



**NAIROBI CITY COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Second County Assembly – Fifth Session**

**SPECIAL SITTING**

Tuesday 21<sup>st</sup> December 2021

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Mr. John Kamangu) in the Chair]*

PRAYER

**QUORUM**

**Hon. Temporary Deputy Speaker:** Clerk, please confirm whether we have quorum. Sergeant-at-Arms, please ring the bell for ten minutes.

*(Quorum bell was rung)*

*(The Clerk-at-the Table confirmed there was quorum)*

Clerk, proceed. We have quorum

**PROCEDURAL MOTION**

REDUCTION OF PUBLICATION PERIOD OF THE COUNTY SUPPLEMENTARY APPROPRIATION BILL OF 2021

**Hon. Temporary Deputy Speaker:** Chairman Finance Hon. Mbatia.

**Hon. Robert Mbatia:** Thank you Mr. Speaker. I beg to move that the Nairobi City County Supplementary Appropriation Bill 2021 be read a Second Time.

**Hon. Temporary Deputy Speaker:** Chair, have you moved the Motion?

**Hon. Robert Mbatia:** Let me approach your Chair, Hon. Speaker.

*(Hon. Mbatia consulted the Speaker)*

**Hon. Robert Mbatia:** Thank you Hon. Speaker. The subject of the procedural Motion is the reduction of the publication period. I beg to move that notwithstanding the provisions of Standing Order 127, this

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Assembly resolve to reduce the publication period of the Nairobi City County Supplementary appropriations Bill of 2021, Bill number 14 of 2021 from seven days to one day. Thank you, Mr. Speaker. I request Hon. Warutere to second.

**Hon. Temporary Deputy Speaker:** Hon. Warutere.

**Hon. Peter Warutere:** I second.

**Hon. Temporary Deputy Speaker:** Thank you.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Members? Mover

**Hon. Robert Mbatia:** Thank you Mr. Speaker. I wish to thank you and the entire Assembly for supporting the reduction of the publication period. I reply. Thank you.

*(Question put and agreed to)*

**Hon. Temporary Deputy Speaker:** Clerk, proceed.

### **BILL**

#### *First Reading*

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2021; ASSEMBLY BILL NUMBER 14 OF 2021

(A Bill for an Act of the 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 2022 and to appropriate the sum and a sum voted on account by the Nairobi City County Assembly for certain public services and purposes)

#### *Second Reading*

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2021; ASSEMBLY BILL NUMBER 14 OF 2021

**Hon. Temporary Deputy Speaker:** Hon. Mbatia!

**Hon. Robert Mbatia:** Thank you Hon. Speaker. I beg to move that the Nairobi City County Supplementary Appropriations Bill 2021 be read a Second Time. This morning, the County Assembly adopted the report of the Finance Budget and Appropriations committee on the consideration of the first supplementary budget estimates for the financial year 2021/2022.

In the adopted report, the County Assembly has granted authority for payment of pending bills under the finance and economic planning sector with substantial resources also being allocated for settlement of pending obligations under the respective sectors.

Hon. Speaker, with that approval the County has taken a great leap forward and moved towards its peers in an attempt to sort out the longstanding nightmare of pending bills which has subjected many Nairobi businessmen and women to financial depression while also exposing their businesses to auction by financiers.

Hon. Speaker, the approved Budget has earmarked not less than Ksh. 2 billion for payment of pending bills for supply of goods and services and has also allocated resources for clearing debts due to various government agencies including KRA, Kenya Power and Lighting Limited.

Further, the approved budget has authorized the Nairobi Metropolitan Services to continue with the good work that they are doing in ensuring that the county is clean, the health care system is fixed and is well and running, the planning network is geo-fenced and the transport infrastructure leaves to the internationally accepted norms and standards that Nairobi deserves.

Hon. Speaker, the approved budget shall also guarantee timely payment of salaries, efficient operations of the County Executive and NMS and adequate facilitation for the county assembly to perform its functions.

Hon. Speaker, this Appropriation Bill therefore aims to provide a legal basis for utilization of the funds approved by the County Assembly.

Hon. Speaker, the Finance and Budget Committee has scrutinized the submitted Bill and confirmed that it is consistent with the figures approved in the supplementary budget estimates this morning. The recommendations have been incorporated as resolved by this assembly. I urge my very able Health [committee] counterpart, Mheshimiwa Warutere, to second me. I also urge Members to support this Bill and give the county the go ahead to utilize the funds for completion of development projects and other lines of expenditure outlined herein before the end of this current calendar financial year.

Hon. Speaker, I beg to move and request Hon. Warutere to second me. Thank you.

**Hon. Peter Warutere:** Thank you Hon. Speaker. I rise to second this very important Motion. Having come from a background of the Health Committee, we have unsettled pending bills because of lack of funds. I know this assembly is making this very important decision; it is a step in the right direction. We owe our suppliers so much and from where I sit I know we owe KEMSA so much.

About two weeks ago there was a question that came up that we do not have drugs in our facilities. Our director for health gave one of the reasons as the nonpayment for the drugs to KEMSA. I take this opportunity to welcome this great Motion; it is a step to the right direction. Time has come when we need to settle our debts. We need to pay the debts that we owe to our suppliers because we owe them so much. I know the uptake from many quarters has been slow owing to people who are owed so much from this side.

I think this is a great day because we will ensure that we pay our debtors. The *wanjikus* out there have had so much faith and gave whatever they could to our facilities and I think it is timely that we make the right step. With that, I rise to second this important Motion. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you very much Hon. Warutere.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Is there any Member that would like to contribute? Hon. Wanyioke, you want to contribute? Hon. Themendu, I can see you. Wait for Hon. Wanyioke and then I can give you a chance.

**Hon. Peter Wanyioke:** Thank you, Mr. Speaker. Let me take this opportunity to thank and congratulate the Chairman of Budget Committee and his entire committee for the good work they are doing. There is an issue that I saw in the Supplementary Budget that has been long overdue on county bursaries. With this budget, it will help the elected members to give bursaries to our students when they will be going back to school.

With that Mr. Speaker, I beg to second.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Wanyoike.

**Hon. Jeremiah Themendu:** Thank you Hon. Speaker for this opportunity. Let me first congratulate the committee for Finance, Budget and Appropriation Committee and especially the Chairman for the job well done. The most important thing is that we pass the Bill and make sure that it is implemented to the letter because we normally pass some Bills on finance as this helps us take care of our wards. We need contractors to finish their projects and be paid on time.

The time is very short for us here because we are remaining with about six or seven months and therefore we need to see impact in our wards concerning education e.g. bursary fund which cater for poor students who are still at home. As you know we dispatched the bursary forms I think in early June and we need money to pay for these poor students come January next year. Concerning the same department, we have ECDs classrooms that were being constructed in our wards. They need to be completed and the contractors to be paid.

We also have Ward Development Fund which should be taken care so that all projects are completed and the contractors paid their money. Every effort should be made to implement this and make sure that the money has reached the wards so that the tax payers can enjoy their sweat. Thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Jeremiah. The mover, since I can't see anyone who wants to contribute.

**Hon. Robert Mbatia:** Thank you, Hon. Speaker. I beg that you protect me from Hon. Kamau. He is raising his hands in the Assembly, which is unparliamentarily.

**Hon. Temporary Deputy Speaker:** He will contribute next time. Proceed, Chair.

**Hon. Robert Mbatia:** Thank you, Hon. Speaker. As I reply on this, I wish to thank every Member present. As we proceed, this is a challenge to the Executive and the NMS, who are now the implementers; they should take cue from what the Assembly has done. The Assembly has worked tirelessly to get this document in place. We have worked overnight, people sat and thought through, people have done research, and now we request that the onus should be on both the NMS and the County Executive to proceed. As they implement, they need to do so by prioritizing the needs that people have, like the issue of bursaries should come first and other items.

I have just been going through some text messages from some of our residents on the issue of lack of water especially during the rains. These are some of the things we need to get some solutions to. Nairobi, as much as urbanization is a challenge to every other city, but reticulation of water begs a lot of questions why in this time and era we are still at a place where some areas don't get any water while others get so much water. These are things that need to be thought through. We know there is capacity on the side of the County Executive and also in the NMS. The NMS is a team that was formed with bright minds in the spirit that His Excellency the President had. We need them to give us solutions now because we have appropriated money.

As they are paying the pending bills, we also request that they pay those that are of priority so that we can get contractors back to site to finish the other pending works. We have had rollovers, and this was one the reasons that we pulled the money to Finance and Economic Sector. The reason is that we have had a question that has not been answered on how to treat the rollovers. With this having pulled all the money

under Finance and Economic Sector, it means that any rollover that is complete can be paid through it. Any certificate that has been raised should now be paid. This will ensure there are no stalled projects as we wind up our term.

It is worth mentioning that we have had a challenge with Kenya Power on the many blackouts that we have had here at City Hall. They are now moving into the streets on street lights. Hon. Speaker, we request the County Executive and the NMS to sit down with Kenya Power and reconcile the figures that each party has and get the actual figures that should be settled. The Kshs.200 million that we set aside was just to bring these people together on a roundtable so that they can reconcile.

Another issue that has been also troublesome and has brought a lot of agony to the County Treasury has been unpaid KRA bills. With the setting aside of Kshs.300 million, we are bringing them together and try to make sure that the Executive sits together with the KRA and negotiate on the payment procedures so that they can be a good payment plan that allows the County to continue offering services while it is also honouring its pending bills.

Hon. Speaker, in this good book that is here, we have a gaping hole of Kshs.19 billion, which should be collected on insource revenue. That is a tall order at this point, but we are half the year. We are not currently doing very well. We have a Finance Bill, and this I want to request your hon office that by next week, we have already initiated the process of adopting the Finance Bill that is before us. We have already read it for the first time and has now been subjected to public scrutiny. Next week after the Christmas holiday and before we cross over to next year, we request that we have a session as the Budget Committee and finalize on the reports that we shall have gotten from both the agent, who is the KRA, members of the public and Members of the Assembly, so that we can finalize it on the 30<sup>th</sup> of December 2021 before we cross over into the next year.

We believe that we will be able to put charges that will make sure that we realize the Kshs.19 billion insource revenue projections that we have earmarked to collect in this year. As much as the year is half spent, but we would be very willing, and we know it is feasible if we put the document in place and now make sure that there is some aggressive insource revenue collection by the parties involved, that is the KRA and the County Executive. So, Hon. Speaker, that is a request I am putting to you that next week we need two days; one for the Budget Committee and next for the plenary, so that we will be able to prosecute the Finance Bill to the very end.

With that, I know the Valuation Roll has been revised. The Valuation Roll having been revised, there is a new rates track that is contained in that Finance Bill. We are yet to adopt, but once we adopt it, then we shall be able to collect over Kshs.40 billion for a full year. But because this is half year, and we are just starting, I believe that we can even make it about five or seven billion would be much welcomed. Therefore, Hon. Speaker, I beg to reply thank you.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to the Committee of the whole by leave of the Assembly)*


#### **COMMITTEE OF THE WHOLE ASSEMBLY**

*[Hon. Temporary Deputy Speaker left the Chair]*

IN THE COMMITTEE

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*[Hon. Temporary Chairperson (Ms. Immapet Kemunto) took the Chair]*  
THE APPROPRIATION BILL 2021, ASSEMBLY BILL 14 OF 2021

Clause 2

*(Question proposed)*

**Hon. Peter Warutere:** I support.

*(Question put and agreed to)*

Clause 3

*(Question proposed)*

*(Question put and agreed to)*

First Schedule

*(Question proposed)*

*(Question put and agreed to)*

Title

*(Question proposed)*

*(Question put and agreed to)*

Clause 1

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Robert Mbatia:** Thank you Chair, I beg to move that the Committee report to the Assembly its consideration of the Nairobi City County Supplementary Appropriation Bill 2021, Assembly Bill No. 14 of 2021 and its approval thereof without amendments. Thank you.

*(Question put and agreed to)*

*(The House resumed)*

*[Hon. Temporary Deputy Speaker in the Chair]*

### REPORT AND THIRD READING

**Hon. Temporary Chairperson:** Thank you, Mr. Speaker; I beg to report that the Committee of the whole Assembly has considered the Nairobi City County Supplementary Appropriation Bill 2021 Assembly Bill No. 14 of 2021 and its approval thereof without amendments. Thank you.

**Hon. Robert Mbatia:** Kindly protect me from Hon. Warutere; he needs social distancing.

**Hon. Temporary Deputy Speaker:** Hon. Warutere please, do not harass the Chair.

**Hon. Robert Mbatia:** Hon. Speaker, I beg to move that the Assembly do agree with the committee in the said report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Robert Mbatia:** Thank you Hon. Speaker, I beg to move that the Nairobi City County Supplementary Appropriation Bill of 2021 that is Assembly Bill No. 14 be now read a Third Time.

*(Question proposed)*

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

**Hon. Temporary Deputy Speaker:** Chair we have heard you that you require some days to work on whatever you wanted to work on and it is properly noted and granted because we need to move with speed.

### ADJOURNMENT

**Hon. Temporary Deputy Speaker:** There being no other business this Assembly stands adjourned until 8<sup>th</sup> of February 2022. Happy New Year and God bless you all. Thank you.

**The House rose at 3.25 p.m.**