



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – THIRD SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 24, 2019 AT 2. 30 P.M.

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer

QUORUM OF THE ASSEMBLY

The Deputy Speaker having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes.

There being no Quorum at the expiry of the ten minutes, the Deputy Speaker caused the bell to be rung again for five minutes.

And there being a Quorum at the expiry of the five minutes, the Deputy Speaker called the Assembly to order.

3. PAPERS: -

The following paper was laid on the Table of the Assembly;

**a) THE REPORT OF THE SELECT COMMITTEE ON FINANCE,
BUDGET AND APPROPRIATIONS ON THE FINANCE BILL 2019.**

*(Hon. Robert Mbatia, MCA– Chairman of Select Committee on Finance,
Budget and Appropriations)*

4. NOTICE OF MOTION - (Hon. Silas Matara, MCA)

THAT aware that the Constitution of Kenya under Article 42 provides that every person has the right to a clean and healthy environment including the right to have the environment protected for the benefit of present and future generations through legislative and other measures; **further aware** that paragraph 10 of Part 2 of the Fourth Schedule to the Constitution provides for the implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation as a function of the County Government; **concerned** that most small scale

farming activities in the City are done along river banks of the Nairobi River, Mathare River, Mbagathi River and Ngong River across the County, such farming activities are done using dangerous chemical fertilizers that are washed into the rivers whose contaminated water is used to wash farm products such as vegetables; **noting** that in the long term, people living downstream accumulate dangerous metals such as lead which may cause anemia, kidney and brain damage and even death; **acknowledging** that Section 6 of Environmental Management and Co-ordination (Water Quality) Regulations, 2006 prohibit any person from cultivating or undertaking any development activity within a minimum of six meters and a maximum of thirty meters from the highest ever recorded flood level, on either side of a river, this Assembly urges the County Executive to prohibit farming activities along rivers banks to reduce the pollution of the rivers and the use of polluted river water to irrigate crops along the river banks in the County.

5. NOTICE OF MOTION (Hon. Leah Supuko, MCA)

THAT, aware that Section 154 (2) of the Public Finance Management Act, 2012 provides for an accounting officer for a county government entity to reallocate funds between programs, or between Sub-Votes, in the budget for a financial year, only if provisions made in the budget of a program or Sub-Vote are available and are unlikely to be used, a request for the reallocation has been made to the County Treasury explaining the reasons for the reallocation and the County Treasury has approved the request; and the total of all reallocations made to or from a program or Sub-Vote does not exceed ten percent of the total expenditure approved for that program or Sub-Vote for that year; **further aware** that Section 154 (3) of the Act provides for development of Regulations to be approved by the County Assembly prescribing requirements for the reallocation of funds within Sub-votes or programs; **concerned** that the County has not developed the regulations to allow for accountability in transfer and reallocation of funds within Sub-votes or programs which has led to loss of unaccountable funds in various Sectors of the County Executive; **noting** that Section 154 (1) prohibits an accounting officer from authorizing the transfer of an amount that is appropriated to another county government entity or person, for capital expenditure except to defray other capital expenditure, or for wages to non-wage expenditures, this Assembly urges the County Treasury to develop virement policy and regulations pursuant to Section 154 (3) of the Public Finance Management Act, 2012 to provide for mechanism and accountability in transfer of funds within Sub-votes or programs

6. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C): -

Pursuant to Standing Order 45 (2) (c) the following Member requested for Statement: -

- a) Hon. James Kiriba, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the regarding execution of contracts for gravelling roads in the County during FYs 2016/2017 and 2017/2018; (2) weeks;

7. THE NAIROBI CITY COUNTY FINANCE BILL (ASSEMBLY BILL NO.6 OF 2019)

Order for Second Reading read;

Motion Made and Question proposed;

THAT, the Nairobi City County Finance Bill, 2019 (Assembly Bill No. 6 of 2019 be now read a Second Time.

(Hon. Robert Mbatia, MCA)

Debate ensued;

Mover Replied;

Question put and **Agreed to**;

The Bill was read a Second Time and committed to the Committee of the Whole Assembly.

And the time being Forty-Five Minutes past Three O'clock, the Deputy Speaker adjourned the Assembly without question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at Forty-Five Minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, September 25th, 2019 at 2. 30p.m

--x--