



**COUNTY GOVERNMENT OF NAIROBI CITY**  
**SECOND ASSEMBLY – (FOURTH SESSION)**  
**NAIROBI CITY COUNTY ASSEMBLY**  
**VOTES AND PROCEEDINGS**  
**THURSDAY, APRIL 2, 2020 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 Hon. Speaker having confirmed that there was Quorum called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR: -**

The Speaker conveyed the following Communication: -

**“Hon. Members,** let me take this opportunity to welcome you to this unprecedented Special Sitting of the Nairobi City County Assembly. I thank you for availing yourselves despite the risks associated with the current COVID-19 pandemic the Country and the entire world is currently facing. Indeed, **Hon. Members,** you will recall that on **Monday 16<sup>th</sup> March 2020,** the Assembly Business Committee took an unprecedented action and resolved that this Assembly be adjourned in order to avoid exposing Members and Staff to the dreaded virus. It was however communicated to you that whenever a compelling need would arise, the Assembly would be convened and that stringent sanitary measures would be put in place during such sitting.

Accordingly, **Hon. Members,** the County Assembly through the Office of the Clerk, prior to this Special Sitting, has put in place necessary preventive measures including fumigating the entire precincts, installing sanitizers at various points in the precincts, suspending the use of

Biometric System, ensuring adequate spacing in the chamber, providing masks and hand gloves to all Members and staff, urging our senior Members who are elderly to be excused from today's sitting and enforcing the social distance. Indeed, as you were informed by the Clerk, today's sitting shall be attended by only 42 Members at any given time and admittance to the Chamber has been on a first come first serve basis with a priority to the Assembly Leadership and Members of the Finance, Budget and Appropriations Committee due to the nature of business ahead of us. I therefore urge you to continue cooperating with the Serjeant-at-arms until the conclusion of this sitting.

Consequently, **Hon. Members**, the National Government has continued to advise us on measures and actions we need to uphold in order to suppress the spread of the virus. As your Speaker, I will still reiterate to you that you faithfully embrace these guidelines and sensitize your constituents on the same using any available forum. Some of these preventive measures may appear obvious but they are quite significant in combating this pandemic. They include but not limited to;-

- i) Washing hands regularly with soap and running water or using an alcoholic-based hand sanitizer;
- ii) Coughing or sneezing into a disposable tissue or a bend elbow, and washing of hands immediately;
- iii) Maintaining a social distance of 2 Meters (6 Feet);
- iv) Avoiding shaking of hand; and
- v) Making sure that we are all at our homes between 7.00pm and 5.00am in line with the Presidential Directive on the National curfew.

### **Business for Consideration during this Special Sitting**

**Hon. Members**, today's sitting has been convened following a request by the Leader of the Majority Party pursuant to the provisions of Standing Order No. 30 (3) and the publication of **Gazette Notice No. 2792** dated **1<sup>st</sup> April 2020**, to consider the following Business; -

- i) The Nairobi City County Supplementary Appropriation Bill, 2020 (Assembly Bill No.1 of 2020);
- ii) To accede to the designation of an AIE holder of the Nairobi Metropolitan Services; and
- iii) To consent with the re-alignment and codification of County personnel seconded to the National Government under the purview of the Nairobi Metropolitan Services.

**Hon. Members**, as you may notice, and without attempting to pre-empt debate, the business at hand relates to mitigating the effects of the COVID-19 pandemic particularly through the proposed Supplementary Appropriation Bill, 2020 and also to allow for effective functioning of the Nairobi Metropolitan Services which is an entity established by H.E. the President to implement fundamental County functions transferred to the National Government namely; *County Health Services, County Transport Services, County Planning and Development Services and County Public Works, Utilities and **Ancillary Services***.

**Hon. Members**, for purpose of clarity, the **Ancillary Services** equally transferred to the National Government are the services intended to complement or support the primary functions transferred. Such **Ancillary Services** includes; -

- i) Part of ICT functions,
- ii) Accounting Services,
- iii) Economic Planning; and,
- iv) the entire Inspectorate Services.

**Hon. Members**, you will agree with me that for the Nairobi Metropolitan Service to effectively execute the transferred functions, the aforementioned supplementary services should be aligned with the transferred functions and its funding considered accordingly.

**Hon. Members**, the Chair wishes to remind you of the provisions of Standing Order No. 30 (4) which provides that, and I quote; “*Whenever the County Assembly meets for a special sitting, the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the **ONLY BUSINESS** before the County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar.*”

Equally, **Hon. Members**, in compliance with the Gazette Notice No. 33 on the Public Order (State Curfew) Variation Order, 2020 issued by the Cabinet Secretary for Interior and Coordination of National Government, this Assembly must adjourn at **4.00 pm**. I therefore advise that we execute the business before us in the shortest time possible.

### **Removal of Illegal Containers**

As I conclude **Hon. Members**, the Office of the Speaker is in receipt of a letter **Ref: CAB/NMS/DG/2/2020** dated **30<sup>th</sup> March 2020** from the Director General, Nairobi Metropolitan Services, Major General Mohammed Abdalla Badi, EBS addressed to the Nairobi Regional Coordinator regarding illegal containers placed on Road reserves in various parts of the County. **Hon. Member**, in the said letter, the Director General noted that a number of containers purporting to be from Nairobi County had been illegally placed on road reserves and used as business Premises. As such, the Director General has directed that all illegal structures without valid Temporary Occupation License shall be removed within seven days from the date of the said letter. As such, the chair wishes to request all Members to cooperate and support the Nairobi Metropolitan Service in restoration of our great County.

**You are so guided!**

I thank you Hon. Members.

**4. PAPERS LAID: -**

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

- a) THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2020

(Chairperson, Select Committee on County Finance, Budget & Appropriations)

**5. NOTICE OF MOTION – THE LEADER OF MAJORITY PARTY**

***Subject: Acceding to the designation of an AIE holder of the Nairobi Metropolitan Services***

**THAT, AWARE THAT,** following the execution of the Deed of Transfer of Functions from the County Government to the National Government and the Addendum thereon, H.E the President, Uhuru Muigai Kenyatta established the Nairobi Metropolitan Services (NMS) as an entity responsible for implementation of the transferred functions, **Further aware, that,** in order for NMS to fund its activities shall draw funds from both the Consolidated Fund and the County Revenue Fund as provided for under Article 5 of the Deed, **this** Assembly expresses its agreement and accedes to the designation of one **Enosh Onyango Momanyi** as an AIE holder for the Nairobi Metropolitan Services.

**6. NOTICE OF MOTION – THE LEADER OF MAJORITY PARTY**

***Subject: Consenting with Realignment, Codification and Ranking of seconded county personnel to the National Government***

**THAT, AWARE THAT,** Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 allows for the transfer of functions and powers from one level of Government to another; **further aware, that,** on 25<sup>th</sup> February, 2020, an agreement was entered between the National Government and the County Government of Nairobi City transferring some of the functions of the County Government namely; *County Health Services, County Transport Services, County Planning and Development Services and County Public Works, Utilities and Ancillary Services* to the National Government. **Further aware, that,** pursuant to Article 5 of the Deed of Transfer of Functions Human Resource responsible for the implementation of the transferred functions shall be seconded from the County Government to the National Government, **Cognizant of the**

**fact, that,** the affected County Staff have already been handed over to the Nairobi Metropolitan Services which is the implementing entity of the transferred functions, this Assembly consents with the secondment of County Staff to the National Government and further agrees with the codification, realignment and ranking of the seconded staff by the Nairobi Metropolitan Services and the Public Service Commission.

**7. THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2020 (ASSEMBLY BILL NO. 1 OF 2020)**

Order for First Reading read;

Bill read a First Time

**8. THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2020 (ASSEMBLY BILL NO. 1 OF 2020)**

Order for Second Reading read;

Motion made and question proposed-

**THAT,** The Nairobi City County Supplementary Appropriation Bill, 2020 (Assembly Bill No. 1 of 2020) be now read a Second Time.

*(Chairperson, Select Committee on County Finance, Budget & Appropriations)*

Debated ensued;

Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee on the Whole Assembly.

**9. COMMITTEE OF THE WHOLE ASSEMBLY**

Order for Committee of the Whole Assembly read;

**IN THE COMMITTEE**

(Deputy Speaker – Hon. John Kamangu in the Chair)

**The Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 1 of 2020)**

Clause 2

Question that Clause 2 be part of the Bill proposed, put and agreed to;

Clause 3

Question that Clause 3 be part of the Bill proposed, put and agreed to;

First Schedule                      amendments proposed –

**THAT**, the First Schedule of the Bill be amended as follows -

- i. In Vote No. R5312 under the Service on General Administrative Services by deleting the supply of 2,930,331,264 and substituting thereof with the supply of 2,832,331,264.
- ii. In Vote No. R5312 under the Service on Security and Safety by deleting the supply of 2,068,979,878 and substituting thereof with the supply of 2,028, 979,878.
- iii. In Vote No. R5312 under the Service on Disaster Management Coordination by deleting the supply of 335, 687,547 and substituting thereof with the supply of 270,687,547.
- iv. In Vote No. R5312 by deleting the Total Supply of 5,684,503,831 and substituting thereof with the supply of 5,481,503,831.
- v. In Vote R5318 under the Service on General Administrative Services by deleting the supply of 1,189,764,648 and substituting thereof with the supply of 1,139,764,648
- vi. In Vote No. R5318 by deleting the Total Supply of 1,551,494,648 and substituting thereof with the supply of 1,501,494,648.
- vii. In Vote R5325 under Service on Ward Development by deleting the supply of 39,000,000 and substituting thereof with the supply of 9,000,000
- viii. In Vote No. R5325 by deleting the Total Supply of 39,000,000 and substituting thereof with the supply of 9,000,000.
- ix. In Vote R5326 under Service on General Administrative Services by deleting the supply of 250,000,000 and substituting thereof with the supply of 1,025,000,000
- x. In Vote No. R5326 by deleting the Total Supply of 250,000,000 and substituting thereof with the Total supply of 1,025,000 ,000.
- xi. By deleting the Recurrent Total Supply of 27,198,681,723 and substituting thereof with the Recurrent Total Supply of 27,912,681,723

*(Chairperson, Select Committee on County Finance, Budget & Appropriations)*

Question of the amendment proposed;

Question put and agreed to;

Question that First Schedule as amended be part of the Bill proposed, put and agreed to

Second Schedule                      amendments proposed –

**THAT**, the Second Schedule of the Bill be amended as follows -

- i. In Vote D5313 under the Service on Information and Communication Services by deleting the supply of 437,924,835 and substituting thereof with the supply of 347,924,835
- ii. In Vote No. D5313 by deleting the Total Supply of 538,924,835 and substituting thereof with the supply of 448,924,835
- iii. In Vote D5314 under the Service on Public Financial Management by deleting the supply of 915,106,000 and substituting thereof with the supply of 863,106,000.
- iv. In Vote D5314 under the Service on Economic and Financial Policy Formulation and Management by deleting the supply of 170,000,000.
- v. In Vote No. D5314 by deleting the Total Supply of 1,085,106,000 and substituting thereof with the supply of 863,106,000.
- vi. In Vote D5325 under Service on Ward Development by deleting the supply of 1,485,375,165 and substituting thereof with the supply of 1,305,375,165.
- vii. In Vote No. D5325 by deleting the Total Supply of 1,485,375,165 and substituting thereof with the supply of 1,305,375,165.
- viii. By deleting the Development Total Supply of 9,516,054,218 and substituting thereof with the Recurrent Total Supply of 9,068,709,165

1) That the Bill be amended by reorganizing the Vote Codes and their related Service or Purpose, Supply and Appropriations in Aid as follows:

<b>Nairobi City County Government – Recurrent and Development</b>	
<b>Votes</b>	<b>Service or Purpose</b>
R5311 and D5311	General Administration Planning and Support Services
R5312 and D5312	General Administrative Services
	Management of legal affairs



R5313 and D5313	General Administration Planning and Support Services
	ICT Infrastructure Development
R5314 and D5314	General Administration Planning and Support Services
R5318 and D5318	General Administration Planning and Support Services
	Education Services
	Social Services
R5319 and D5319	General Administration Planning and Support Services
	Co-operative Development and Audit Services
	Tourism, Promotion and Development
	Trade Development and Market Services
	Licensing and Fair Trade Practices
R5320 and D5320	General Administration Planning and Support Services
	Performance Management and Public Service Delivery
R5321 and 5321	General Administration Planning and Support Services
	Urban Agriculture, Promotion and Regulation
R5322 and D5322	Legislation, Oversight and Representation

R5327 and D5327	Liquor Licensing and Regulation
<b>Nairobi Metropolitan Services – Recurrent and Development</b>	
R5312 and D5312	Security and Safety Management
	Disaster Management Coordination
R5313 and D5313	Information and Communication Services
R5314 and D5314	Public Financial Management
	Economic and Financial Policy Formulation and Management
R5315 and D5315	General Administration Planning and Support Services
	Preventive and Promotive Health Services
	Curative Services
R5316 and D5316	General Administration Planning and Support Services
	Urban Planning, Compliance and Enforcement
	Land Management
R5317 and D5317	General Administration Planning and Support Services
	Roads, Drainage and Bridges
	Roads Safety Interventions
	Institutional Buildings and Maintenance
R5320 and D5320	Public Service Transformation

R5321 and D5321	Animal Health, Safety and Quality Assurance
	Afforestation
	Food systems and surveillance
R5323 and D5323	General Administration Planning and Support Services
	Environment Management and Protection
	Water Resources Management
R5324 and D5324	General Administration Planning and Support Services
	Housing Development and Human Settlement
	Building Services
R5325 and D5325	Ward Development Projects
R5326 and D5326	Emergency Fund- General Administrative Services

*(Chairperson, Select Committee on County Finance, Budget & Appropriations)*

Question of the amendment proposed;

Question put and agreed to;

Question that Second Schedule as amended be part of the Bill proposed, put and agreed to

Title:

Title be part of the Bill proposed, put and agreed to;

Clause 1:

Clause 1 be part of the Bill proposed, put and agreed to;

Bill to be reported with amendments.

**10. ASSEMBLY RESUMED: -**

**The Nairobi City County Supplementary Appropriation Bill, 2020**  
**(Assembly Bill No.1 of 2020)**

Bill reported with amendments

Motion made and Question proposed: -

**THAT**, the Assembly do agree with the Committee of the Whole Assembly in the said report.

*Chairperson, Select Committee on County Finance, Budget & Appropriations*

Question put and agreed to.

Motion made and question proposed-

**THAT**, The Nairobi City County Supplementary Appropriation Bill, 2020 (Assembly Bill No.1 of 2020) be now read a Third Time.

*(Chairperson, Select Committee on County Finance, Budget & Appropriations*

Debate ensued;

Question put and agreed to.

Bill read a Third Time and **passed.**

**11. MOTION – ACCEDING TO THE DESIGNATION OF AN AIE HOLDER OF THE NAIROBI METROPOLITAN SERVICES**

Motion Made and Question Proposed: -

**THAT, AWARE THAT**, following the execution of the Deed of Transfer of Functions from the County Government to the National Government and the Addendum thereon, H.E the President, Uhuru Muigai Kenyatta established the Nairobi Metropolitan Services (NMS) as an entity responsible for implementation of the transferred functions, **Further aware, that**, in order for NMS to fund its activities shall draw funds from both the Consolidated Fund and the County Revenue Fund as provided for under Article 5 of the Deed, **this** Assembly expresses its agreement and accedes to the designation of one **Enosh Onyango Momanyi** as an AIE holder for the Nairobi Metropolitan Services.

*(Hon. Charles Thuo Wakarindi, MCA – Majority Leader)*

Debate ensued;

Mover Replied;

Question put and agreed to.

**12. MOTION – CONSENTING WITH REALIGNMENT, CODIFICATION AND RANKING OF SECONDED COUNTY PERSONNEL TO THE NATIONAL GOVERNMENT.**

Motion Made and Question Proposed: -

**THAT, AWARE THAT**, Article 187 of the Constitution, 2010 and Section 24 of the Intergovernmental Relations Act, 2012 allows for the transfer of functions and powers from one level of Government to another; **further aware, that**, on 25<sup>th</sup> February, 2020, an agreement was entered between the National Government and the County Government of Nairobi City transferring some of the functions of the County Government namely; *County Health Services, County Transport Services, County Planning and Development Services and County Public Works, Utilities and Ancillary Services* to the National Government. **Further aware, that**, pursuant to Article 5 of the Deed of Transfer of Functions Human Resource responsible for the implementation of the transferred functions shall be seconded from the County Government to the National Government, **Cognizant of the fact, that**, the affected County Staff have already been handed over to the Nairobi Metropolitan Services which is the implementing entity of the transferred functions, this Assembly consents with the secondment of County Staff to the National Government and further agrees with the codification, realignment and ranking of the seconded staff by the Nairobi Metropolitan Services and the Public Service Commission.

*(Hon. Charles Thuo Wakarindi, MCA – Majority Leader)*

Debate ensued;

Mover Replied;

Question put and agreed to.

There being no other business and the time being three minutes to Four O'clock, the Hon. Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**13. ASSEMBLY ROSE** - at three Minutes to Four O'clock.

**MEMORANDUM**

The Speaker will take the Chair on Tuesday, 21<sup>st</sup> April, 2020 or on a date to any other date to be communicated