections 108, 129 (7), 134 and 154 of the Public Finance Management Act, 2012.

Emphasis is given to the provisions of Section 108 of PFM Act, 2012 which provides that, *"if there is a change of county government, the new county government may deviate from the financial objectives in a County Fiscal Strategy Paper but may not deviate from the fiscal responsibility objectives."* It cannot be gainsaid that the contemporary circumstances under which this Bill and the corresponding budget have been considered perfectly fit within the above legal realm.

Hon. Speaker, on review of the proposed adjustments to the approved budget as contained in the Bill it is noted that the Deed of Transfer of Functions from the Nairobi City County Government to the National Government is expected to lapse by the 24<sup>th</sup> day of this month hence the need to ensure fiscal continuity of the functions that were transferred. In this regard, the Bill has realigned the allocations for the originally transferred functions and created individual votes together with their respective programmes.

However, the Bill has retained the recurrent vote for the Nairobi Metropolitan Services being the amounts that have been utilized by the agency in the current financial year. The Committee has informed the County Executive that there is need for the NMS to submit to the County Assembly information on how they utilized the Kshs. 5.24billion during the Vote on Account period.

Additionally, Hon. Speaker, on review of the individual votes contained in the budget that informs the Appropriation Bill, the Committee noted that there is a proposed upward revision of the recurrent component for the Inspectorate services by Kshs. 620million, to which the County Executive explained that the same had been occasioned by the absorption of newly recruited 810 inspectorate officers from the defunct Nairobi Metropolitan Services.

The Committee was taken aback that the open door policy employed towards former staff of the NMS without a proper staff audit and cleansing has the likelihood of making the County backtrack on its measures to reduce the allegedly bloated workforce. In the same breadth, the Committee was concerned that such measures are not in the concurrence with the public pronouncements on taming the spiraling wage bill that currently gravitates around 41% of the County's total revenues.

Hon. Speaker, the issue of pending bills remains a thorn in the flesh of the County Government and solutions need to be found now rather than later. During the consideration of this Bill the Committee learnt that the annual allocation for settlement of pending bills was placed at Kshs.100million, a figure that has been enhanced by Kshs.4million but Kshs.99million had been utilized at the time of reviewing the Bill.

The County Treasury in response to the concern on the limited resources set aside for settlement of pending bills noted that the County Treasury was operating in a limited fiscal space that could not allow full accommodation of all pending obligations. They submitted that the amounts owed to current suppliers of



goods and services by the County Government excluding NMS stood at about Kshs.4billion and the individual Sectors were encouraged to squeeze the same in their respective budgets.

The Committee concluded by encouraging the Sectors, specifically, the Wards Development Fund to work with the County Treasury on a framework that ensures that completed ward projects are paid for even as new ones submitted by the Members of the Third County Assembly are initiated and finalized. Another critical sector that the Committee conceded that needed to be paid close attention is the Legal Department whose allocations were about to get depleted less than six months into the financial year.

Hon. Speaker, during the consideration of the ADP for 2022-23 the previous Finance Committee decried how the plan, as it then was, was littered with various requests and allocations for purchase of vehicles, leasing of vehicles, fueling of such vehicles and maintenance of the same.

It was the view of the Committee that the comfortability of County staff and management should not ring-fence resources thereby crowding out critical issues of service delivery. During the consideration of this Bill, the Committee noted that there was an allocation of Kshs.152.5million for leasing of vehicles, Kshs.262.3million for fueling and lubricants and Kshs.120million for maintenance of motor vehicles under the Transport Sector. The Committee emphasized to the County Secretary that any intended leasing of vehicles should be preceded by a comprehensive asset audit to determine the fleet profile that the County is expected to receive from the NMS post the lapse of the transfer period.

Hon. Speaker, the import of the bursaries towards supporting the plight of the indigent students and pupils in our wards needs no introduction. Review of the budget supporting the Appropriation Bill 2022 indicated that there is proposed increase for bursaries for Secondary Education from Kshs.257.5million to Kshs.515million while that for Primary Education is proposed to increase from Kshs.382.5million to Kshs.510million.

*(Applause)*

Whereas the submitted budget indicated that substantial amounts of these resources had been utilized, the Education Sector informed the Committee that commitments had been made but no resources had been spent hence the newly elected Members were each guaranteed of bursary forms worth Kshs.6million. Under Education Sector, the Committee was informed that the Sector has planned for construction of 10 central kitchens with full rollout of the school feeding programme expected to kickstart in the coming financial year.

Hon. Speaker, the County Assembly is a great ally of the staff of the County Government and it is for this reason that the County Assembly has been in the forefront in supporting that any staff dismissal be undertaken with law it serves.

Hon. Speaker, the recommendations of the Committee:

Hon. Speaker, having reviewed the Appropriations Bill, 2022 the Committee recommends that the following adjustments be made in the approved budget for the FY 2022-23 and effected in the Appropriation Bill as contained in the amendments schedule attached: -

- a) That the revenue figures be adjusted as proposed.
- b) That the recurrent allocation for the County Public Service Board be increased by Kshs.10million.

- c) That under the Public Service Management the allocation for Medical Insurance we have seen months to the lapse of the year be reduced by Kshs.400million.
- d) That under the Public Works, Transport and Infrastructure Sector, the allocation for Rent of Vehicles be reduced by Kshs.130million and the allocation for Refined Fuel and Lubricants for Transport be reduced by Kshs.70million.
- e) That the allocation for Disaster Response and Recovery be increased by Kshs.100million to take care of emergency response.
- f) That the allocation for pending legal obligations be increased by Kshs.300million to be allocated as follows: -
  - Kshs.100million under the Legal Department
  - Kshs.200million under the Finance and Economic Planning Sector
- g) That the allocation for Foreign Travel under the Finance and Economic Planning Sector be increased by Kshs.50million.
- h) That the recurrent allocation for Trade, Commerce, Tourism and Co-operatives be increased by Kshs.20million for pending bill related to the following “Consultancy for profiling SMEs Capacity in Nairobi City County”
- i) That the recurrent allocation for Contracted Guards and Cleaning Services under the Environment Sector be increased by Kshs.100million. This mean that all elected members will have 20 people employed in every ward. *(Applause)*
- j) *That allocation of the WDF be increased for efficient of WDF in our Wards.*
- k) *That bursary for members be increased from Kshs3.5Million to Kshs.6million.*

Hon. Speaker, in conclusion and pursuant to the provisions of Section 108, 129 (7), 134, 154 of the Public Finance Management Act 2012 and Standing Order 228 the Select Committee on County Finance, Budget and Appropriations recommends the following which I have read.

“This County Assembly adopts the Report of the Select Committee on County Finance, Budget and Appropriations on the Nairobi City County Appropriation Bill, 2022”.

Hon. Speaker as I had indicated earlier issues of the finance need procedure and to be within the law. I call upon Hon. Ciciliah to second the Motion.

*(Applause)*

**Hon. Ciciliah Njathi:** Hon. Speaker, I second.

*(Applause)*

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, pardon me because of my voice and as you are aware am not only a legislator but at the same time I am a gospel singer; for those who do not know I am a Seventh-day Adventist who practices singing in Makongeni SDA choir. So, in case you hear my broken voice just understand sometimes I sing, and when I sing I forget politics.

Hon. Speaker, allow me first to stand and say congratulation to the new Committee of Budget and Appropriation. I'm aware that this particular Bill was committed before this Assembly last week and working under it for less than one week because of the pressure that we are all going through.

Two weeks ago, I said for us both elected and special elect, we must have this county moving. One of the main things that makes this County moving is ensuring that all the Committees are set and elections have been done in all committees so that they can propel other agendas of the County to go forward.

One of the agenda, which I was very keen on is how can this current Government align its aspiration to the budget that was passed on a vote of account. I want to congratulate the Chairman, the Vice Chairperson, and all the Membership. Aware that this is the first-ever Committee that has been constituted with half of it with professionals from every field who are accountants, actual scientists and doctors who are in this Committee. I congratulate you and also the minority for giving us men and women who can stand the heat and make sure that the budget is availed before this House.

Hon. Speaker, I want to say one or two things. Firstly, as we pass this budget which is not an open cheque from the executives to do what every they think off; it is an itemized budget committee and PAC will be very keen on it to make sure that it is executed based on what the committee and this Assembly resolve.

*(Applause)*

For example, on the issue of bursary, honorable chair and vice chair and entire Committee congratulation on recognizing the elected Members in this budget. *(Applause)* I remember for many years it was out of a dialogue from committee of education but this time around, Members of this Committee of Budget and Appropriation have decided to take the bull by its horn and award all elected Members and people of Nairobi with enough bursary funds for children who are in school.

*(Applause)*

On education sector, with this the increment we want amendments on education regulations so that at least some of this money can also cover some of our sisters and brother who are in the universities. Even those who are in the university are our voters and they may not be able to pay their school fees.

Hon. Speaker, I also want to compliment the increment of the budget to the Environment Committee where I sit with my able Chairperson Hon. Matara who is always punctual to Assembly but today he was late because of parking. Hon. Matara I can assure you that your Speaker is working across the clock to make sure you park early and you will be coming into the chamber early to answer proceedings directed by the Speaker.

I want to congratulate the committee that the environment sector is key and if it is not working across our setup it means we are set up for diseases and when diseases crop in we are set up for failure and as you cannot come to work and children cannot go to school. I am told and am aware it is a sector where all the cartels are domiciled. I want to challenge my chair and the entire committee where I sit that we are ready for them. For those who are paid millions of money in expenses of making Nairobi clean we are also ready for you. With this budget, we are going to check bit by bit.

Hon. Speaker, allow me also to applaud the committee on the issue of disaster management, adding more than Kshs. 100 million in disaster management. Nairobi County is prone to disasters. For those who were here in the Second Assembly, disaster management was a conduit of two or a few individuals to steal

money but not to give service for the value of the money. I believe the current chair for Culture and the entire committee are up to the task that no money can be lost. I remember I wrote a letter to the EACC which I was informed three days ago that the power that be decided to call a file from EACC and use some matchbox to burn it because they had the power to recall even a file of corruption from EACC. The Committee of Culture and entire House is implored to the tasks to be vigilant. Let no one steal what is rightfully for the poor, let no one drive a Lexus because a poor person's house has burnt at Mathare and taken advantage of that.

*(Applause)*

Therefore, Hon. Speaker, I believe in the wisdom of humanity and more so we are God's creatures that will take care of brothers and sisters keepers even those who cannot speak especially when they can listen to our voices.

Hon. Speaker, allow me to conclude by saying that it is not lost that within seven months this budget is adequate for all of us. As I have always maintained, Nairobi has no owner so we must all fit. For those who are elected, we have pie as an elected leader - ward development fund and bursaries, those who are Special Elected we share the bursaries and all those other benefits that comes with this budget - we are all together in it. Allow me to sit down by saying thank you so much Budget committee, you have made me proud.

*(Applause)*

**Hon. Antony Kiragu:** Thank you, Hon. Speaker, for this opportunity, I would like to congratulate the Budget Committee, which I am a Member, and the chairperson especially and all the Members for the good work. I would like specially to commend the chairperson for having a budget that is in line with the plan that the Governor, myself, and others in Kenya Kwanza were going around and popularizing and agreed to vote for us.

Hon. Speaker, bursaries mean that our honorable chairman and our Committee have remembered the poor children of this city of 6 million people. We can only say thank you. All we appeal from the Education Committee and executive is that they need to avail these bursaries on time for it to make sense. We expect by the time we are opening the school in January we will have a bigger chunk of this money in the account so that when the children go back to school we will have them carry the cheques with them.

Hon. Speaker disaster emergency just like my counterpart has said affects the very common people who are at the bottom of the pyramid. I would want to urge the committee on Culture, just like my counterpart has said to ensure that this money goes to benefit the rightful people who need this money.

On pending bills, it was a big omission by the executive not to have enough money to pay the pending Bills. Hon. Speaker, our people are suffering in the corridors, and our suppliers are hardworking men and women who have supplied and earned business in this County. I would only wish that this process of paying pending bills would be quick, efficient, and go to the rightful and especially the small people who hold money that is not a lot. We should not do what we did in the Second Assembly and I would like to apologize to Nairobians for that. This is because they used to pay suppliers of air and law firms.

We hope that this money, when it reaches the accounts of the executive, we will be able to channel it properly. I support it and am proud of this committee, thank you.

*(Applause)*

**Hon. Emily Oduor:** Thank you, Hon. Speaker, and Members of the Country Assembly of Nairobi. I am a member of this Committee and am very proud of our Members and especially our Chair. Our Chairperson worked through the night with our clerks and even I think he was here as early as 5.00 a.m. to make sure that this document is ready. Congratulation our supper chairperson and I hope we continue with this spirit.

*(Applause)*

We looked at this document as it was short notice but we looked at it very critically and we had a few concerns. Especially, as the chairman has read on Health, we had to reduce on that amount and we had even discussed among ourselves that instead of giving so much on health cover to the staff as we know they need it to go to good hospitals, but at the same time we cannot give so much and yet as a County we have hospitals that do not even have medicine.

As much as we are trying to look at the cover for the executive staff we also need to put so much into the hospitals we reduced their request but then kept it somewhere else, but in the future we shall reduce it and put it in hospitals.

We also had the concern about the staffing and if you listened to the Chairman's speech we think we are going to absorb some of the staff from NMS this staff were employed by PSC so there is a bit of concern as a committee because we think that before employment we should go into our Committee on labour. We should also look at the demands we do not just absorb them because they were working there and probably now they are going to be jobless.

These are some of the things as a committee also looked into and this is also for the future of this County. We are also struggling with the blotting staff as we have so many and we need to retire some of them right now we are being told they are going to bring some more staff.

There was also a concern about the allocation of renting cars and fueling them, we need to look at this and look at what would be cheaper, do you have to spend so much money to rent higher cars, fuel them maintain them instead of buying cars. Therefore, I urge the Executive before they actually come up with the hiring they should look at which way is cheaper before coming up with this hiring issue.

I must commend the committee the disaster is very unfortunate that in the whole Appropriation Bill no one actually and the Executive thought about the disaster and you know all of us that we have a big problem especially people who live in the informal sectors. We realized within the last few months a few of our Members their wards have experienced this fires that burnt people's houses.

I am happy with this committee as we decided that we need to put more money into the disaster because it can happen anywhere and cannot call. Even what we gave is not enough we need to give more we know what happens in Kibra, Mathare, and all these other places. We do not need to leave our brothers and sisters in the cold without food because money for disaster was not allocated. My colleagues have said most of these things, and for this, I am also a member but I must also congratulate our Members and staff for a wonderful job done within a short period, and we look forward to doing more for this Assembly. Thank you so much.

*(Applause)*

**Hon. Mwaura Samora:** Thank you Mr. Speaker for this opportunity to give my views on this report and presentation. First, I would like to thank the Committee on Budget for allocating an increment in WDF and as the vice chair I am very impressed because this is the baby for the elected MCAs.

Mr. Speaker I would like to urge the leadership of this House to make sure that payments are done for WDF. You know what has been bedeviling WDF is the reluctance of the executive to pay contractors. On those effects, it means that those contracts do not want to pick WDF projects, so Mr. Speaker sir, I would like to urge the leadership and this House to make payment is done now that money has been allocated.

Secondly, I would like to thank the Education Committee of which I was a Member in the last Assembly, and the Budget committee for the increment from Kshs 4.5 to Kshs 6 million. Actually as a Member of that Committee that was the objective for the last five years. We fought to have that money allocation increased and now that it has finally been realized I can only say that for Members who are elected in 85 wards this is your lifeline. From experience and my analysis 60 per cent of members who are re-elected are re-elected because of bursaries. This is the only time that you will interact directly with your constituency and you contribute to their daily life by paying school fees.

Therefore, I would like to urge the committee to ensure that these bursaries are disbursed as soon as possible, if possible before we close the year. If Members can have the forms, we streamline the process at the department and we have bursaries in less than two or three months, after issuing the forms we have the cheques I believe this will be a bonus to Members. Thank you Committee, chairperson, and I believe this will be a robust five years' term with this kind of beginning. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Kamau Fiunifiu:** Thank you, Hon. Speaker I would wish first of all to congratulate the Finance Budget and Appropriation Committee for this Bill and also I extend the same congratulation to the chairperson and the leadership.

Mr. Speaker, this is a good Bill and a good budget. My keen observation is on the forestry sector as there are no monies that have been allocated for afforestation and I do not know why; maybe the chairperson can tell us why. You have a sector of overseeing Kshs 85million yet they have Kshs200 million for general administrative and support services. I do not know what they will be supporting and planning with just a budget of Kshs 85 million yet what they are spending is over a 200 billion. Maybe the chairman, and I can see you busy engaging the Speaker, I hope you have noted my concern.

The Member [for Mathare North] hopes you have registered my concern and you can do something about it. Nairobi is a green City, and we should have plans to make this City even greener, and it is by having a budget and programs for the same thank you.

**Hon. Speaker:** Honorable Members, I had given the microphone to Hon. Akama but he is in slumber mode

**Hon. Jared Akama:** Thank you Hon. Speaker!

**Hon. Speaker:** I will take that from Hon. Akama as the last request. Are we in agreement?

*(Honorable Members agreed)*

**Hon. Speaker:** Thank you.

**Hon. Jared Akama:** I rise to congratulate the Budget committee for the good work done and especially on issues bursary and WDF. I also needed clarification on the NMS being captured in our budget yet it had been disbanded and I hope that the Chairperson can clarify on the item D5 328. It is a body that when mentioned, my blood runs and body shivers like never before. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Anthony Kiragu:** Hon. Speaker, I beg that the chair of Justice [committee] uses his eyes well, the point on D5 328 is blank.

**Hon. Speaker:** Honorable House, may the Members of the Speakers panel rise on their feet? We are about to handle a very critical business in the Assembly.

*(Members on the Speaker's Panel rose)*

**Hon. Speaker:** Panelists you may be seated. Honorable Members of the Budget committee to rise

*(Members of Budget committee rose)*

**Hon. Speaker:** What is the quorum of the committee?

**Hon. Moses Ogeto:** Hon. Speaker...

**Hon. Speaker:** I am engaging the chairman. Do we have quorum to engage as the House is about to revert to the committee of the whole Assembly?

**Hon. Wilfred Odalo:** Speaker, we have quorum and two Members have excused themselves to go for a call which is natural.

**Hon. Speaker:** Can the Clerk confirm the membership of the Budget committee?

*(The Clerk confirmed the Budget committee lacked quorum in the House)*

**Hon. Speaker:** This is a very wrong precedence because we are just about to undertake a crucial Motion.

*(A Member spoke off record)*

**Hon. Speaker:** Thank you very much. The Chairperson of the Budget and Appropriations Committee, you may proceed.

**Hon. Wilfred Odalo:** Thank you. I stand to reply and request all the chairs to engage their sectors, as the question that has been raised by Hon. FiuniFiu from Karura is pertinent. I am also happy with the Chairman for Culture as he was on my knees regarding his department.

**Hon. Speaker:** Thank you.

*(Question put and agreed to)*

**Hon. Speaker:** Clerk!

## BILL

### *Second Reading*

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2022

(ASSEMBLY BILL NUMBER 7 OF 2022)

[A Bill for an Act of Nairobi City County Assembly to Authorize the Issue of a Sum of Money Out of the County Revenue Fund and Its Application Towards the Service of the Year Ending On The 30<sup>th</sup> June, 2023 And to appropriate That Sum and A Sum Voted On Account by The Nairobi City County Assembly for Certain Public Services and Purposes]

**COMMITTEE OF THE WHOLE ASSEMBLY**

**Hon. Speaker:** Members, we have reverted to the committee of the whole Assembly. You must be on your feet.

*(Hon. Speaker left the Chair)*

(IN THE COMMITTEE)

*[Hon. Deputy Speaker (Paul Kados) took the Chair]*

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2022 (ASSEMBLY BILL NUMBER 7 OF 2022)

**Hon. Deputy Speaker:** Members, you can be seated. Honorable Members, we are now in the committee of the whole Assembly to consider Nairobi City County Appropriations Bill, 2022; Assembly Bill number 7 of 2022 and we will start the Bill with clause 2. Clerk!

*Clause 2*

**Hon. Anthony Kiragu:** Point of order Mr. Speaker. I request that we be supplied with the itemized Bill so that we understand what we are passing.

**Hon. Deputy Speaker:** I believe you have the Bill.

**Hon. Anthony Kiragu:** No. This is the budget line

**Hon. Deputy Speaker:** Honorable Minority Leader, you have the Bill and the budget line is itemized there.

*(Question that clause 2 be part of the Bill)*

**Hon. Deputy Speaker:** Any debate?

*(Question put and agreed to)*

*Clause 3*

*(Question that clause 3 be part of the Bill)*

**Hon. Deputy Speaker:** Is there any debate?

*(Point of order)*

**Hon. Deputy Speaker:** Yes. What is your point of order?

**Hon. Member:** Our microphones are not working

**Hon. Deputy Speaker:** Sergeant- at- Arms, can you look into that?

**Hon. Eric Murigu:** Thank you Deputy Speaker, my humble request is that we be supplied with copies of what our Minority leader was asking for because we are not reading from the same page.

**Hon. Deputy Speaker:** It is in the Bill, kindly look at page...

**Hon. Moses Ogeto:** Mr. Speaker, you know very well its only amended clauses are being read out because you cannot change it. But if you want any part changed then you should have submitted an amendment over it.

**Hon. Deputy Speaker:** Thank you. It has been elaborated well. If you go to the Bill on page one at the tail end, you will find where we are.

*(Question put and agreed to)*

*Schedule*



*(Question that schedule be part of the Bill)*

**Hon. Deputy Speaker:** Mover? Can you move the amendment?

**Hon. Wilfred Odalo:** Honorable Chair, I beg to move that the schedule be amended as it appears on the Order Paper.

*(Question on amendment, proposed)*

**Hon. Deputy Speaker:** Any debate?

*(Question on amendment put and agreed to)*

Title

*(Question that Title be part of the Bill)*

**Hon. Deputy Speaker:** Any debate?

*(Question put and agreed to)*

Clause 1

*(Question that clause 1 be part of the Bill)*

**Hon. Deputy Speaker:** Any debate?

*(Question put and agreed to)*

I now call the mover.

**Hon. Wilfred Odalo:** Thank you honorable Members for supporting this Bill. I am glad and trust that we will move far.

**Hon. Deputy Speaker:** Honorable Members, I now call the mover.

**Hon. Wilfred Odalo:** Sorry for that Chair. I beg to move that the committee do report to the Assembly its consideration of Nairobi City County Appropriation Bill, 2022; Assembly Bill number 7 of 2022 and its approval thereof with amendments.

*(Question put and agreed to)*

*(The House resumed)*

*(Hon. Speaker in the Chair)*

## REPORT AND THIRD READING

**Hon. Speaker:** You may be seated Hon. Members. Chairperson, committee of the Whole Assembly

**Hon. Chairperson:** Thank you Hon. Speaker. I beg to report that the committee of the whole Assembly has considered the Nairobi City County Appropriation Bill, 2022; Assembly Bill number 7 of 2022 and approved the same with amendments.

**Hon. Speaker:** Thank you. Mover of the motion to move the motion

**Hon. Wilfred Odalo:** Thank you Speaker. I beg to move that this Assembly do agree with the committee in the said report.

*(Question proposed)*

**Hon. Speaker:** Mover to reply

**Hon. Wilfred Odalo:** Thank you Members for your support. From now on things will start moving. Members will not be boarding matatus and issues bursaries will be sorted.

*(Applause)*

*(Question put and agreed to)*

**Hon. Speaker:** Mover please

**Hon. Wilfred Odalo:** Hon. Speaker, I beg to move that Nairobi City County Appropriation Bill, 2022; Assembly Bill number 7 of 2022 be read a Third Time.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

### MOTION

ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY

**Hon. Peter Imwatok:** Hon. Speaker, having passed the budget, allow me to present a Motion: pursuant to provisions of Standing Order number 33 (3) this Assembly adjourns until Tuesday 22<sup>nd</sup> November 2022 in accordance with the calendar of the County Assembly (regular sessions).

Hon. Speaker, after the Budget committee and as we proceed for induction, it is good to have enough time to break from the plenary for at least ten days, and also for my brother Secretary General of CAF to work across the clock to make sure plenaries are back to normal so that Members are paid for sittings and with the wisdom of the House Business committee so that when we come back we focus on the real issues such as vetting the Chief officers. May I call my counterpart, 'His Eminence' Hon. Kiragu to second.

**Hon. Anthony Kiragu:** Hon. Speaker, I beg to second and urge members that as we go to induction let us be serious so that we can understand fully our mandate and how to run business in the Assembly. We are getting into a very important phase of oversight so that we get to have a very vibrant Assembly. Thank you.

*(The Clerk-at-the-Table consulted the Speaker)*

**Hon. Speaker:** The Clerk should be reprimanded for misleading the Chair!

*(Question proposed)*

**Hon. Moses Ogeto:** Thank you Mr. Speaker. I believe that these machines need to be serviced so that we do not face these challenges. I stand here to support this Motion so that Members can go for induction so that they can learn their responsibilities and functions of the committee as stipulated in the Standing Orders. It is also important for Members to go and meet their constituents and thank them for the elections.

The Chair for budget brought a very serious Bill before the House that will help us engage the chair for Education and ensure that bursary forms are issued in a timely manner. I also know that the secretariat will take Members through how Bills are done and the various stages. I believe just as the chair has said that every ward will get 20 casual laborers to clean this city and for that I thank him. I beg to support.

**Hon. Eric Murigu:** Thank you Mr. Speaker. Allow me to congratulate the Majority and Minority Leaders for showing us the way. Abraham Lincoln was a philosopher who once observed that nearly all men can stand adversity but if you want to test a man's character then give him power. Mr. Speaker while you were away, and the Deputy Speaker was in the chair, me and my friend DNG got lost somewhere when the

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budget was passed so I request that next time we stick on the same page. I expected to have the itemized budget because even in my house when my wife wants...

**Hon. Speaker:** Hon. Member, we are on Motion for adjournment

**Hon. Eric Murigu:** Okay Mr. Speaker. I request that next time we be supplied with copies of the itemized budget. The adjournment is good for us and if you noted, most of the new members did not contribute on the budget because we are still new to this and I believe that the retreat will help us understand more. Let us make use of the induction to acquire knowledge. I support.

**Hon. Speaker:** Deputy Speaker, have you made a request? You may proceed.

**Hon. Paul Kados:** Hon. Speaker, I would like to support this Motion so that Members can go and rest especially after coming from the elections. I therefore request Members to make use of this holiday, let it be a learning holiday. I have noted that most Members do not attend the retreats and those who do come late. Most cases you find the clerks and facilitators present but not Members. I therefore request them to be punctual as the retreats are learning times. I congratulate the Whips for wanting to take this House forward and with that, I support. Thank you.

#### ADJOURNMENT

**Hon. Speaker:** Thank you honorable Members. Now that we do not have a request, the Assembly stands adjourned up to 22<sup>nd</sup> November, 2:30 p.m. Thank you.

**The House rose at 4:39 p.m.**