



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Special Sitting

Friday, 28th June, 2013

The House met at 2.30pm

(The Deputy Speaker in the Chair)

PRAYERS

MOTION- PROCEDURAL MOTION FOR APPROPRIATION BILL

Hon. Member for Embakasi Ward (Mr. Michael O. Ogada): Thank you, Mr. Speaker sir for giving me this opportunity. I wish to move the following procedural motion that pursuant to the provision of Standing Order No. 117 this Assembly resolves to reduce the publication period of the Nairobi County Appropriation Bill; that is Nairobi County Assembly Bill No. 10 of 2013 from seven days to one day. Thank you, Mr. Speaker, I wish to call Hon. Adow to second.

(Consultations)

Hon. Member for Eastleigh North Ward (Mr. Osman Adow Ibrahim): Thank you Mr. Speaker I would like to second the motion.

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Members, at the first reading; the clerk reads the title of the bill (*Loud consultations*) Hon. Members, with regard to motion No. 8; I wish to restrict the motion

and allow me to propose the question that pursuant to the provision of Standing Order No 117 this Assembly resolves to reduce the publication period of Nairobi County Appropriation Bill; that is the Nairobi County Assembly Bill No 10 of 2013 from seven days to one day. Thank you. Members, the floor is open.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru Nyarumba): Thank you, Hon. Speaker sir, for giving me the opportunity to debate on this. I think this is in order, since we were supposed to formalize our Bill by 30th June 2013. I find it very necessary that we should adopt the bill and then we will have everything on track. Without a budget nothing will take place, even in our Wards. Thank you

(Applause)

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Thank you, Mr. Speaker. I rise to support this motion because failure to implement this Appropriation Bill today, will have adverse repercussions. It will reflect negatively on our part, in the eyes of the public, since implementation of our mandate depends on our passing this Bill. I therefore support the Bill.

Hon. Leader of Majority (Mr. Elias Otieno Okumu): Thank you, Mr. Speaker, for giving me this opportunity to support this Bill. Mr. Speaker, as you know, we are running out of time and therefore I don't see the reason why we should take too much time debating because today is the last day. I therefore request that you may put the question so that we do not waste a lot of time.

Hon. Deputy Speaker: Thank you, Hon. Member. The Hon. Leader of Minority.

(Applause)

Hon Leader of Minority (Mr. Hashim Ibrahim Abdi): Thank you, Mr. Speaker sir, I wish to support the motion. As we are aware, Mr. Speaker, the budget process timeline is too strict and we are out of time. Mr. Speaker sir, this is a special sitting and I think that there will be no other special sitting at all. As a Member; I am going to Mombasa. But I wish to support the motion so that we can be able to get to Mombasa tonight.

(Applause)

Hon. Deputy Speaker: Thank you, Hon Member. It seems that the whole House is in agreement that the Bill should be put to question. Hon. Members allow me to put the question that pursuant to the

provisions of Standing Order number 177, this Assembly resolves to reduce the publication period of the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No 10 of 2013) from 7 to 1 day. May the mover of the motion reply before, I put the question.

Hon. Michael Ogada: Thank you Mr. Speaker sir. I thank the Members for seeing the importance of the Bill that is before us and I therefore appreciate your contributions. I believe we should pass it within the shortest time possible. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you Hon. Members. I now put the question that pursuant to provision of Standing Order 177, this Assembly resolves to reduce the publication period of the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No 10 of 2013) from 7 to 1 day. May as many as are of the same opinion say 'yes' and may as many as are of the contrary opinion say 'nay'. The 'ayes' have it. Thank you.

(Applause)

(The procedural motion for the Appropriation Bill was passed)

Hon. Deputy Speaker: Now we move to the first reading. The Clerk will read the title of the Bill.

Interim Clerk (Mr. Jacob Ngwele): The Nairobi County Appropriation Bill (Nairobi County Assembly Bill No. 10 of 2013). Second reading.

Hon. Deputy Speaker: I now call the mover of the Bill.

Hon. Michael Ogada: Thank you, Mr. Speaker sir, once again and I wish to move the motion for the second reading. Mr. Speaker sir, I beg to move that the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No. 10 of 2013) be read for the second time. Mr. Speaker sir, as you are all aware, I did read the budget estimates a day ago and all Members will appreciate that the Governor did table the estimates as they were. We did realize that it was not possible for us to pass the estimates as they were because according to the estimates that were tabled in this house, we were supposed to have collected 31.9 billion. However, we did realize that this County was going to have a deficit of around 8 million Kenya

shillings and therefore it become interment upon us as Members of the Budget and Appropriation Committee to sit down and look at ways of reducing and making sure that we worked on whatever we had. As a result we did invite all chairmen of various committees. They presented what they thought was necessary and we did agree with them that we were going to meet and review some figures.

Besides, we also did call upon the Treasurer, who gave us the overview as to why they thought that it was necessary for the budget to be Ksh31 billion. After long deliberations, we did agree in unison that we had to reduce the estimates. Therefore, as it stands today, we reduced the estimates from 31.9 billion to 25.3 billion and therefore Mr. Speaker sir, I will appreciate if all members will acknowledge because, what we have done is to try as much as possible to ensure that development projects were not affected adversely.

This is because initially in the previous budget we were supposed to have 9 billion targeted towards development projects but we reduced it by almost a billion; but we ensured that we had about 8 billion on the development projects. We only did away with what we thought we could do without at this particular time. Therefore, I urge all members to approve this Bill as it appears today. Thank you

(Applause)

Hon. Deputy Speaker: Hon. Member can you call for a seconder

Hon. Michael Ogada: Mr. Speaker Sir, sorry for that again. My seconder is always aware. Thank you.

Hon. Osman Adow: Thank you, Mr. Speaker sir, again for allowing me to second the second reading and Hon. Members, as you are aware, the budget means happy Nairobians; happy Nairobians means happy voters and happy voters means you are welcome back come next elections. *(Applause)* I support the motion. My phone keeps ringing and disturbing me although it is on silent mode. There are people who are insisting on calling me, because it is a weekend. Thank you

(Applause)

Hon. Deputy Speaker: Hon. Members allow me to propose the question that the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No. 10 of 2013) be read a second time and now from here the Speaker rises from the floor. Thank you

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru Nyarumba): Thank you Mr. Speaker sir, Hon. Members as the motion moves to the second reading which is very important I urge the Hon. Members to support it. As my good friend has just said, some few minutes ago, today is Friday, there are so many phone calls which keep on disturbing the Members and also my good friend, the leader of Minority said that he would like to have a good drive to Mombasa. So may I take this opportunity to wish you all the best Hon. Members and I ask you to pass the Bill. Thank you

(Applause)

Hon. Deputy Speaker: Hon. Leader of Majority

Hon. Leader of Majority: Thank you, Mr. Speaker, once again, as I had mentioned I will once again repeat because you remember yesterday we adjourned the house because we lacked quorum and in any case, regarding today which is a Friday some of us are going to Mombasa; Mr. Speaker, let us not waste a lot of time because we have gone through this Bill. Let us pass this Bill because we don't want to argue over it. I support this Bill and Members I believe we don't have much time to argue over the Bill.

Hon. Deputy Speaker: Hon. 'Mwalimu'

Hon. Member for Kahawa West Ward (Mr. Patrick Chege): Thank you Mr. Speaker, I rise to support the motion on the basis that the committee has done us proud and done a very good job on this Bill. I would therefore request that this Bill be passed with immediate effect so that we can move on with the business of improving the standards of life of Nairobians. Mr. Speaker, the people of Nairobi are out there waiting and I don't see any hullabaloo that would make us waste too much time. We can allow whatever is necessary and we are hoping that when we discuss and reason together, this money is going to be distributed so that the committees of the executives involved can start business with immediate effect. So, I stand here to support this motion.

(Applause)

Hon. Deputy Speaker: Thank you. May the mover of the motion reply

Hon. Michael Ogada: Thank you, Mr. speaker once again. Reading the mood of the House; I have actually realized that the Members of this House are for development and that is why they are very fast in passing the Bill. So, I thank you all because I see you are ready to pass the Bill as it is. Thank you

Hon. Deputy Speaker: Hon. Members, allow me to put the question that the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No. 10 of 2013) now be read a second time. Clerk, now read the title of the Bill, again.

Interim Clerk: A Bill for an Act of Nairobi City County Assembly to authorize the issue of a sum of capital money out of the County Revenue Fund and its application towards the service of the year ending on the 30th June, 2014 and to appropriate that sum as a sum voted on account by the Nairobi City County Assembly for certain public services and purposes.

Hon. Speaker: Next order. Hon. Members I now put the question that the Nairobi County Appropriation Bill (Nairobi County Assembly Bill No. 10 of 2013) now be read a second time. May as many as are of same opinion say 'aye' and may as many as are of the contrary opinion say 'nay'. The 'ayes' have it. Clerk

(The Bill sailed through the second reading)

Interim Clerk: The next order is the Committee of the whole House

THE COMMITTEE OF THE WHOLE HOUSE

(The House rises as the Speaker leaves the chair)

(The mace is raised and lowered to the table's lower deck)

(Chairman of the Committee of the whole Assembly sits in between two clerks at the clerks' table)

(Hon. James Mwaura Chege of Ngara Ward, takes the Chair of the Committee of the Whole House)

Hon. Chairperson (Hon. James Mwaura Chege): Hon. Members we are now in the Committee of the whole Assembly and we still will start with the Bill from Clause 2. Clerk

(Consultation)

Hon. Chairman: Hon. Members I propose that Clause 2 be part of the Bill. Hon. Member for Sarang,ombe

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): The Chair, I support that the clause 2 be part of this Bill because of the importance it has as far as the content and the format of legislation is concerned. Thank you

Hon. Chairman: Hon. Members I put the question that Clause 2 be part of the Bill. May as many as are of the same opinion say 'aye' and may as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 3

Hon. Chairman: Hon. Members I propose that Clause 3 be part of the Bill. Hon Maina Njoroge

Hon. Member for Umoja I (Mr. Maina Njoroge): I rise to support that Clause 3 be part of the Bill.

Hon. Chairman: Hon. Member, I can see that you have agreed on your side. Is there any other Member, Hon. Member for Sarang'ombe

Hon. Pius Otieno : Chairman, I support that clause 3 be part of this Bill because it is clearly conspicuous that all the votes have been lumped together and by passing this clause it is actually going to give the relevant committees concerned the powers to incur expenditure and appropriate the same business. Thank you, chair

Hon. Chairman: Hon. Members I put the question that Clause 3 be part of the Bill. For those of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Schedule

Hon. Chairman: Hon. Members I propose that the schedule be part of the Bill. The debate is open. Hon. Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Chairman, I support the schedule be part of the Bill and also to contribute on the same, in as much as our County is trying to invest on this,

within the County we need service delivery and that throws the ball back to the executives to do the best they can. In as much as we are giving out enough money, the service delivery to our people should be optimum. Thank you.

Hon. Chairman: Hon. Members I put the question that the schedule be part of the Bill. They of the same opinion say 'aye' and they of the different opinion say 'nay'. The 'ayes' have it

Interim Clerk: Title

Hon. Chairman: Hon. Members I propose that the title be part of the Bill. The floor is open. Hon Adow

Hon. Osman Adow: I rise to support that the title to be part of the Bill

Hon. Chairman: Order Member! You have to refer to the chair

(Applause)

Hon. Osman Adow: Thank you, Chair; all the best

Hon. Chairman: Hon. Members I put the question that the title be part of the Bill. They that are of the same opinion say 'aye' and they that are of a different opinion say 'nay'. The 'ayes' have it

Interim Clerk: Clause 1

Hon. Chairman: Hon. Members, I propose that Clause 1 be part of the Bill. The floor is open. Hon. Kanyi

Hon. Member for Airbase Ward (Mr. Martin Kanyi): Chair I rise to support that clause 1 be part of the Bill. Thank you.

(Loud consultations)

Hon. Chairman: Hon. Members, I put the question that the Clause 1 be part of the Bill. For those of the same opinion say 'aye' and those of a different opinion say 'nay'. The 'ayes' have it.

Hon. Michael Ogada: Mr. Chairman Sir, I beg to move that the Committee do report to the Assembly, its consideration of the Nairobi County Appropriation Bill (Bill No. 10 of 2013) and its approval thereof without amendments.

Hon. Chairman: Hon. Members since the Bill has passed without amendments, I therefore want to put the question, which is that the Committee do report to the Assembly its consideration of the Nairobi County Appropriation Bill (Bill No. 10 of 2013) and its approval thereof without amendments. As many as are of that opinion say "aye" and may as many of the different opinion say 'nay'. The 'ayes' have it.

(Loud consultations)

RESUMPTION OF ASSEMBLY PLENARY

(Chairman of the Committee of the Whole House leaves his chair as the Speaker resumes his seat.)

(The mace is restored to the upper deck of the table)

Hon. Deputy Speaker: Yes, Chairman

Hon. Chairman: Mr. Speaker sir, while you were away the Committee of the Whole House engaged in a very fruitful discussion and I would like to report to this House that the Committee of the whole Assembly has considered the Nairobi County Appropriation Bill (Bill No. 10 of 2013) and approved the same without amendments. I call the Chairman of the budget committee to second.

Hon. Michael Ogada: Thank you, Mr. Speaker sir, I thank the Hon. Member, Mr. Chair for the good work he did. I am therefore here to beg that the Assembly do agree with the Committee's report as was passed.

Hon. Deputy Speaker: Thank you Hon. Member, for the great job of the Committee and please Hon. Members allow me to propose the question, which is that the Assembly do agree with the Committee in the said report. Hon. Leader of Majority

Hon Leader of Majority: Mr. Speaker without wasting time; I think we are already done with the report, because we had our able chairman who took care of the table. Mr. Speaker, we must give him 'pongezi' for a job well done. I beg the House to agree so that our work can start. Let us have money in our account for the work in our Wards to start with immediate effect. Therefore let us not waste time arguing but give our chairman the benefit of a doubt and approve the Bill. Thank you.

Hon. Deputy Speaker: What does the silence in the House mean? Does it mean that we are in consensus? Does it mean that the Bill needs to be adopted?

Hon. Members, can I put the question; which is the House does agree with the Committee in the said report. Those who are of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it. The mover; to reply.

Mr. Michael Ogada: Mr. Speaker sir, thank you very much for passing our Bill in the second reading.

Speaker: Order Hon. Member! The mover is moving the third reading now.

Mr. Michael Ogada: Mr. Speaker sir, I thank the Members for passing the motion in the second reading now I wish to move the Nairobi County Appropriation Bill No.10 of 2013 be now read for the third time. Seconder; Hon. Adow.

Hon. Osman Adow: Mr. Speaker, I rise to second the motion that the Bill be read for the third time. Thank you

Speaker: Hon. Members, allow me to propose the question for the third reading which is that the Nairobi County Appropriation Bill No. 10 of 2013 now be read for the third time. Members, to make remarks; Hon. Imwatok.

Hon. Peter Imwatok: Mr. Speaker, I am delighted about this motion and am not saying that I am opposing. Although I fully support the motion, it will not be well with my ancestors down where I come from and with my conscience, if I don't give my remarks. I want to thank the committee for finalizing the Appropriation Bill under the able chairmanship of 'Mweshimiwa' Ogada and other Members who have worked tirelessly to bring what we have had in our minds to reality today. Mr. Speaker, as we pass this bill I want to believe that the Executive will appreciate the County Assembly Members and the Committee for what they have done to help the entire County. You may remember that when the budget was brought into this house it was at Ksh31 billion.

But the Budget and Appropriation Committee has worked extra hard to make sure that our County does not only pass the budget for the sake of passing; by bringing a realistic budget to the House. Mr. speaker, I believe the spirit of devolution is going to be realized in this budget and a cross all the 85 Wards. I also believe that the Executive will also give due respect to this as this House has given respect to the Executive's budget. Therefore, I want to end there by thanking the Chairman of the Budget and Appropriation Committee and the entire Committee. I also commend the Majority and Minority Leaders for being present today, which is very encouraging. Thank you, Mr. Speaker.

(Loud Consultation)

Hon. Deputy Speaker: Thank you, Hon. Member. Hon. Otieno.

Hon. Mr. Pius Otieno: Thank you Mr. Speaker for giving me this opportunity. I stand to congratulate the committee that actually deliberated and spend all night long drafting this budget. Indeed a lot has gone into it and I am also sure that this House has done a good job to stand up to the challenge and pass the Bill without any amendments.

Secondly, Mr. Speaker it is also important to note that this budget is the backbone of delivering services in the Nairobi City County. It is also important for us to note that we are embarking on the process of building Nairobi City County. In promoting the process of citizenship we must actually put into consideration some of the very factors that are going to ensure that the people realize efficient and effective service delivery. This is because it is what the people leaving in Nairobi are yearning for. Allow me also to say that, in as much as we were voted in, two months ago, there were some projects that were left behind and this House was not able to interrogate the County's fiscal strategic paper.

It will now be upon the Budget and Appropriation Committee together with the relevant Ministries to start early preparations, come next financial year so that we are not caught off-guard. However, I know we are the custodians of our respectful Wards. A lot of money is going to be granted to these Wards and it is important that we put mechanisms and structures that will ensure that this money is spent wisely and also prudently. I am happy that this County has not been portrayed negatively in the media unlike other Counties like Bungoma County, where members voted for 53 million shillings towards the entertainment of the Governor of Bungoma County and one million for the purchase of the House of the Speaker. This House has shown that we have a radical and clear departure from the past and I actually urge Members to maintain the spirit. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. 'Mwalimu'.

Hon. Member for Kahawa West Ward (Mr. Patrick Chege): Mr. Speaker, I rise to support this Bill and the basis is that our Hon. Members.....

Hon. Speaker: Order! I am saying that you are supposed to make an advance of the Bill.

Hon. Patrick Chege: Thank you, Mr. Speaker for that correction I want to say that the Committee did a good job. I thank them, and as I said from the first day, I will still say; that I am waiting for the day I will become a member of that Committee. I yearn to be a member of this Committee. It is good for me. We need services. The Nairobi County representatives need services and whatever has been analyzed here is a true picture of our Wards. The Hon. Members want their work to be done and they are willing to work with other Members. Mr. speaker, I am hoping and believing that this time round, because we have been given

that mandate to pass this particular budget, when this money is disbursed to the respective executive members, every member is hopeful that we shall see Nairobi moving to where we want it to be.

The electorate, especially from my Ward; Kahawa West, need services to be delivered. They need work to be done, yet everything is at a standstill; their roads are not rehabilitated; the electrical light are faulty; and their Children are at home not because of the strike but some of them because they need bursaries. We want to be counted as the first Assembly that dealt with the electorates' issues. I hope in our second year the development money would rise to Ksh70 billion because most of the money we have approved is going to be used on personnel emoluments rather than development. We allocated Ksh25 billion and we can see development money is only about one third of this money. I appeal to the chairman with hope that through whatever means we have, that we may have an opportunity to increase the development fund; because what Nairobians need is to see their City in terms of good roads, provision of clean water and services among many other things. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Members and allow me now to put the question, which is that the Nairobi County Appropriation Bill No. 10 of 2013 be read a third time. And now as many as are of the same opinion say 'aye' and as many as are of the contrary of opinion say 'nay'. The 'ayes' have it.

(The Bill sailed through at the third reading)

Hon. Members, I now direct the Clerk to forward the Bill to His Excellency the Governor, Dr. Evans Kidero for acceptance and I would wish during the time when the Governor will be accepting this Bill he would do so in Naivasha and he would welcome all the Members to witness the event because this is the first Bill of the County Assembly. Thank you very much.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, the House stands adjourned until Tuesday, 2nd July 2013 at 2.30 pm.

(House rose at 3.45 p.m.)