



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Thursday 30th April 2015

(Hon. Speaker Mr. Alex Ole Magelo in the Chair)

The House met at 2.30 pm

PRAYERS

Hon. Speaker: Seargent-At-Arms, bell to be rung for 10 minutes

(Quorum bell rings)

Seargent-At-Arms to ring for further 5 minutes

(Quorum bell rings)

Hon. Speaker (Mr. Alex Ole Magelo): Very well, we can begin the business of the day.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, once again good afternoon. Just to remind you of what we have now begun and as our tradition, meetings will strictly [start] at 2.30 p.m. Hon. Members I have the following communication to make:

AMENDMENTS TO THE REGULARIZATION OF DEVELOPMENT BILL

Hon. Members as you are aware that the Assembly is scheduled to consider the Nairobi City County Regularization of Development Bill 2015, Assembly Bill No.1 of 2015 as the Committee of the Whole House. Hon. Members the Chair wishes to invite any Member with amendments on the said Bill to forward the same to the Clerk for processing before consideration when the House resumes from the recess. It is so advised. I thank you.

PAPERS

Hon. Speaker: The Hon. Leader of Majority.

Hon. Leader of Majority (Mr. Elias Otieno): Mr. Speaker, tell the self-proclaimed Bishop to sit properly when I am the one to lay these papers. Thank you he has already observed total respect. Mr. Speaker, I beg to lay the following papers on the Table of this Assembly today Thursday 30th April 2015; Estimates for current and development expenditure for the County Assembly Service Board for the financial year 2015-2016 and the projections for the year 2016-2017 and 2017-2018.

Once again Mr. Speaker, I just want attention from the Leader of Minority and his self-proclaimed Bishop. Mr. Speaker I beg to lay the following papers on the Table of the Assembly today Thursday 30th April 2015; Budget Estimates of the County Executive for the financial year 2015-2016. I beg to lay. Thank you the self-proclaimed Bishop for---

Hon. Speaker: Thank you very much, Hon. Leader of Majority. Hon. Members the Budget Committee has been submitted to the Assembly in line with the Standing Orders 207 and Section 130 of the Public Finance Management Act. Pursuant to Standing Order 207 (3) and (4), the estimates are deemed to have been committed to each of the sector committee who are supposed to consider it in line with the respective mandate and deliver their report to the Budget and Appropriation Committee within 21 days or by 21st May 2015. Hon Chairperson Budget and Appropriation.

Hon. Member for Embakasi Ward and Chair, Select Committee on Budget and Appropriations (Mr. Michael Ogada): Thank you very much Mr. Speaker sir, I have the following papers to lay before the House. Pursuant to Standing Order No. 186, I beg to lay the following paper on the Table of this Assembly today Thursday 30th April 2015, the report of the Select Committee on Budget and Appropriation on the study visit to Bayenaza State government Federal Republic of Nigeria.

Mr. Speaker sir, I also have another paper, pursuant to Standing Order No. 186, I beg to lay the following paper on the Table of this Assembly, the Report of the workshop held between the Budget and Appropriation Committee, the office of the Comptroller of Budget, the County Secretary on the

consideration of report from the office of the Comptroller of Budget and the County Budget implementation, the County Fiscal Paper 2015-2016 and the Debt Management Strategy Paper.

Mr. Speaker sir, the other one is the Report of the Select Committee of the Budget and Appropriation workshop held to receive and discuss the reports of Sectoral Committees of the County Fiscal Strategy Paper 2015, 16 and over the medium term expenditure. Thank you Mr. Speaker sir.

Hon. Speaker: Hon. Members, the budget estimates and further in line with the Standing Order 205, the Budget and Appropriation Committee upon receipt of the sectoral report shall discuss and review the estimates and deliver it to this Assembly in the next 14 days or by 4th of June 2015. During this undertaking the Budget Committee must ensure that the public is involved and that the views of the County Executive Member of Finance are sought. Hon. Members I thank you.

The papers laid by the Hon. Leader of Majority are committed to Budget and Appropriation Committee. Next---

Hon. Speaker: Hon. Members, Order No. 11---

Hon. Leader of Majority: Mr. Speaker I think there is a lot of noise this side because since they have self-proclaimed Bishop they don't have the original Bishop so that's them to make a lot of noise. And also this side they belong to the other--- Okay thank you Mr. Speaker, let me proceed with Order No. 11---

Hon. Speaker: Order Hon. Kambi!

Hon. Leader of Majority!

Leader of Majority Party: Yes Mr. Speaker, Order Number 11: Adjournment of the assembly in accordance with the calendar of the county assembly. Okay, let me just go direct to what it's in business. THAT, pursuant to the provisions of Standing Order 25, this Assembly adjourns until Tuesday, June 2, 2015, in accordance with the Calendar of the County Assembly (Regular Sessions).

Mr. Speaker, I think I will call upon since it is a motion I think am in order to call somebody to come and second, the former al Qaeda (*Loud Consultation*) I am sorry to call that name, let me call Leader of Majority to come and second.

(Loud Consultation)

Hon. Speaker: He has apologized.

(Loud Consultation)

Leader of Minority Party (Mr. Abdi Hassan): Mr. Speaker sir that is a very serious allegation for the Majority Leader to call me former al Qaeda and you know how terrorist are being pursued. You should ask Majority Leader to withdraw and apologize on the same because that is a very serious and grave allegation Mr. Speaker sir.

Hon. Speaker: Hon. Leader of Majority please withdraw the statement.

Leader of Majority Party Mr. Speaker, I am here and in a very honest manner I want to apologize because al Qaeda was replaced by al shabab so we don't have al Qaeda anymore and I call upon Leader of Minority to come and second he is not an al Qaeda Mr. Speaker.

Leader of Minority Party: Mr. Speaker sir, Majority Leader should not trivialize a very serious matter as we all know al Qaeda and their associates the al shabab are killing Kenyans, insinuating that the Minority leader is part... I beg to second.

Hon. Speaker: Hon. Members, I propose the question: THAT, pursuant to the provisions of Standing Order 25, this Assembly adjourns until Tuesday, June 2, 2015, in accordance with the Calendar of the County Assembly (Regular Sessions).

(Question is proposed)

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Point of Order.

Hon. Speaker: On what Hon. Elkana, Deputy Speaker, please!

Deputy Speaker: I think Hon. Speaker; the Hon. Member should have the understanding of the Standing Order and the requirements of it. We are quite informed that we have several Motions but due to the regulations of these House we had to jump start to Order number 11, so just hold your horses we are coming back Hon. Member.

Mr. Speaker, I am here to support the motion of adjournment and the House here is very much aware, we passed the calendar for this house and for that reason we must always be prepared, at any given time that as steps goes by we will reach there and today we have reached a day when this House we have to adjourn to attend to a serious business of representations in our Wards and again to be with our families Mr. Speaker, so I believe you are going through your chair you will be able to give Members an opportunity to have Committees sitting while we are out on recess. Thank you Hon. Speaker.

Hon. Speaker: Very well Hon. Elkana.

Hon. Elkana Mauti: Thank you Mr. Speaker, I am here to oppose. It is time that we woke up; we were in recess and we don't know why we are going again on recess. We are the people who arranged and disarranged or disorganize. So I am here to say we are going to continue with the normal sessions.

Number one, there is something unique or I don't know if it is only me who is seeing and no other Member, because what we don't want is to be bulldozed in interest of other people. I think it is 2015 and right now we don't know whether there is tender or contractor given any award, to take to the ward or they have started any construction.

What are we going to do there? Can we wait until the tenders have been awarded so that we go and oversee? It is not a matter of going to recess there are so many things that we cannot expose here.

Hon. Speaker: There is a point of order Hon. Elkana.

Hon. Deputy Speaker: Mr. Speaker, I think it is not right to allow the Hon. Member here to mislead the House. He was here when the Calendar of this House was passed and gazetted, he ought to have brought in the amendment if that is all he wants, so that we de-gazette the earlier gazetting of the calendar of the business of this Assembly.

So it is not at the interest of any one for the adjournment, the calendar is already in existence and it was gazetted. Thank you.

Hon. Elkana Mauti: I think we should say that this House should approve or disapprove. I hope you are getting me clear, but today we are disapproving, we are the Members who made the Calendar and we can change it. If as Members say we are not going, no one will force us to go.

I said it clearly in quotes, there are some of the issues cannot be exposed here and that is why we want to continue until we agree all of us as Members to go to recess. If there is any problem we are going to ask why this happening and we have jumped from motion number 8 to 11, what is the interest there?

Hon. Speaker: Yes, Hon. Kagiri.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker, I would like you to give us direction because I believe when we discuss Motions, no question should be put after the discussions. We need your direction whether we discuss it or not.

Hon. Speaker: The direction is, this was as a result of the timing. The time of adjournment must be done by 3 o'clock. Therefore that is what we have done then we go back to our Motions as they are in the Order Paper. Then I want to very clearly dispel any fears attributed to the Member who just spoke here that there is no interest of anybody in going for recess. It is the Members of this Assembly who approved. If anybody feels that this is not right, when we come back from the recess he should come and bring in amendments to that effect. We must be clear on that thing. Hon. Kambi...

Hon. Member for Dandora Area II Ward (Mr. Stephen Kambi): Thank you very much Mr. Speaker sir for this humble opportunity. I would love to second the Motion of adjournment. We have more than--- kindly protect me from the loudly consulting members from my side of the Government. I am seconding and as well supporting. It is one and the same.

Mr. Speaker sir, most of us have ends that should meet. Our families haven't been seeing us very much. We need to mingle with our electorates. As much as we don't have anything to offer them, the fear of the Hon. Members is very, very much understood but we have no option; we have to take the bull by the horns. I believe the timing of the calendar as my friend and Hon. colleague Elkana Mauti is concerned on probably there is something mischievous going on is because Mr. Speaker you should kindly take note that this is one of the longest recesses that we'll be having as a House. Probably, by the time we'll be coming back we'll be almost at the verge of the end of our financial year. Probably, Members feel that there are things that need to be addressed. As much as we go to recess and as much as I second and support the Motion, I urge that you assist this House to get things in order especially when it comes to the Ward Development Fund.

Mr. Speaker sir, as you understand most of the contractors or works--- the BQs have already been given to the contractors. There is one fear that they haven't been given letters to commence the work. I ask your humble office to kindly intervene as well as the Majority and the Minority. Kindly intervene and ensure that all contractors are given their letters so that at least in the long recess we'll still have something to show in our Wards. Thank you very much.

Hon. Speaker: Thank you very much Hon. Kambi. Hon. Masiga.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you Mr. Speaker sir. First of all I am not supporting the recess simply because as the House we clearly know that the month of May is when all Committees are going to discuss about the Budget of the people of Nairobi. When we come back in the month of June, by 16th of June we should have prepared the Budget of the County. That means we are going to rush over the Budget without taking critical amendments, critical with an eagle eye to see what the Nairobians need in this Budget. I urge this assembly not to approve this recess simply because we have so many things that are pending.

Hon. Speaker: Yes Hon. Majority. Point of Order.

Hon. Leader of Majority: Mr. Speaker, I think somebody somewhere is trying to mislead the House. Even yesterday there was no quorum in this House just because they are very tired. I think the Budget is going to be made by all the Committees. Committees continue with their work isn't it? The Committees are not going home. They will continue from Monday up to the day we are coming back.

I don't see the reason why people should talk about recess. When we are here you are not in the Assembly all the time. Even the person who is complaining that we are going for a recess, it is because of the interest of some people. He has just come today or yesterday. So many days he has not come to the Assembly. It is not in the interest of anybody to go for recess. We are the people who passed this calendar. Let us not mislead the House; we are just doing it because of the interest of some individuals, thank you Mr. Speaker.

Hon. Speaker: Hon. Minority, there is a Point of Order.

Hon. Leader of Minority: Not a Point of Order Mr. Speaker sir. I want to give the Members some information. The main reason and purpose of this recess even in the National Assembly is to give the Committee ample time to scrutinize the Sectoral Budget. Even the National Assembly is going for recess today for them to scrutinize the Budget. Members should be informed. Their work is to scrutinize the budget. They should go to the Committee meeting to make sure the Budget is conformed to their respective Sectoral Committees.

Hon. Speaker: I think--- order Hon. Masiga! I think earlier on in my communication when the papers were laid by the Chairman of the Appropriation Committee, all Committees will start their work on Monday in regard to preparation of the Budget. There is no way we are going on recess then come and start doing a budget on 2nd of June. That one must be corrected please. Hon. Masiga.

Hon. Nelson Masiga: Thank you Mr. Speaker. You have just given us a way forward simply because when you just say 'I think' it does not hold water with me. That is simple English. When you say that 'I think' we are going to have Committees, to me it does not augur well when it comes to the language. What I am going to say---

Hon. Speaker: Order Hon. Member! Honestly, if you are told you start your Committees on Monday, what other English do you want us to speak? We have only one Queen's English.

Hon. Nelson Masiga: Mr. Speaker sir, I concur with you when you said we are going to start on Monday. Previously when you were saying 'I think', it was not auguring well with me.

Hon. Speaker: No! No! No! I did that in my communication Hon. Masiga. Maybe you came late.

Hon. Nelson Masiga: No! I didn't come late. Mr. Speaker when you said 'I think' you are not sure about it. Yes, that's English.

Hon. Speaker: I have said what was laid here by the Hon. Leader of Majority and the [Budget] and Appropriation committee Chairman. It is going to go to all Sectoral Committees and that means they start meeting on Monday.

Hon. Nelson Masiga: Thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Masiga.

Hon. Nelson Masiga: Most obliged, I am supporting it.

Hon. Speaker: Thank you *(Laughs)*

(Loud Consultations)

Hon. Speaker: Order Members! Order! Order Members! The gentleman Hon. Wahinya has stood up for a long time. Hon. Wahinya please, sorry.

Hon. Peter Wahinya: Thank you very much Mr. Speaker. I want to stand here and support the Motion of adjournment for the simple reason that this is a House of rules and when the Assembly passed the calendar for this Assembly as far as I am concerned that in itself provides us with the rules that we are supposed to follow. In the absence of any Motion that is presented here today or before today which attempts to change the calendar which was passed earlier on, I would like to propose that that calendar should be adhered to strictly without any modification as long as nobody has come here with any Motion to change that calendar. This is a House of rules, we passed that calendar and it clearly states that we adjourn today. Therefore anybody who wished that we do otherwise as far as I am concerned is already outdated....

...I therefore propose that we proceed accordingly.

Hon. Speaker: Hon. Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you, Mr. Speaker. Since no question is going to be put on this Motion, I believe it is in order we save time and move to the next order.

Hon. Speaker: Very well, I want to call the mover of the Motion to reply.

Hon. Majority Leader: Thank you, Mr. Speaker. I take this opportunity to thank the former teacher; teachers always know how to save time. Also, I take the opportunity to thank Members for passing this Motion. I knew some people came here to oppose but I knew it was going to pass because there would be no question to be put. I knew they were just making a lot of noise. At the same time, if we have the Assembly for one or two months, they would not manage to come to the Assembly all the time.

Mr. Speaker, it is high time for Members to go back to the electorate and attend to them, give bursaries and do development in their wards. If you see somebody who doesn't want to stay in his Ward, there must be a problem somewhere. There are some Members who come to town from Sunday to Sunday without any business in town because they fear staying in their wards (*applause*). If you see a Hon. Member being beaten by his electorates, there must be a problem somewhere (*Laughter*). We want to give Members time to familiarize with their electorates.

Hon. Karen Wanjiku: Point of Order.

Hon. Speaker: Order Hon. Karen!

Hon. Majority Leader: They must be friends with their electorates. So we have one month, let them just come for Committee meetings and after 12:00p.m they go back to their wards and see their electorates and do development and also spend time with their families. If you have a two or three year old child and you don't spend time with him or her, surely are you a man or woman enough? Just go back...

Hon. Member: *(inaudible)*.

Hon. Majority Leader: No, if you are worthless, you are coming from a certain Ward.

(Loud consultations)

Hon. Majority Leader: Go and serve your party that brought you here. You, self-proclaimed Muslim, I can tell you for sure that you must have a total respect to the... Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members...

Hon. Majority Leader: Mr. Speaker, pursuant to provisions of Standing Order No. 25, this Assembly adjourns until Tuesday, 2nd June 2015 in accordance with the calendar of the County Assembly regular sessions. So, Mr. Speaker, I know you are not putting a question, I think it is passed. I thank the Leader of Minority for seconding the Motion and also thank the former teacher for reminding us of the time and Hon. Kagiri. For those who opposed it, I am sorry for them, thank you, Mr. Speaker.

STATEMENTS

Hon. Speaker: Hon. Jacky Nyangala.

Hon. Jacqueline Awino Nyangala (Nominated Member): Thank you, Mr. Speaker. I have two Personal Statements that were approved three hours ago. I would like to talk about entrance to the Charter Hall; I would like to congratulate the Assembly for the clearance of the entrance to the Assembly. It is very beautiful and finally, it now looks like an Assembly. Mr. Speaker, I need your ear. Mr. Speaker, you have told us about our new parking lot, I was the first person to go there and was parking there by myself for many weeks. I have just started parking here because of my temporary disability.

However, every day when I come here I find foreigners; people who are not Members of the Assembly parking here. They pay the *askaris* some money and they park till evening every day. I have been using it because of my disability; anyway, I want to thank the Assembly. It is very beautiful, it looks very nice. If we can be able to make sure that people do not pass outside there, it would be better. I would also like to say that the entrance to our new Assembly has a beautiful door but it looks like an abandoned warehouse, it is so dirty. Can we clean it at least once a week? It is not a burden.

My second personal statement is about the threat of Al Shabab in Nairobi County. It is horrifying that we live with these people in our midst. Just the other day, we were told that somebody has been working for the National Assembly for ten years and has now been taken in as a member of al Shabab. The security in this Country, I know we are going to be told National Assembly, but I want to point onto something. Mr. Abdulrahman Mohammed was No. 4 in the list that came from Kenya; the people who are alleged to be part of al Shabab. Now, this Abdulrahman Mohammed is the same person who demolished a building in Embakasi and erected a wall with the help of the Executive.

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Hon. Speaker: What?

Hon. Jacqueline Awino Nyangala: Yes, the name is in public domain. It was reported that Mr. Abdulrahman Mohammed is the person who demolished apartments of 400 people in Embakasi and after starting to build the wall, he disappeared. He was being helped by the Executive. So, those are my two personal statements, I have some more.

Hon. Speaker: Hon. Members, did we hear well that the gentleman was assisted by the County Government to demolish? Hon. Members, first of all, I want to thank you for your cooperation. I want to thank you more sincerely because now the entrance of the Assembly is clear, but I want to call upon the Clerk's office now to reign on the people passing by. I want to ask Members that parking in front of shops is unacceptable. You know at any given time the security analysis is that at any time Ankara [restaurant] and the shops around have between 150 to 250 people around City Hall. Why are you parking cars there when you know that this is a soft target? Why are you doing that? Why are you endangering the people of Nairobi? If you do not care about yourself, what about the other people.

I want to humbly ask you as the President has said, security starts with you. I want to tell you on behalf of the leadership of the Assembly that security also starts with you. Stop parking your cars there. Today the fire engine could not even pass because there were cars parked, surely Hon. Members. The citizens of Nairobi are saying that it is the impunity of the Members of the County Assembly that is why they can park wherever it is that they want to park. I do agree with the people of Nairobi.

I am not forcing you to do it but to find it in your hearts that you are part and parcel of security in this City. Do not endanger the people of Nairobi if you do not care about yourselves. Hon. Members we are living by the grace of God. Underground here there is a parking that nobody controls. We have cried to the County Government through Mr. Munyambu; I have talked to him severally. We are living by the grace of God and therefore Hon. Members I want to thank you but the other thing we have to investigate if the person indeed has been named by the United Nations and is now in police custody is a friend to the Executive. We need to know because then that Executive member is part and parcel of the cartel.

Hon. Members I think I need that information from Hon. Jacky on the rise of this House so that I can call the Assembly leadership so that we can tackle that issue immediately with the authorities because if the County government did not know about it then what have they done about it. That means he could have used the proceeds from their trade to do his business. I want to thank you Hon. Jacky Nyangala and all of you members.

You remember when Hon. Isaac had a problem and his people were blown up last year, he didn't get any help from anyone. Let us help each other but in a couple of days you will also be hearing a lot of strange things going round but I don't want to say that for now because it is under police investigation. Take

care of yourselves and when you leave, when you go home, please sensitize the people in your locality on security.

I am asking the Leader of Majority who is the Chairman of Nairobi/ Denver Sister City Committee; the Mayor of Denver has indicated that they may want to build us a response/stress center. I will be talking to the Hon. Leader of Majority to communicate further with the Mayor of Denver so that we can build a center we can take casualties. They are calling it a trauma center. We shall have a meeting on Tuesday then we will communicate on that. I want to thank you again.

(Point of order, *inaudible*)

Can we attend to that bag please!

Hon. Elizabeth Manyala: Mr. Speaker as you have just told us that security begins with us, there is an unmanned bag here and it is scaring the hell out of us and a cold chill is running down our spines that we cannot even---

Hon. Speaker: Proceed to the next order!

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Mr. Speaker sir this is a response to a statement requested by Hon. Nancy Luchiri.

Hon. Speaker: Is Nancy Luchiri in the House? Hon. Members on the responses, can you get in touch with the members that requested so that we can come and deliberate them when we come back.

Hon. Jaffer Kassam: Thank you Mr. Speaker sir but there was somebody giving statements here.

Hon. Speaker: Hon. Chairperson for Budget

Hon. Member for Embakasi ward (Mr. Micheals Ogada): Mr. Speaker sir ---

Hon. Speaker: Order Hon. Members! Order!

Hon. Michael Ogada: Mr. Speaker sir I have two responses. One is about---

Hon. Speaker: We can do that after we come back

Hon. Michael Ogada: Thank you Mr. Speaker

Hon. Speaker: Hon. Jacky Nyangala were you satisfied?

Hon. Jacky Nyangala: Just for information, I asked some friends of mine from the police about this Abdirahman, you said you are going to speak with the leadership. The information is that he is not around and I would like to urge the President that anybody who has a passport or an ID for the last 20 years should be vetted.

Hon. Speaker: Okay. Next order please! Order Hon. Ngaruiya! Order!

MOTION

Hon. Michael Ogada: Thank you very much Mr. Speaker sir. I beg to move the following motion.

Hon. Speaker: Order Hon. Ngaruiya!

Hon. Michael Ogada: I beg to move the following motion that this County Assembly adopts the report of the select committee on Budget and Appropriation of the supplementary estimates of the financial year 2014/ 2015. Mr. Speaker sir supplementary budgets are prepared to provide and foresee changes and to re align the budget to realities experienced in implementations.

Section 135 (1)and (2) of the Public Finance Act 2012 empowers a County Government to spend money that has not been appropriated if the amount set aside for any particular purpose under the County Appropriations Act is insufficient or a need has arisen for expenditure for a purpose which no amount has been appropriated under the Act. This, the Act says must then be followed with a supplementary budget in support of the same. These submissions have been done in line with this legal provisions.

Mr. Speaker sir, the Members may recall that in the year 2014/ 2015 the Assembly had appropriated the tune of Ksh.28.7 billion out of which Ksh.9.4 billion was meant to be utilized for development projects which with a further 1 billion set aside for debt payments. Mr. Speaker sir, the Budget Committee during its scrutiny of this estimates noted that there has been a substantial improvement on our revenue generation compared to a similar period last year.

As at the end of 2015 march, the County had collected a total of Kshs.10 billion from internal sources of revenue compared to a year target of Ksh.17 billion. This under performance of local revenue has largely been occasioned by numerous court cases challenging County charges, difficulties associated with digital payment platforms among other inherent challenges.

Mr. Speaker sir, the remittance from the National treasury has however been trickling down without any major hitches and the Budget committee would wish to sincerely thank the National Treasury for having been faithful in this front. The supplementary budget for the financial year 2014/ 2015 has therefore been revised and expenditure focused to Ksh.26.2 billion. The Budget committee during its deliberations with the County Treasury reached consensus that the revised budget was still too optimistic and not based on any hard facts. The budget committee would hence be recommending a further reduction in the budget to avoid any further deficit.

Mr. Speaker sir, during the deliberations of the 2013/ 2014 supplementary estimates, the budget committee was keen to highlight that supplementary budget are not avenues for introduction of new programs which are neither aligned to the County integrated development plan nor the County fiscal

strategy paper of the respective financial year in question. The committee would in this regard like to commend the sectors and indeed the County Treasury for adhering to this advisory for the County Assembly.

Mr. Speaker sir, program based budgeting is made to ensure that budgetary allocations are only done to programs with specific measurable, achievable and time specific targets outcomes. In this framework, every unit budgetary allocation should influence the overall output for which the money is earmarked making it easy to track many changes in spending which will influence service delivery. This program based analysis was lacking in this budget therefore giving a big room for a guess work on how the proposed alterations if approved would affect the programs we had undertaken to pursue through the financial year 2014/ 15 budget.

Mr. Speaker sir the budget committee has continued to underscore the importance of Public-Private Partnership and donor engagements in development of this City. This supplementary budget is therefore aimed to document the support from Danish Government in support of Health services; they have undertaken to remit to the tune of Ksh.24 million for such support. However the budget committee has insisted on the County treasury to submit to the County Assembly regulation on the administration, management and control of grants and donations as anticipated by the provisions of section 139 of the PFM Act 2012.

Mr. Speaker sir, with the development figures having been adjusted in revised budget from Kshs.9.4 billion to Kshs.7.2 billion, the development share of total expenditure would be expected to fall to below 30%. It is important that the members remember that section 107 (2) (b) of the PFM act 2012 requires that over the medium term, minimum of 30% of the County Government total budget shall be allocated to development expenditure. The committee heard from the county treasury that this was due to the very slow uptake of development funds which make it highly improbable that even the amounts in the revised budget would be utilized by June 30th. Nonetheless, the Budget Committee has weighed on the County Executive to ensure that the allocation for development of 2015/16 budget are as per the set legal threshold.

Mr. Speaker sir, in pursuing the revised estimates, members may notice that there has been drastic increase in the current budget for the public service management and a substantial reduction in the budget for health service sector. The reduction of the budget for the health service sector has been occasioned by the stoppage of payment of salaries and allowances of medical personnel who had been devolved but were still working for the national government.

Mr. Speaker sir, as a result, a total of Kshs.827 million was saved. Under the public service management, there has been an increase of 1 billion to take care of salary arrears. The committee was informed that whereas these amounts had been paid, the monies used to pay them were sourced from other votes and hence needed to be recovered. The committee was convinced that these allocations are warranted and need to be approved as a way of honoring our obligations.

Recommendations

Mr. Speaker sir, the committee noted various critical issues in the supplementary estimates that we would like to address. The committee therefore proposes the following policy measures:

- 1) The county treasury must in future ensure that any future budget documents are accompanied with memoranda explaining the figures
- 2) All future budgets must be programmed based with itemized budget presented as scheduled to help the sectorial committees in their scrutiny
- 3) Supplementary budgets must be restricted to funding only ongoing projects and must avoid the temptation of introducing any new projects
- 4) That the committee on delegated county legislation follows up with the County Executive Committee Member for Finance to ensure that various regulations required by PFM Act 2012 including that on grants and donations are submitted to the County Assembly for consideration.

Mr. Speaker sir, arising from the recommendations from the sectorial committees and deliberations with the county treasury, the Budget and Appropriations committee recommends the following changes be effected on 2014/15 budgets:

The overall budget to be reduced to Kshs.25.6 billion with a maximum of Kshs.18.7 billion to be used for recurrent expenses while a further Kshs.6.8 billion be allocated on development expenditure by the county treasury in consultation with the various sectors and adopted by the Budget Committee as in the matrix. This reduction is meant to limit the potential financing gap of the budget that would be occasioned by lower internal revenues that was earlier projected. The following limits are further imposed on the supplementary estimates for the respective sectors:

- That the allocation for legal services department be retained at Kshs.139.7 million.
- That any increase in allocation for garbage collections be frozen.
- That amount allocated for emergency relief would not be utilized until emergency fund regulations are approved by the County Assembly.

Mr. Speaker sir, in overall, these are the recommendations. That the budget for:

- a) The County Public Service be reduced from Kshs.151 million to Kshs.107.
- b) The Governor's office be reduced from Kshs.5.1 billion to Kshs.4.7 billion.
- c) Public communication to be reduced from Kshs.500 million to Kshs.218 million.
- d) Finance and economic planning be reduced from Kshs.2.3 billion to Kshs.2.1 billion.
- e) Health department to be reduced from Kshs.6.1 billion to Kshs.4.9 billion.

- f) Physical planning department to be reduced from Kshs.942 million to Kshs.496 million.
- g) Public works to be reduced from Kshs.6.6 billion to Kshs.5.7 billion.
- h) Industrial to be reduced from Kshs.2 billion to Kshs.1.6 billion.

- i) Trade to be reduced from Kshs.656 million to Kshs.500 million.
- j) Public management to be improved from Kshs.1 billion to Kshs.1.9 billion.
- k) Agriculture from Kshs.375 to Kshs.307 million.
- l) County Assembly to be reduced from Kshs1.8 billion to Kshs.1.77 billion and
- m) Overall we have reduced the budget from Kshs.28.7 billion to Kshs.25.5 billion.

Mr. Speaker, in conclusion and pursuant to provision section 135(2) and (4) of the Public Finance Management Act 2012 and Standing Order 215, the County Budget and Appropriations Committee recommends that this County Assembly adopt the report of the Budget and Appropriations Committee on the supplementary budget ESMIS for the Nairobi City County Government and Nairobi City County Assembly tabled in the County Assembly on Wednesday, 29th April, 2015. Thank you, Mr. Speaker sir, and I wish to invite Mweshimiwa Immaculate to come and second it.

Hon. Immaculate Musya: Thank you, Mr. Speaker and I thank my Chair for calling me to second this Motion. I stand to second the Motion. Mr. Speaker, first, we stood as the Committee to freeze the funds being given for garbage collection. Mr. Speaker, we know very well those people who collect the garbage, they are being paid to dump the garbage and yet they are being paid by the County Government to collect the garbage. So, we are wondering, why is this money getting to these people? How can somebody be paid twice, they are paid by the County Government to collect the garbage and yet they are being paid by where they dump it.

Secondly, the collection of the garbage is actually being done by one company and we are wondering, how can one company be given the mandate to collect the garbage in the entire Nairobi? The others who were collecting the garbage have been refused the tender to collect the garbage. So we said that that allocation must be frozen completely. Thirdly, Mr. Speaker, the emergency kit of the County Government: We understand that in every Ward we are facing challenges – especially in the slum areas – houses and markets are being burnt. We see others being allocated more and we find some people being paid Kshs.2million, others are paid Kshs.5 million, others are getting Kshs.100, 000 and others end up not getting a single cent.

For example, the other day people from Kibera, their houses were burnt and they did not get a single cent. People from Mariguini, their houses were burnt and they did not get a single cent. So, Mr. Speaker, we said that those allocations, we cannot allow people to spend money where people are not being given at a certain level and in a shareable manner.

The other thing we said is that we must make sure that the estimates are followed and adhered to. Mr. Speaker, people are spending money in this County anyhow, but when we are putting the estimates in order we will make sure that we monitor the money on how it is being spent, what is being spent where and how it was spent and on which allocation. So, Mr. Speaker, I stand to second the Motion. Thank you.

Hon. Speaker: Very well, Hon. Members. I propose the question.

(The Bill is proposed)

Hon. Speaker: Hon. Bishop, Dagoretti.

Hon. Anthony Karanja: Thank you, Mr. Speaker for this opportunity. Mr. Speaker, I would like to bring to your attention that this is one of the worst documents I have read in a long time. Mr. Speaker, we have come of age, we have passed many documents and on reading this document, when the Committee recommends that in future the budget document are accompanied, Mr. Speaker, we are living in the future, we need these documents now. We have the capacity, we have the time and we have everything to scrutinize these documents. Mr. Speaker, it is wrong to play around with figures, it is wrong to make us pass a document that we cannot understand. Mr. Speaker, I sit in the transport committee and we have been requesting for these supporting documents for the last 14 days. None has come.

Mr. Speaker, I would urge Members of this County Assembly not to adopt this report until we are sure of what we are passing. Mr. Speaker, having said that, I would also like to bring to your attention that we have no quorum to continue conducting business in this Assembly. Mr. Speaker, I would personally request that we do not do anything illegal, let us stand tall because we are now two and a half years old in this County. Let us do the right thing. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Chege.

Hon. James Chege: Thank you, Mr. Speaker for giving me the opportunity. I was just consulting with the Chair because I really support the idea of supplementing downwards if the figures are not adding up. However, there are a few issues, Mr. Speaker that we also have to look very critically about. I was just having a small talk with the Chairperson and I was asking, the Budget Finance Bill 2014/2015, we dropped it, we have never passed it. What are we then supplementing, much as I would agree that we need to be supplementing downwards.

Secondly, Mr. Speaker, I draw your attention to page 10 of what has just been read and if you look at agriculture, environment and natural resources, we want to remove Kshs.40 million that was for

purchases of vehicles and transport and equipment and reallocate it to flowers. Beautification is flowers, trees and landscaping.

Mr. Speaker, this is serious and we know the problems of garbage collection, trucks and what have you. So, I think as much as I would agree and I really do not like coming in at this time, why can't we take some time, probably shelve it until we agree on these issues. Lastly and very importantly, Mr. Speaker, I want to be on record on this. Today is April 30th, 2015, under the PFM Act it is when the budget estimates for Financial Year 15/16 should be tabled. Mr. Speaker, we have continuously flouted the law in this House and it is time as the Hon. Member said, we need to put a stop so that the finance department or the Treasury of this County start taking things seriously because it has not been tabled.

So, what are we talking about 15/16 moving forward? So, as much as I agree with the Chair and the Committee, let us agree on a few things moving forward so that we all go together in the same page. We all want to go together. Thank you.

Hon. Speaker: Hon. Leader of the Majority.

Hon. Leader of Majority: Mr. Speaker, I know there are some people who know very well the Motion is going to pass but they must oppose it. Mr. Speaker, I think we must have a timeline, so let us just work through the timeline. Okay maybe it has some errors, ---

Hon. Karen Githaiga: *(Inaudible)*

Hon. Leader of Majority: Even Karen, where you are talking now you have a lot of errors in your body. *(Laughter)* So, Mr. Speaker, I rise to support this Motion, however, as far as I am concerned this has already passed. I do not see a reason why--- because I can see the self-proclaimed Muslim is also going to support this Motion and the self-proclaimed Bishop is going to change to support it. Mr. Speaker, I do not see the reason why we should just oppose it for the sake of opposing it. I do not think so, Mr. Speaker. Thank you.

Edward Take 9 82 to end

Hon. Speaker: Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you Hon. Speaker. I think the Hon. Member need to revisit her Standing Orders well. I rise in support of this Motion. As a House, we know very well that we have a committee constituted by this House to do a good job on behalf of this House.

This budget committee is an extension of this Assembly. We cannot come here and thrush a report of the committee which has gone through the vigorous process just because of one individual who has a diversified view on the said report. The Member who is opposing the Motion is asking for some documents

which are not in our possession but we are very much aware that this budget committee comprises membership of up to nineteen Members derived from this Assembly Hon. Speaker.

If there was an issue, it would have been raised with the Liaison Committee who would have taken the necessary action. But since the Motion has found its way in to the House and by the signature assented by all the Members, we did not have any Member who registered his diverse opinion on this report. So we need to have trust in our committees which is an extension of this House. I support this Motion.

Hon. Speaker: Hon. Chairperson for budget. I am coming to you Hon. Karen. Order Hon. Karen!

Hon. Member for Embakasi Ward, (Mr. Michael Ogada): Thank you Mr. Speaker Sir. I just want to make some points clear for the purposes of discussion. One is that, for Members who are raising issues that there are documents which are not available, what we are saying is that the supplementary budget was committed to each and every sectoral committee with proper documentations, they looked at the documents, they scrutinized and their chairmen and clerks were invited to come and present and we incorporated whatever was said by all chairmen of these committees.

Besides that, another Member raised an issue of not having a Finance Bill. A Finance Bill was not passed and it is not actually part of what we are discussing today because what we are discussing today is revenues that we have been able to raise and to what extent were we able to raise them and where are we not going to reach? This is actually what we are discussing and the collections we have in this document are not based on unpassed finance bill, if a finance bill is not passed, then the County Government has got the power to continue using the rates which they were using before.

We consulted thoroughly and it was in agreement, it is not a matter of consultation today because it was something that was agreed. Mr. Speaker Sir, I need to request and beg this House that please let us not just oppose all these documents for the sake of it. They are for the benefit of this House.

My committee will never ever at all bring a document that is going to suppress this House. We do proper consultation in liaison with everybody just as Mr. Chairman has been talking about it, I know it is theirs but some of them never attend meetings, they have got no interest. They only want to be seen to be opposing the document for the sake of opposing so that it is seen that they are talking. Mr. Speaker Sir, I think we need to pass document without looking for some malice.

(Point of Order)

Hon. Speaker: On what Hon. Karen?

Hon. Nominated Member, (Ms. Karen Wanjiku): Point of Order 79 is very clear Mr. Speaker that any Member may rise on a point of Order at any time during the speech of another Member stating that the Member rising on a point of Order is required to state the Standing Order upon which the point of Order is based.

Hon. Speaker: Is that the point of Order you have?

Hon. Karen Wanjiku: I am standing on point of Order number 32 Mr. Speaker Sir. There is no quorum in this House and we cannot continue discussing the budget of the Nairobi County without quorum. This is very important Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order Hon. Karen, we have heard you. Order Hon. Members. The bell to be rang and Members are coming in, I can see. Order Hon. Members, you do not leave the Chamber when the bell is being rung. Proceed, I can see Members have entered the Assembly. I now call the Mover of the Motion to reply.

Hon. Michael Ogada: Thank you very much Mr. Speaker Sir. Thank you for your kind and great wisdom, it is for the sake of developing the city, most of these people are looking for money for bursaries, we have got no money for bursaries, we have to look for it; you bring documents they want them to collapse and fail... we have really failed so Mr. Speaker I am happy because most of the Members who are sitting here are really in support of this document for the sake of the city. So I am really glad and I really request you that let us pass this for the sake of development, the rest we will discuss during budget estimate discussion, Mr. Speaker it is done.

(Question put and agreed to.)

Hon. Speaker: Hon. Deputy Speaker.

Hon. Deputy Speaker: Mr. Speaker, I am kindly asking the Assembly to consider adjournment Motion number 9 until we come back from the recess. May I get a seconder who is the Majority Leader?

Hon. Leader of the Majority: Thank you Mr. Speaker, due to time, since we are always working with time and as Deputy Speaker has put it, may I second the adjournment until we come back from the recess. Thank you.

Hon. Deputy Speaker: Very well Hon. Members, pursuant to Standing Order number 25, this Assembly Adjourns until Tuesday, June 2nd 2015 in accordance with the calendar of the County Assembly. I thank you and wish you a wonderful recess and stay safe.

House rose at 4.09 pm