



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

SPECIAL SITTING

Tuesday 21st December 2021

The House met at 9.30 a.m.

(Hon. Temporary Deputy Speaker (Ms. John Kamangu) in the Chair)

PRAYER

QUORUM

Hon. Temporary Deputy Speaker: Clerk, please confirm whether we have quorum, we are late.

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

Clerk, proceed please.

PAPERS

Hon. Robert Mbatia: Thank you Mr. Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of this assembly today 21st December 2021: The 35th report of the Select Committee on County Finance, Budget and Appropriation on the Consideration of the First Supplementary Budget Estimates for The Financial Year 2021-2022 For The County Government, Nairobi Metropolitan Services and the County Assembly. Mr. Speaker, I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Deputy Speaker: Thank you Chairman. Clerk, proceed.

Hon. Robert Mbatia: Thank you Mr. Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of this assembly today 21st December 2021: The 36th report of the Select Committee on County Finance, Budget and Appropriation on the Consideration of the County Annual Development Plan for The Financial Year 2021-2022. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Deputy Speaker: Thank you Chairman.

NOTICES OF MOTION

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ADOPTION OF THE 35TH REPORT ON THE CONSIDERATION OF THE FIRST SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2021-2022

Hon. Robert Mbatia: Thank you Mr. Speaker. I beg to give notice of the following Motion: That, this assembly adopts the 35th report of the Select Committee on County Finance, Budget and Appropriation on the Consideration of the First Supplementary Budget Estimates for The Financial Year 2021-2022 for the County Government, Nairobi Metropolitan Services and the County Assembly laid on the Table of this Assembly on Tuesday 21st December 2021. I give notice.

Hon. Temporary Deputy Speaker: Thank you Chairman. The second one since they are two.

ADOPTION OF THE 36TH REPORT ON THE CONSIDERATION OF THE COUNTY ANNUAL DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2021-2022

Hon. Robert Mbatia: Thank you Hon. Speaker. I beg to give notice of the following Motion: That, this Assembly adopts the 36th report of the Select Committee on County Finance, Budget and Appropriation on the Consideration of the County Annual Development Plan for The Financial Year 2021-2022 laid on the table of this Assembly today 21st December 2021. I give notice.

MOTION

ADOPTION THE 35TH REPORT ON THE CONSIDERATION OF THE FIRST SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2021-2022

Hon. Robert Mbatia: Thank you Hon. Speaker. I beg to move that this Assembly adopts the 35th Report of the Select Committee on County Finance, Budget and Appropriation on the Consideration of the First Supplementary Budget Estimates for The Financial Year 2021-2022 for the County Government, Nairobi Metropolitan Services and the County Assembly laid on the table of this assembly on Tuesday 21st December 2021.

Mr. Speaker, in the annual estimates for the financial year 2021-2022, the County Assembly had approved a total budget of Kshs 39.6 billion. Out of which Kshs 26 billion was meant for recurrent expenses while Kshs 12.9 billion was earmarked for development programmes. As part of approved annual estimates, the Nairobi Metropolitan Services was allocated Kshs 20.1 billion to cater for various transferred functions emanating from the signing of the Deed of Transfer of functions. The approval also contained allocation on the county assembly as an independent arm of the County Government as well as the commensurate resources to fund the expected outputs.

Hon. Speaker, the first supplementary estimates have been submitted to provide basis for payment of pending bills and some debt obligations. The assembly has been championing the need for the County Government and The Nairobi Metropolitan Services to prioritize payment of pending bills as a way of ensuring that the county credit rating is boosted while at the same time, warranting those who do business of offer services to the Nairobi City County that their payback for the investment put forth to ensure that the county remains a city of choice to invest and live in.

Hon. Speaker, this supplementary budget therefore aims to provide resources for settling part of the recurrent pending bills and amounts owed to development contractors. In general, to make resources

available for this payments anticipated in the supplementary budget, the re-allocations have been done across various votes in line with provisions of Section 135 and 154 of the PFM Act 2012.

Hon. Speaker, the Finance, Budget and Appropriations Committee has scrutinized the supplementary estimates and are satisfied that the proposed adjustments and re-allocations are in tandem with aspirations of ensuring that the credit rating of the county is improved, therefore resulting in enhanced public image specifically for those whose livelihoods and resources have been tied for longer periods despite injecting substantial amounts of money and ensuring seamless operations in this county.

It is noteworthy that the budget for the County Assembly Service Board contained allocations to the tune of Kshs.1.5 billion for development programmes which are unlikely to be utilized by the end of this current financial year. To ensure that the resources are not tied up in unproductive venture, the committee shall be making necessary adjustments on the budget with the aim of ensuring that the budget objectives are realized.

Hon. Speaker, arising from the foregoing, the committee therefore requests that this House approves the First Supplementary estimates for the financial year 2021-2022 to enable the spending of the funds before the 30th of June 2022 considering that this will also be an electioneering year. The committee shall be making recommendations aimed at ensuring that the primary intentions of the supplementary estimates are better realized.

Hon. Speaker, the committee recommends as bellow:

Revenue Projections

Hon. Speaker,

That the revenue figures in the revised estimates be maintained as contained in the submitted First Supplementary estimates for the financial year 2021-2022.

That the budget re-allocations be approved as contained in the submitted supplementary estimates subject to the adjustments that are mentioned here below.

Budget Reductions

That, the following budget reductions be made on the recurrent budget of respective sectors to aid re-allocations contained in Schedule One.

- That the recurrent budget of the office of the Governor be reduced by Kshs.124 million
- That the ICT, E-Government and Communication recurrent budget be reduced by Kshs.50 million.
- That the retained Health functions that remain on the side of the County Executive recurrent expenditure be reduced by Kshs 7.1 billion.
- That the Finance, Economic Planning recurrent budget be reduced by Kshs.72 million.
- That the retained functions of the Urban, Lands and Planning recurrent budget be reduced by Kshs.4.4 million.
- That the retained functions under Public Works that are retained on the side of the County Executive recurrent budget be reduced by kshs.10 million.
- That Education, Youth Affairs, Sports, Culture and Social Services recurrent budget be slashed by Kshs.24 million.

- That the recurrent budget for Trade, Commerce, Tourism and Co-operatives be slashed by Kshs.35 million.
- That the Public Service Management recurrent budget be reduced by Kshs.50 million.
- That the Agriculture, Livestock Development, Fisheries and Forestry recurrent budget be reduced by Kshs.20 million.
- That the recurrent budget for Water, Energy and Natural Resources be slashed by Kshs. 643,230
- That the following budget reductions be made on the development budget of respective sectors to aid re-allocations contained in Schedule One.
- That the development budget of the County Assembly Service Board be reduced by Kshs.1.4 billion.
- That the County Public Service Board budget be reduced by Kshs. 4.15 million.
- That, the Office of the Governor budget be reduced by Kshs.46.89 million.
- That the budget for ICT, E-Government and Public Communication budget be reduced by Kshs.255 million.
- That the budget for Finance and Economic Planning budget be reduced by Kshs.35 million.
- That the budget for Education, Youth Affairs, Sports, Culture and Social Services be slashed by Kshs.184 million.
- That the budget for Trade, Commerce, Tourism and Co-operatives be slashed by Kshs.158 million.
- That the Agriculture, Livestock Development, Fisheries and Forestry budget be reduced by Kshs.13.5 million.

Hon. Speaker, that, the increases be made on the budgets of respective sectors as contained in Schedule One:

- That the other creditors under Finance and Economic Planning sector be increased by Kshs.1.441 billion to cater for the pending bills
- That Kshs.300 million be set aside for the payment of Kenya Revenue Authority unremitted tax arrears.
- That Kshs.200 million be allocated to settle Kenya Power and Lighting power bills in a bid to avoid the frequent power blackouts in City Hall.
- That Kshs.300 million be set aside for settlement of a pending bill owed to Kenya Roads Urban Authority (KURA).
- That Kshs.100 million be allocated for smart stores under the Markets Services.

Hon. Speaker, as I request my very able Member Hon. Ogada who is the Minority Leader to second me, in conclusion, pursuant to Section 135 (2) and (4) of the Public Finance Management Act 2012, and Standing Order No. 228, this Select committee of County Finance, Budget and appropriations recommends that this County Assembly adapts this report of the First Supplementary Budget Estimates for the Nairobi City County Government and the County Assembly for the financial year 2021-2022.

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

Hon. Michael Ogada: Thank you Mr. Speaker. As I second my able Chair, I want to thank him, the Vice-Chair and the Members of the committee for working tirelessly to ensure that we have such a good document. As we are all aware, Members are on recess and it's a call of duty for the Members of the Budget Committee to come and hold both physical and virtual meetings and come up with such a good document.

Mr. Speaker sir, as we have heard from our Chair, we need to appreciate one thing; that the Executive are aware that this term is coming to an end and this has made many departments to work hard. You will realize that several departments have utilized all their allocations and there was need to ensure that re-arrangements are done so that the departments which received excess money can give a hand to other departments which were not given adequate funds. That is what the Budget Committee has done and we are happy with that.

The only thing that we need to do is to encourage other departments who apparently seem not to be underutilizing their funds. In the next budget, they need to request for what they can utilize instead of requesting excess money and stifling other departments' and they know very well they are not going to use it. I think it would be in order that next time going with the supplementary budget we have, we have given them an indicator of how much money they will be able to utilize.

The other thing Mr. Speaker, we are happy with the developments which are taking place save for the Ward Development projects which I really thank you for putting a lot of effort to ensure that every Ward is served. We are happy of your effort and we need to recognize that. I would like to urge NMS – the only problem sometimes I face when I talk about NMS here is that they take it negatively – I urge them to do something. But you realize that when you urge them, some of them get annoyed and irritated, and say that you are opposing them.

Today, I am repeating it that the NMS need to know that we have 85 wards and are represented by elected people. So, these people need to feel that something is taking place on the ground. We appreciate what is being done here, the face of the City is changing. But we are also urging that their representatives in the wards need to pull up their socks so that it is evident that there is something going on in every ward. We also urge them to make sure ward based projects issues are hastened so that there is no much laxity. Otherwise, we are happy with the general work they are doing.

I would also like to urge the NMS that once they do a project in a ward, when they open these projects – my Chair has just said that we allocated the NMS Kshs.20 billion – they come with the MP minus the MCA yet it is the MCA who has allocated money. It is not in order. If it is a CDF project, no MCA goes there. If it is the NMS project funded by the Assembly, it is only good--- I was telling them the other day that KEMSA offices are in my ward. When His Excellency the President came to lay foundation there, the Office of the President wrote me a letter inviting me to that function. If the President can recognize there is MCA in the area, why don't other people emulate that? It is a very simple thing. As Members sit here to debate over the issues of the NMS, we are working hard to ensure that they succeed. I want when the Major General is walking, I am walking next to him. It makes me happy. But when he walks minus me, I feel frustrated. When he goes to Mihango, make sure Hon. Kados and everybody else is there.

Chairman, we are happy with the document. I urge the Assembly that this is a good document that we need to appreciate and allow it to pass. Thank you very much, Chair.

Hon. Temporary Deputy Speaker: Thank you, Minority Leader.

(Question proposed)

Members, you can now debate. Hon. Imwatok.

Hon. Peter Imwatok: Hon. Speaker, it has been awhile to see you on that seat. Aware that we are on recess till next year, I believe that it is historical as a Member of the County Assembly for the last nine years, that I presume that this might be the last or the second last supplementary budget that we are going to execute before this honorable House.

It is prudent to note that the County Executive and the NMS are the fulcrum hinges that drive the economic development and socio development of our County. I am particularly impressed by the Chair when he talks about the pending bills. Having these monies from unprecedented allocations to ensure that our small scale traders and others who have helped the County to spur its operations is something to be lauded. As we go for electioneering period, you are aware that most of these business people who have executed different contracts and opportunities including the WDF, they are human beings and ought to be sorted out.

Hon. Speaker, it is a painful experience that I had Azimio Tournament finals on Sunday where Makongeni hosted entire Makadara Constituency and Eastlands, the ground that we played the finals was built though WDF. When we were preparing for the finals, the contractor came to the field and said that he had never handed the field because he had never been paid. That is why I am lauding the Chair of Budget and the entire Committee, that indeed what he has aligned in this supplementary budget is going to implement the issues that are so touchy in the 85 wards, as my leader said, that will be prudent. When this year comes to an end, I believe no one will fight for these people.

Hon. Speaker, there are staffs who are suffering in the Executive side because they are being bombarded on a daily basis by contractors and suppliers who did services for the County. I also want to urge the Chair of Budget and Appropriations to monitor these various votes as they are being executed. Are they executed premise on what you aspired as a committee and what this Assembly gave out the mandate to respective sectors and departments to execute? We don't give these Executive Members and the NMS a blanket check that they can write whatever they want without following the due process of PFM Act.

Therefore, Hon. Speaker, I urge the House to assist the Committee and pass this supplementary budget pursuant to clear indicators by the Executive that they are going to implement as it is. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Anyone else? Hon. Mary Ariviza.

Hon. Mary Mwami: Thank you, Mr. Speaker Sir for this great opportunity to be able to give a word on this supplementary budget. I am particularly interested in the changes on domestic travel and foreign trips.

I have been here but I have not gone for any foreign trip. Several of us in this County Assembly haven't gone for any foreign or domestic trip. I would like you to guide us, Mr. Speaker, why some go for foreign trips but others don't go at all. It is a good change there that we want some additions. Many of it coming under the Clerk's Office, we want to have everybody at least going for a foreign trip. They are supposed to be at least two foreign and two domestic. Let there be balance. I know we had a cash problem,

but there should be a balancing of that. It is unfair for some people not to go while others have gone. This includes the workers.

Two, there are some changes that have been proposed. I note with a lot of concern the changes that are supposed to reduce; the budget on education. Madam Ouko, through our Committee on Education, did not get enough money, especially when I was in Mombasa. I made sure that every ward was added Kshs.1 million, so that our children can be able to get bursary.

I note with a lot of concern that that sector is the one that takes care of people living with disabilities. There was Kshs.25 million set aside for the setting up of the board for people living with disabilities in Nairobi, which is very important. I realized that you are going to reduce it yet they did not even have money in the first place in the last budget. Up to now, bursaries have not been dispatched. So, as we hail this budget, it is important for us to note that education may not be a place where we are supposed to be reducing but adding them. They have not been able to do meetings and they have not been able to get money to set that service board. I am requesting that the money for education should be added.

Thirdly, on compensation of employees, it is important as we come to the end of our service here as Members, we get our gratuity. Let us make sure that KRA has got its money. Also, on the Executive side, there should be money so that those people who are retiring don't stay many years before they are paid their pensions. It is an area that should be increasing and not decreasing.

Lastly, on the variance of classification on the acquisition of the assets under the current expenditure. We can make history. It has been a sad situation for me when I meet other MCAs from all over the country having three workers, but here, we only managed to get one.

It is important that we set records that the nominated MCAs that come next will get their officers and three workers. I am on page five, it may be different because I am told there are pages that we don't have. My leaders, I honour and respect you, don't take it disrespectfully, but please, as you go for foreign trips, also remember us. It is a sad thing for us to know that you are only going for foreign trips but some of us have never gone. There are people who have been in this Assembly for a very long time but have never gone for a foreign trip. The Service Board Member is here. Make sure you balance. This is an Assembly and it is an open thing, we want to see how many people have gone for foreign and how many times, and how many have never gone, and what you are going to do about it. Thank you very much, Mr. Speaker. I support the Motion.

Hon. Temporary Deputy Speaker: Thank you, Hon Ariviza. Hon. Thuo.

Hon. Charles Thuo: Hon. Speaker, I rise to support this Motion. it is indeed timely because change is inevitable. As we continue in our endeavor to deliver services to the people, when we encounter challenges, it is only appropriate that the House and our leadership makes appropriate changes in our budget estimates so as to be able to cater the needs of our people.

It is obvious that the Corona pandemic has affected the running of business here, including running of government. It is therefore very wise and prudent to congratulate the people who thought of coming up with the review of the budget.

Mr. Speaker, allow me also to mention that foreign trips are not meant to award anyone, they are working trips. People go to work and bring reports to this Assembly. If you do not have anything to do out there, you do not have business to go. It makes this Assembly to work. Thank you, Hon. Speaker.

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Hon. Temporary Deputy Speaker: Thank you, Hon Stazo Omung'ala on Zoom? Hon. Mark Mugambi? Hon. Kamau, Member for Komarock Ward?

Hon John Muthiga: Thank you, Mr. Speaker---

Hon. Temporary Deputy Speaker: Whose card are you using?

Hon John Muthiga: No.23.

Hon. Temporary Deputy Speaker: That is for Hon. Warutere, and he is not in.

Hon John Muthiga: I told them No. 73 but they gave me.No.23.

Hon. Temporary Deputy Speaker: You don't have to use somebody's card, Hon. Kamau. It will show that Hon. Warutere was in the House yet he was not.

Hon John Muthiga: I went to ask my card, they gave me.No.23. I told them No. 73.

Hon. Temporary Deputy Speaker: You know your card number.

Hon John Muthiga: I did not check, Mr. Speaker.

Hon. Temporary Deputy Speaker: Anyway, proceed, but that is wrong.

Hon John Muthiga: That was my fault.

Hon. Temporary Deputy Speaker: Proceed, Hon. Kamau.

Hon John Muthiga: Thank you, Mr. Chairman. First, I would like to thank the Chairman plus the Committee of Budget. I want to pinpoint that we have been talking about the youths that are in our wards---

Hon. Temporary Deputy Speaker: Are you addressing me or the Chair of Budget?

Hon John Muthiga: I first thank the Chairman for the well thought budget. Now, I am addressing you, Mr. Chair. We have been talking about the youths. As you can remember, we took youths and employed them. From the time that we employed those youths, we have been having a problem. Even going to engage our youths in our wards has been a problem. We have been doing supplementary budgets, but this is where I am seeing light for our youths, that after engaging with the Executive and Environment officers in our wards, now this is where we are getting light that our youths that we employed are going to be paid.

That is a very positive move that Chair Budget plus the entire Committee took upon themselves. When we engage them, they say that we ate their money. Now, it has come a time when this Assembly and the Committee of Budget, plus our leadership--- I should thank our leaders for seeing the light because we are going for a campaign period. The majority of the people in our wards are the youths. If we engaged these youths and they were not paid, we are going to have a difficult time campaigning in those wards. They will say that we took them from the wards, engaged them and did not get their pay. Anyone who is here can attest that.

Mr. Speaker, I want to pinpoint my second point. We appreciate that the NMS is doing a great job. If you go around the 84 wards, you will find that there are some wards which have no development going on.

But at least when you go to other wards NMS is engaging the MCAs in those wards and there are some developments in those wards.

Mr. Speaker, I took an issue the other day with you, I think it was last week. This is because at least we need- and because these Members in this Assembly, what will make them come here, Mr. Speaker, it is not just talking; it is what it is been done in our Wards.

Mr. Speaker, as a matter of urgency all these other wards that NMS is lagging behind should pull up their socks so that at least the people should feel that the MCA is doing a great job. Therefore, I stand to support thank you.

Hon. Robert Mbatia: Thank you, Hon. Speaker, I beg to reply that, firstly I would like to appreciate the entire Assembly for allowing us to prosecute this document to the very. I know it is a holiday period, even getting Hon. Redson and Hon. Ngesa in the public gallery is still an honour to this Committee and we appreciate it.

Hon. Speaker, I would like to appreciate your office and the office of the Majority and Minority Leader, for making sure that we got the numbers. I would like to appreciate the office of the Clerk also which is under you, Hon. Speaker, for making sure that we were ably facilitated to be able to go through this document in a very short time to realize what we wanted.

Hon. Speaker, also I want to appreciate the Members of Finance budget and Appropriation committee who tirelessly worked overnight to make sure that we got this document in place. Although worth mentioning is another very able group of young minds that has been working tirelessly and this, Hon. Speaker, you need to facilitate them, this has been the budget office of this Assembly which has brilliant minds and has worked tirelessly to facilitate us and equip us with documents, do research to have this very quality document before us.

Having said that Hon. Speaker, as I reply I want to also appreciate the Members present and the sentiments of every other Member that have contributed but I want to mention the issue of WDF, which is an issue that has been ailing especially for you, Hon. Speaker, because you have been pursuing it.

In this budget, there is an additional Kshs 200 million under the finance sector, that is the other creditors, that have been set aside and ring-fenced to particularly complete WDF projects. That means that any project that is complete and a certificate is raised, payment is available at the finance and economic sector department and other creditors account.

Hon. Speaker, also I want to assure the Hon. Members present that the bursaries, there is Kshs. 682 million for both ward and executive bursaries that are still set aside. It is only a matter of prioritizing the request that we make from County Revenue Fund so that these bursaries are paid in time. As we were engaging the Executive they have pledged that will be the first payment they are making in early January 2022. Therefore, the bursaries for both the Wards and Executives will be issued very soon as we open the New Year in January 2022.

Hon. Speaker, also worth mentioning is the issue of the youth that Hon. Kamau has brought up. Hon. Speaker, this has been a very thorny issue amongst the elected Members because there was a group of youth that were taken and were doing manual jobs within our Wards and have since never been paid for several years. We have pulled resources together and they are under finance and economic sector so we request that this department facilitates on the issue of documents so that these various number of youths can be paid.

Mr. Speaker, I want to clarify the issue of the reductions that the Hon. Ariviza was mentioning. Hon. Speaker, it comes a time that we have to be realistic on what we plan. When we see that we have planned to do a project and it is not feasible considering the time we are in, those monies are always reallocated to move to an area that can even bring some growth in our economy.

Therefore, Hon. Speaker, when we reduce the amounts that we have reduced in education we have not reduced on the issue of the people leaving with disabilities and ECD centres but we sat with the education department and they realistically told us that the ECD centers can't be able to put up within the time that is remaining. The other monies have to be put together to other very important issues within us, Hon. Speaker.

Hon. Speaker, the Minority Whip, Hon. Imwatok has mentioned a very important thing about us following the law, Hon. Speaker, and this is key. I would urge the executive that is the county treasury, NMS and even the national treasury to follow to the latter the PMF Act, Hon. Speaker.

Let us not do unlawful things. Let them just sit and agree on some things. As we plan this afternoon, we will prosecute a document and that opens our accounts to spend which is the Appropriation Bill. Therefore, monies planned here are budget passed; Appropriation Bill must be passed for it to become an Act and that is what is used to expend the monies that have been planned for.

Having said that we want to request both NMS and the county executive to sit down because we as an Assembly still believe there are two Appropriation Acts in place that is the County Assembly and the National Assembly one. We still believe there are some monies that were appropriated under the National Government for NMS and now we have the Kshs 20 billion that we have appropriated for NMS under the County Assembly budget. That makes it Kshs.46 Billion. That is enough money and if availed I know and believe that NMS can do a lot of work.

Therefore, they need to sit and agree to pursue the Kshs 26 billion appropriated in the National Assembly Appropriation Act and continue also to pursue what we have appropriated for them, the Kshs 20 billion to amount to the Kshs 46 billion. With that, I believe that Nairobi will change. We have gone to school and we now that monies by the government are only used and utilized after passing the Appropriation Acts, Hon. Speaker and that is the law. Therefore, let them follow the law, pursue that and push the National Treasury to give them extra monies so that they can use them.

Hon. Speaker, in this budget estimates that we have passed and in answering to Hon. Ariviza, some of the minies have gone to the payment of allowances of staff. So many per diems, allowances and venue payments have not been paid that is why we had to pull some resources under the finance sector to allow that to be paid. We still urge the country treasury that on this issue of allowance and per diems let the first charge be the members of staff, not us Hon. Members. Times again we find that we are paid the Hon. Members and members of staff are never paid which is very unfortunate. I still insist that the first charge on our allowances and per diems be on the staff and then Hon. Members.

Hon. Speaker, I also want to mention what Hon. Ogada Minority Leader has mentioned on the good work that has been done by NMS. We agree that the spirit behind forming the NMS was brilliant and we thank His Excellency the President for his wonderful thought of bringing NMS and we want also to commend them for the work that they have been able to do within a very short time. This is work that we believe that moving forward no county government would be able to do it within the period that they will be in place; the five years that any county government will be in place.

We want to commend them for that but as we commend them, I want to also stress what Hon. Ogada has said that Nairobi has 85 wards and this is not politics! Whoever wants to pick it that we are fighting them should pick it. It is okay, that is allowed since it is politics but we want to ask them that this 85 wards should be treated equitably and Nairobi is under county government. They [NMS]are part of us so the moment they

walk with other strangers because they are not known in this Assembly, walking with strangers and putting banners and people taking credit while this Assembly has sat even over Christmas to pass an Appropriation Bill to allow them to get the money is not only unfair but it is despicable.

Hon. Speaker, I would like to request that the Members who are online and Members present to pass this supplementary estimate reports so that we can proceed to prosecute the Appropriation Act this afternoon.

Hon. Speaker, I reply, thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mbatia we have heard you very clearly.

(Question put and agreed to)

MOTION

ADOPTION OF THE COUNTY ANNUAL DEVELOPMENT PLAN FOR THE FY2022-23

Hon. Robert Mbatia: Thank you, Hon. Speaker, I thought we were through but we were just starting. Hon. Speaker, I beg to move that this Assembly adopt the report of the Select Committee on the Budget and Appropriations in consideration of the County Annual Development Plan for the FY2022-23, laid on the Table of the Assembly on Tuesday, 21st December 2021.

Hon. Speaker, in reviewing the ADP the committee noted that largely the ADP had met the sectoral threshold spelt out in both the County Government Act and the Public Finance Management Act. The plan has made a considerable attempt to evaluate the strategies that the county would aim to pursue in the midterm period and of interest for the county and once realized for the county would live up to the expectation of making Nairobi City County a City of choice to live in and invest.

Hon. Speaker, the Committee has been consistent in demanding that sectors incorporate in their budgets documents information that is up to date and verifiable. During the consideration of this ADP, the Committee noted that some sectors like transport, public works and the country public service board had not properly documented their achievements.

Hon. Speaker, the Committee noticed that the in the alignment of any submitted ADP is something that does not require underlining. The rationale for medium-term planning is to guarantee that the priorities being pursued by the Government are less than the masters who installs such government are aware of and such priorities resonate with the strategic demands of the people. Once again, whereas ADP submitted made great strides in achieving this planning imperative there were some sectors like agriculture, education and trade, which had not been fully aligned to the approved CIDP.

Further Hon. Speaker, the committee observed that there were some sectors like energy, planning and WDF which failed to provide details of projects to be undertaken. The planning sector did not fully quantify the cost of all the projects that it intends to roll out in the coming financial year and no details provided in phasing the long-term projects for the sector.

Under the WDF projects, the allocation of Kshs 1.5 billion of projects to be rolled out in the coming financial year has remained silent on handling of roll over projects, which remains a nightmare across all wards.

Hon. Speaker, the Finance and Economic Planning sector has the solemn duty of guaranteeing other sectors of the Nairobi City County Government on the availability of financial resources necessary for actualizing the immediate and future needs.

Hon. Speaker, the County Assembly has emphasized the need for settlement of pending bills with considerate resources being appropriated annually in this regard. However, these efforts have done little to ensure that the county has no pending obligation at the tail end of each financial year. The PFM Regulations have attempted to cure late commitments in the financial year by requiring that all procurement for the supply of goods and services be done not later than the end of month of May. There is need to ensure that the debt management strategy pronounced annually are implemented and the figure set aside for settling of the debts on pending bills are utilized for that particular purpose. Implementation of projects listed in the budget should be and remain a daunting task if the County continues dishonoring its contractual obligations and settle amounts for completion certificates submitted.

Hon. Speaker, during the receipt of sectoral committee reports on the ADP, most sectoral committees submitted requests for purchase of motor vehicles and this needs to be used to advance the activities of their respective sectors. In this regard, there were requests for purchase of vehicles under security and compliance sub county administration, internal audit, among others making that line item a key development agenda in the coming financial year. The need of additional motor vehicles against the existing pool of vehicles that either require repair or proper allocation for use is something we need to think through. The committee has over the years emphasized that the role of devolution is to provide services to the people and the same must be undertaken with optimal amount of resources hence the need to evaluate the priorities to ensure that those which can be avoided are knocked off and the amounts redirected to areas of great impact.

Hon. Speaker, the committee shall in due time be making recommendations aimed at ensuring that the purchase of motor vehicles across all sectors does not crowd out any other development priorities.

In summary therefore, the committee urges all sectors to consider the above observations in the rolling out of the programs and projects contained in the annual development plan for the financial year 2022/2023.

The Finance, Budget and Appropriations Committee recommends the following; Mr. Speaker, in summary and pursuant to the provisions of section 126 (3) of the PFM Act 2012 and Standing order 219, the Finance Budget and Appropriations committee recommends that the ADP for the Financial year 2022/23 be amended as follows under the following respective sectors.

The transferred functions/ the County Health services/ County transport services/ County Planning and development services/ County Public works and Utilities and ancillary services:-

- That in implementation of programs under the transferred functions the Nairobi Metropolitan services shall take into account the approved CIDP 2018/2022 with specific focus on the fifth year of the CIDP which informs the ADP for the financial year 2022/23
- That the project programs priorities for ward development fund be included in the ADP and the same be implemented as proposed by the select committee on WDF
- That in addition to the above, Kshs. 10 million be allocated for completion of Muthurwa market shades
- That the projects, programs and priorities for the Environment sector be included in the ADP and implemented as proposed by the sectoral committee on environment and natural resources

- That the program under public works called Energy development and public lighting be renamed as Electrical and the same be implemented under the electrical unit

Under the County Assembly Service Board:-

- That in line with the provisions of section 149 (2)(g) of the PFM Act 2012, the County Assembly Service Board finalizes the preparation of its strategic plan for the financial year 2020/2024 and the Clerk ensures that the same is availed before approval of the budget estimates for the financial year 2022/23.

Hon. Speaker in conclusion and pursuant to section 126 (3) of the PFM Act 2012 and Standing Order number 219, the County Finance Budget and Appropriations committee recommends that this County Assembly adopts the 36th report of the select committee on County Finance Budget and Appropriations on the ADP for the Financial year 2022/23. I beg to move and request Hon. Minority Leader Hon. Ogada to second.

Hon. Temporary Deputy Speaker: The incoming Member of Parliament Hon. Ogada? Proceed

Hon. Michael Ogada: Thank you Mr. Speaker and Mr. Chairman. We are glad on the momentous work the Budget committee is doing. This is a committee full of dedicated people who take their time to go through the documents. This committee does not lack quorum and is attended by nearly all Members and that is a show of good leadership and commitment. I thank the Chair and his vice for the good job.

As Members of the Assembly, we need to appreciate the budget making process. The Annual Development Plan is a plan for the next financial year 2022/23 and we look at these documents based on the success of the previous documents. Hence when the committee decides to either increase or reduce certain allocations then the House needs to be informed that is a result well thought of basing on how the departments have been consuming their allocations.

We also realized that there are departments which require some money but as a result of the budgetary constraints, they are stifled. So we at times try to come to their aid so that they get something to work with.

Therefore, Mr. Speaker, this is well thought of document and I urge the House to have faith in the Budget and appropriations committee that the document before us is for the benefit of the House and the County in general.

This document is also going to be partly implemented by the NMS before their term ends and their services are reverted to the County, which will then be spearheaded by the incoming Governor elect. Thank you so much Bwana Chair.

Hon. Temporary Deputy Speaker: Thank you very much Hon. Ogada

(Question proposed)

Hon. Temporary Deputy Speaker: Members debate? Can I call the mover? Mover, proceed.

Hon. Robert Mbatia: Thank you Hon. Speaker. I appreciate the spirit that is in the House and the confidence in the document. I would also want to thank the Members who have worked hard to enable us get this document that will usher us to the next County government.

I would also wish to appreciate your office and thank you for enabling us get the special sitting to prosecute this document and usher in the County fiscal strategy paper to ensure that the budget cycle is in place before we start the campaigns.

I thank office of the Clerk, the 25 Members of the Finance Budget and Appropriations committee who have tirelessly worked to make sure that this document is in place today. It should be noted that we conduct our meetings for long hours and days and the members of the fourth estate should be able to capture that.

Hon. Speaker, I would also wish to express my gratitude to the brilliant minds at the budget office and pray that you facilitate them accordingly and every Member of the Assembly who has worked with us, added their sentiments and members of the public who took part in the public participations and we assure them that this coming final financial year we plan to do exploits.

The Assembly is ready and we hope that the Executive and the NMS will work with us to make Nairobi different and realize all the dreams that we have. I beg to reply.

Hon. Temporary Deputy Speaker: Thank you Chair for burning the midnight oil and ensuring that this document is properly done.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members, I take you back to order number 2. I have a communication to make.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF ACTING CLERK OF THE COUNTY ASSEMBLY

Hon. Temporary Deputy Speaker: Hon. Members, as you may be aware, the High Court on Monday 20th December 2021 in Okiya Okioti Omtata verses Clerk of the County Assembly of Nairobi and the County Assembly Service Board issued an interim injunction against the Acting Clerk Ms. Adah Anyango baring her from exercising the powers, privileges and responsibility of the office of the Clerk pending the hearing and determination of the matter.

You will further recall that this followed the issuance of other injunctive orders by the Court of Appeal on 4th June 2021 which enjoined the Clerk of the County Assembly from carrying out the functions of the office of the Clerk pending the hearing and determination of the intended appeal which vacuum accessioned the appointment of Ms. Adah Onyango in acting capacity since 7th June 2021.

Section 121 of the County Assembly Service Act 2017 provides that if the office of the Clerk is vacant or if for any reason the Clerk is unable to exercise the functions of his or her office then the Deputy Clerk or in the absence of a deputy Clerk, any other officer in the service appointed by the Board may exercise all the functions, duties and powers of the Clerk. Thus in compliance with the said court decision, the County Assembly Service Board at a meeting held today Tuesday 21st December, 2021 resolved to appoint Mr. Gavin R. Castro as the Acting Clerk of the County Assembly forthwith.

Hon Members, it is communicated and I thank you from Hon. Benson Mutura, Speaker.

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, Members, the Assembly is adjourned till 2:30 p.m. in the afternoon. God bless you and let us meet at 2:30 p.m. without fail.

The House rose at 12.10 p.m.

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