



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

SPECIAL SITTING

Tuesday, 06 July, 2016

The House met at 10.30 p.m.

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

PRAYERS

PROCEDURAL MOTION

Hon. Speaker: Leader of Majority

Hon. Leader of Majority (Mr. Elias Otieno): Good morning everyone, I think it is not usual but I can see the way you are very smart this Wednesday morning when you are still fresh from bed. I just want to move a Procedural Motion.

THAT, notwithstanding the provisions of the Standing Order 117, this Assembly resolves to reduce the publication period of the Nairobi City County Wards Development Fund (Amendments), Bill 2016 (Assembly Bill No. 5 of 2016) from 14 days to 6 days.

If I am not wrong, I'll call upon Pius Mbono to come and second this Motion. Since we started this Assembly in 2013 to date you have not seconded any Motion from me. *(Laughter)* please come and second the Motion.

Hon. Speaker: Thank you Hon. Leader of Majority.

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(Question proposed)

Hon. Member for Zimmerman Ward (Mr. Pius Mbono): I second

Hon. Speaker: Hon. Deputy Speaker.

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Thank you Mr. Speaker. If Members will allow me and share the belief that this is our last financial year since we were elected as Members of this House. Time has really run very fast without noble objectives in place to change the status of our Wards. I am in agreement that this is the only opportunity where we are at least able to fast track the Ward Development Fund issue. If members would agree and see the sense in this, we need to fast track and move with a lot of speed to implement the Ward Development Fund without further delay so that this is captured in our Finance Bill which is due in the afternoon.

Thank you Hon. Speaker and for that reason I would kindly request the mover to move and reply without hesitation and taking much time on this, thank you.

Hon. Speaker: Thank you very much Hon. Deputy Speaker. I call the mover of the Motion to reply.

Hon. Leader of Majority: Thank you Mr. Speaker. Today is the reason why Pius Mbono has set a very good pace for us to move very quickly without taking too much time. I thank all Members for accepting the Procedural Motion. I already thank you even before you pass the remaining ones. I know all the Motions which are pending today will be passed without further delay. As you can see Bernadette is smiling and I know the reason why. I cannot reveal the secret as to why she is smiling. Thank you very much Members.

(Laughter)

(Question put and agreed to)

BILL

The Nairobi City County Wards Development Fund Amendment Bill, Assembly Bill Number 5 of 2016, First Reading.

An Act of the County Assembly of Nairobi City to amend the Nairobi City County Wards Development Fund Act 2014, First Reading.

PROCEDURAL MOTION

Hon. Speaker: Hon. Leader of Majority.

Hon. Leader of Majority: Thank you Mr. Speaker. Procedural Motion number 10.

THAT, this Assembly resolves to exempt the Nairobi City County Wards Development Fund (Amendment) Bill, 2016 (Assembly Bill No. 5 of 2016) from the provisions of Standing Order No. 121.

So, Mr. Speaker I think I will once again call Pius Mbono to come and second the procedural Motion.

Hon. Pius Mbono: I second

(Applause)

Hon. Speaker: Thank you very much Hon. Pius Mbono.

(Question proposed)

Hon. Speaker: Yes, Hon. Ogeto.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker sir looking at the mood of this House and there is no Hon. Member who doesn't want development in their various Constituencies. I wish you would call the mover to reply, thank you.

Hon. Speaker: Hon. Karen Wanjiku

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker sir, I stand to support because you know this Bill is very important and the amendments are very important because we want development in Nairobi County. We've stayed for so long without development. It is time we passed these amendments and the Bill, thank you.

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

Hon. Leader of Majority: Thank you Mr. Speaker. I think we are moving very quickly because some of us did not even take breakfast. That is the reason why we want to take a minimum amount of time-

Hon. Speaker: There is a Point of Order.

Hon. Leader of Majority: I don't think Mr. Speaker---

Hon. Speaker: Leader of Majority Order! Order! Order!

Hon. Leader of Majority: I am so senior to this boy here.

Hon. Speaker: Order! Order! There is a Point of Order. *(Laughs)*

Hon. Deputy Speaker: Mr. Speaker it is irresponsible for the Hon. Majority Leader to take these Members for a ride. He has just woken up from his House to insinuate that there are Members who have not taken breakfast. That is totally unacceptable. It is wrong. He must withdraw that.

Hon. Speaker: Order Hon. Members! The Leader of Majority was implying that most of us woke up early to catch up with these Bills we finish business.

Hon. Leader of Majority: Mr. Speaker, personally I didn't take breakfast as usual. You know, my breakfast is a little bit different from that of the Deputy Speaker because we come from different locations. Maybe his breakfast is just waking up and taking one cup of tea. Where I stay we know what breakfast means. That is the reason why I said I didn't have time to take my breakfast. Even our big brother is here in Kenya causing a lot of jam. It is not normal for me to come early as I did today. Bernadette is also coming from where normal people live. She was also here very early in the morning. That is the reason why I am saying she is smiling a lot today. Let us move very fast and go for our normal breakfast. Thank you Mr. Speaker.

Hon. Speaker: Thank you very much Hon.

(Question put and agreed to)

BILL

The Nairobi City County Wards Development Fund Amendment Bill 2016, Assembly Bill number 5 of 2016, Second Reading.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Mr. Speaker can you protect me from the Majority Leader? I beg to move the Nairobi City Ward Development Fund Amendment Bill 2016, Assembly Bill Number 5 be now read a second time. Mr. Speaker I beg to move and call upon Hon. Wainaina to come and second.

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Morning Members, I second.

(Loud consultations)

Hon. Speaker: Order Hon. Members, the Chairperson of Ward Development Fund you need to tell the Members what you really mean by what you've just said.

Hon. Maurice Gari: Mr. Speaker, I think this thing was a bone of contention and each and every Member here knows what is contained in this document and why we are amending it. In the matter of time we must move with speed and that is why I don't want to take a lot of time to read all this and convince them. I think everyone here is the owner of this document. Thank you Mr. Speaker.

Hon. Speaker: Order Hon. Elkana! Order please!

(Question proposed)

Hon. Speaker: Hon. Elkana.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker, I think this is what we had been waiting for. The amendments were only three where the Controller of Budget advised us. One, the contention was separation of power within the Executive and the County Assembly. We are very sure we are not involved directly with the usage of money or transfer of money in the new Constitution. Two, he has expressed his views saying that us plus those people working within the Assembly are the same. He said clearly we are the “Clerk” for us to see what is happening on the other side and he said we delete the word “Clerk” from the Act.

Mr. Speaker, I was on a Point of Order over my Chairman. He told us clearly that he has no question. He has not even clarified to our Members because this was what was moving all over as the amendments were being done the way it was supposed to be. One, because I am very sure Mr. Speaker that most of the Members have not gone into details of the document which we have been given just now. We have not seen, according to the amendment which was proposed. We are being moved in speed. We don't want to make a mistake this time as it was at the past so that we will be told to make another amendment. That was my Point of Order to my Chairman.

Hon. Speaker: Hon. Imwatok

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker I wish to stand and support this Bill and amendments therein though with a lot of reservation because the excuses given by the great first lady Agnes Odhiambo is too flimsy. To take us this round for all this years without development in our respective Wards, for instance on page 3 the word ‘officer administering the fund who shall be an ex-officio member; I don't understand what explanation did Agnes Odhimbo require from that. For instance, number c ‘the Clerk of the County Assembly or designate alternate not below the level of deputy Clerk’ those are flimsy excuses.

I think it is time we make these amendments as quickly as possible so that if we go to committee stage to address the issues Elkana Mauti is asking clause by clause that we want to change so that we amend this Bill once and for all and take back to Agnes Odhiambo to give another excuse maybe the name Nairobi she will require it to be written in small letters for this Bill to come into reality.

Mr. Speaker it is also time the National Government and national agencies like the Agnes Odhiambo's office must also respect other institutions because I believe this House is full of scholars, one of them Elizabeth Manyala who is a professor, we have many people here who understand what they are doing, don't take us to the former regime of the councilors. As we move forward we believe we pass this amendment today, it goes to the Governor's office today and it is ratified today so that we move with speed required to attain the development agenda of our respective Wards. Thank you.

Hon. Speaker: Hon. Akuk Maurice

Hon. Member for Hghrise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker sir for noticing my eye and I would like to support this Motion and truly recommend this committee because of work well done.

They have gone through a lot of amendments and finally I believe what we have before us today has all the details that were required of us to either delete or probably amend. I would like to draw the attention of Members to some of the contentious issues that were there before. When I stand here to recommend this committee I indicate that honestly if at there is any other issue on this particular amendment Bill then there will be a problem with other parties but not us.

I do understand that the fourth estate are here and probably including them they might have not gone through these amendments and that is why I bring to the attention of the Whole House to some of the amendments that were quite contentious and were really important to this House and they have actually been accepted by us and they have been amended.

Mr. Speaker, If you go to section 5 that is the new amendment from page one, you will see we actually deleted 5(2), if you go to page 3 you will find in section 5 was talking about inclusion of our Clerk in this committee and you understand the part that has been deleted 2(c) was about the Clerk of the County Assembly or the designated ought not below the level of deputy Clerk being part of this team and we have deleted that.

If I draw your attention to section 7 of this amended act you will realize that some of the contentious issues was about the fact that we were supposed to be managing this fund and the media was always talking about the MCA's being part of this fund. Maybe it was interpreted wrongly but we have gone ahead and deleted that section 2 and if I read, page 4, you will see that we have actually deleted from section 7(a) by deleting the expression 'in every Ward' so the funds are not being transferred to any Ward any more. We have changed that word there and again if you go to section 11 we have deleted 11 (3) and 11 (5) which if you read from page 4, 11 (3) was indicating that all disbursements shall be made through the Ward accounts, this has gone now.

We have no dealing with this money at all, and in 5 the record of the amounts by each Wards and records by expenditure of amounts so received; this indicates indeed the MCAs have nothing to do with this fund. This is a fund that will be governed by a particular committee and I think for the Ward Development Committee all the projects will be channeled through the process. I can see you are yawning Mr. Speaker, maybe I take my seat and you finish yawning.

Hon. Speaker: Go ahead.

Hon. Maurice Akuk: Or did you not also have breakfast as the Majority Leader did indicate. I know you also come from that end where breakfast is breakfast

(Laughter)

I come from the middle, meaning I also get some American breakfast. Mr. Speaker sir if Members agree with this amended Bill I might say the committee has done a wonderful job, we congratulate you for

that and as we expedite this particular process let us have this thing in place. I stand here to support, thank you.

Hon. Speaker: Thank you very much Hon. Maurice Akuk, I think because of time I will give 2, 2 and we move. Can we now have Karen and then Hon. Manyala.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir, I want to support this amendment, looking at the memorandum of the object and reasons it's very clear that we looked at all what the Controller of Budget wanted. If you allow me to read first 'the main objective is to amend the Nairobi City County Wards Development Fund Bill 2014 to align it with relevant public finance laws as highlighted by the Controller of Budget.

Section 5 of the Act is proposed to be amended to remove the Clerk of the County Assembly from the membership of the County Management Committee in line with concern on the separation of powers and functions between the Executive and Assembly in implementation of the said act. Section 14 of the Act is proposed to be deleted to confirm to section 110 of the Public Finance Management Act 2012 on the creation and administration of County Emergency Fund.

Section 33 of Act is proposed to be amended to reduce the membership of the committee from 7 to 5. As I finish separation of powers is important to have checks and balances for transparency and accountability. I support.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker, I rise to support the amendment going with what is happening with the CDF which is in courts. The Controller of Budget in her own wisdom, as you are aware the County Government is divided into two arms-the Executive and the Assembly, and Clerk being on side of Assembly and we are not supposed to be the implementers, actually we are supposed to oversight the Executive and that is why all these issues are arising but we have exhausted all this; we have read in our committee and we have done well. If we had gone with it and ran away with it I know for sure the Civil Society would have gone to court to sue us just as they have done with the CDF but we have done everything right. We know devolution is a process; we have to move together and learn this process. We have actualized what is needed and we are ready now to go, thank you.

Hon. Speaker: Hon. Ngaruiya and then Hon...

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you Mr. Speaker, I think you should dispense with this issue as fast as possible but not before I have said something. I want to thank the Committee for the amendments to conform and also to please the Executive so that now I believe they are not going to, all the time, by saying that we have not conformed to the Constitution. I would also want to thank the Committee because if they failed to make these amendments I think even the Committee itself would be obsolete because it would not have any purpose in this particular Assembly because we have given them some task and that task has to be done. We want this particular Act to be implemented. We know the many problems the CDF is facing.

From the time we started amending this particular Bill we tried to ensure that the wanjiku, the common mwananchi benefits from this County. But I think the Executive thought we are bringing this Act so that we can be in position to control the kitty. They should be aware that what we do here we do for mwananchi because we represent that which is important. As I finish I want to urge the leadership of this Assembly to ensure that whatever we have put in the budget, whatever is supposed to go to this kitty goes with immediate effect before the onset of next financial year. Thank you.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Mr. Speaker. First of all I want to say Idd Mubarak to our colleagues who are breaking today and secondly I want to thank the Committee for at least having taken many years working on this documents, once in their lifetime they have achieved and we can say they have left the legacy behind and to make sure actually development is realized in our Wards. I want to say that, there is a Member who said he doesn't know what was to be amended, but I want to say that if one is keen in motoring and knowing why something is delaying then it is at a point and moment to know because he is keen.

To go by that I want to say the areas which were bringing issues as narrated by Akuk and Karen now everybody knows all those areas have been deleted. We are not begging and requesting. What the Committee has done is the best and the Assembly is passing today and has also accorded the Ward Development Committee the dream is realized because we now have the baby and I want to give a warning to Executive that we are now done and let them not derail the process of this. We want this thing to be assented and we want it to be rolled so that in next two weeks we start operating. And if they dare not to do it as quickly as possible I urge the Members to take stern action over these members. Therefore I beg to support, thank you.

Hon. Speaker: Very well, thank you very much Hon. Geroge Ochola that is the way to go. I now call the mover of the Motion to reply.

Hon. Member for Nairobi West ward (Mr. Maurice Gari): Thank you Mr. Speaker, I can see Majority Leader is smiling, I don't know why he is smiling...because he is coming from Kileleshwa! I want to thank all Members. Mr. Speaker I think we are laying foundation to future leaders and this is the time to lay this foundation and a good leader must lay foundation for the younger generation. This thing we are doing here is for our future children and grandchildren. It is not for us.

The Executive should realize even them they will go with us to the election and if the new government comes in it will come with new CECs, new Chief Officers so everybody must take this issue seriously. We sat with Ward Fund Committee, I think the office of Clerk has tried to help us with Controller of Budget and now there is no bone of contention. So Mr. Speaker am just urging the leadership of the House, the Implementation Committee, I know he is the bull of this County Assembly, I know this man can move masses given time, Mr. Speaker protect me from Leader of Majority, thank you.

Hon. Speaker: Order, order Hon. Leader of Majority!

Hon. Maurice Gari: So Mr. Speaker the first thing of this amendment to Bill I need the Majority Leader to use the same wisdom he used to bring the budget in this House so that this money can go direct to the bank of the Ward Development Fund, thank you.

(Question that Bill be read second time put and agreed to)

Hon. Speaker: Thank you very much Hon. Chairperson, Ward Development Fund. Hon. Members, I now put the question.

(The question is put and agreed to be read the second time)

MOTIONS

Hon. Speaker: The Chairperson, select Committee on Budget and Appropriations.

Hon. Michael Ogada: Thank you. Mr. Speaker, sir, I beg to move the following Motion; THAT this County adopts the report of the Budget and Appropriations Committee on the budget estimates for the Nairobi City County Government and the County Assembly laid on the Table of the County Assembly on Tuesday 5th July, 2016. Mr. Speaker, on behalf of the Members of the Select Committee on Budget and Appropriations and pursuant to the provisions of Section 113(1) of the Public Finance Management Act 2012 the Public Finance Management County Government Regulations 2015 and Standing Order 207, it is my great honour to present to this Assembly the fourth Committee Report on the consideration of the annual estimates for the County Government and the County Assembly.

Mr. Speaker sir, Devolution and the whole system of Government being a new phenomenon there are bound to be many trials and errors leading to misapplication of procedure and the miss of the excellence mark. However, in the review of the budget estimates for the financial year 2016/17 the Committee was pleased to note that there had been a lot of improvement in the budget preparation and reporting compared to previous financial years. The Budget Committee would wish to once again inform this Assembly that the County Executive has made efforts to include resolutions made by this Assembly in preparation of the subsequent budget estimates. It is commendable that experiences gained over the past three financial years have been of value to the members of this Assembly and the officers from the County Executive in preparation and reporting on financial matters.

The positive outcome notwithstanding, this report will be keen to highlight the specific areas that still need all of us to pull up our socks. Mr. Speaker sir, over the 3 financial years the Budget Committee has reminded this Assembly that the budget making process is a clear methodical process that is guided by the law and devoid of gambles and guess work. The budget preparation, approval and implementation

processes are anchored on the Constitution supported by the Public Management Act, 2012, the Public Finance Management regulations and reinforced by our own Standing Orders.

Mr. Speaker sir, once again we note that the programmed based budgeting is still a new phenomenon even for the National Government and confusion about what constitutes a programme and how to determine measureable outputs among other related identifiers remains a challenge. Mr. Speaker sir, over the 3 financial years the County Assembly has been keen to ensure that the Ward Development Projects are rolled out with the same zeal and commitment that enabling law was adapted. Since the law was passed and formally operationalized in the financial year 2014/15, this financial year would have been the second year of implementing the Ward Development Fund projects. However, the Committee heard from the Select Committee on Ward Develop Fund on how endless amendments and a lack of interest by the County Executive had slowed down the quick pick of the projects. It is the exception of the law that this budget would have provided a brief review of how the 2015/16 budget is being implemented including any challenges being faced in the process with specific focus of how the WDF is coming to life.

However, members may have noticed this section was once again lacking making it difficult for the County Assembly Members to be properly informed of the effects of the previous allocations and how the additional funds being requested would be able to transform the County. Mr. Speaker sir, during the considerations of the budget estimates for the financial 2015/16 the Budget Committee decried how the environment has continually requested for budgetary allocations for purchase of refuse trucks. During deliberations of these estimates the Committee was shocked to learn that most of the trucks are either not working or are in a bad state. The Committee was informed of how the trucks purchased had become too expensive to maintain due to unavailability of spare parts making most of them remain unutilized.

As Members will notice and in line with the resolutions adapted in the Strategy Paper the sector has been granted another authority to purchase 5 more trucks in the financial year 2016/17. The Committee hopes that this will be the last time in the current administration that we will have to consider a request to purchase more trucks for the Environment Department.

It is the view of the Committee that with the continued privatization of garbage collection in the City budgeting for purchase of trucks will not really be far off from double allocation. Most importantly Mr. Speaker, it is the view of the Budget Committee that we need to reach the finish line with respect to purchase of vehicles in this County.

The Budget Committee reiterates that purchase of vehicles is not the core function of the County Government and all measures must be put in place to ensure that the vehicles we acquire are well maintained to serve the purpose for the long journey. Mr. Speaker sir, as members may recall in the 2014/15 and 2015/16 budget the County Assembly allocated funds for the youth solid waste management

and it has been the resolution of the Assembly that before the funds were utilized the sector had to submit regulations on the same to this Assembly for interrogation and subsequent approval.

However, the Committee noted that the sector over the last 2 years has chosen to follow the route that is less travelled by disregarding the resolutions of this Assembly. The Committee has reprimanded the sector and called upon the officers to ensure that the regulations governing the utilization of the monies is brought to this Assembly for consideration. Once again it is important to remind officers of the County Government that the urge to use County funds without enabling guidelines will not be entertained and this Committee will not hesitate to recommend sanctions whenever we feel anyone borders on breaking the law.

Mr. Speaker sir, as we have said in this Assembly on a number of occasions, the existence of both the County Public Service Board and the County Public Service Management will not be justified if the two institutions fail to come up with viable resolutions on how to contain the skyrocketing County wage bill. It needs no repetition that the PFM regulations 2015 capped the expenditure on personnel emoluments at not more than 35% of the total revenues, a figure that we have thus far surpassed.

The Budget Committee has been keen to advise against wanton employments especially for areas that can be solved from within our existing workforce. The Committee believes that internal promotions or redeployments where possible are a cheaper option compared to the numerous vacancies advertisements that various County departments continue to splash in the newspapers. The Committee still reiterates the resolutions of the County Assembly during the consideration of the Strategy Paper for the financial year 2016/2017 the employment be frozen and any urgent recruitment must only be based on approved budget allocations.

Mr. Speaker sir, one major concern on the budgetary allocation for this sub sector was that it had planned to spend to a tune of Ksh.50 million for culture change programmed with other substantial monies earmarked for corruption eradication. The Budget Committee recommends the sectoral Committee for having been alive to the fundamentals of programme based budgeting and indeed proposed that such expenditures be knocked off the budget.

Mr. Speaker sir, the import of the legal department in this County is a key to how effective it can enable us to come up victorious on the various litigations that we face in the corridors of justice. The Committee during its deliberations of these budget estimates and specifically on the requested amounts by the legal department was hard pressed to quantify its outputs and key performance indicators. The Committee was once again reminded of how the County has continued to lose court cases despite a growing legal affairs budget and abandoning pending bills for litigation.

The Members may also be aware on the allegations that have been raised that there have been cases on induced litigations by those who allegedly conspire to defraud the County Government. The Committee has pressed on the sectoral Committee to follow up with the department to ensure that it becomes more successful in the court rooms. Mr. Speaker sir, the functions of the County Government are assigned by the Fourth Schedule of the Constitution of Kenya 2010 which among others give us the nod to take charge of Early Childhood Education and Vocational Training. The provisions of supreme law have done well to clearly demarcate the roles of the two levels of government in ensuring that the literacy level of the Nairobi populations improves from the 87.1% in 2013. However, the Budget Committee continues to wonder why the sector has been eager to allocate funds for rehabilitation and construction of primary schools.

The Fourth Schedule has not granted the County Government powers to manage and more so to allocate funds to running primary schools. The provision of Article 187(2) of the Constitution is explicit that transfer of funds from one level of the Government to another should be accompanied with commensurate amounts of resources. During these deliberations the Budget Committee was informed by the sector that it had not formalized the Memorandum of Understanding with the National Government on the funding by the National Government. The Committee therefore recommends that the sector moves with speed and finalize the signing of the MOU as a binding basis for management and funding of primary schools by the County Government.

Mr. Speaker sir, the Budget Committee was informed during the consideration of the County Strategy Paper that there were disputes surrounding the ownership of Muslim Primary School. It was based on this understanding that the Committee recommended to this County Assembly that the allocation for the school be scrapped off the budget and reallocated as had been proposed by the sectoral Committee. However, during the consideration of these estimates the sector officials submitted to the Committee that the dispute had been resolved. It is based on this development that the Committee will be recommending that a resolution adapted in the Strategy Paper be rescinded and that amount set aside for the school be maintained as was printed.

Mr. Speaker sir, it has been canvassed that the budget estimates had a number of shortcomings that need to be addressed. The remainder of this report will hence be construed as amendment on the submitted budget for the financial year 2016/17 with an aim of ensuring that where possible we live within our sector ceilings provided in the amendment County Fiscal Strategy Paper while taking into account the recommendations of the sectors, sectoral Committees and the public.

POLICY MEASURES

Mr. Speaker sir, the Committee noted various critical issues during consideration of these estimates which it would like addressed. In addition to the proposals contained in the body of this report the Committee proposes that the Assembly resolves as follows;

1. That given the ambitious revenue figures, the County Executive Committee Member for Finance should come up with a robust revenue raising measures to ensure that targets are achieved.
2. That the County Executive Committee Member for Finance should submit to this Assembly details of unspent balances for the financial year 2015/16 for re-appropriation not later than 30th July, 2016.
3. That the incomplete projects for the financial year 2013/14, 2014/15 and 2015/16 be given priority before any other new projects for the financial year 2016/17 is undertaken.
4. That in compliance with the provisions of regulation 111 the County Treasury shall include in this budget estimates the expenditures for the County Revenue Fund Services.
5. That in addition to revenue and expenditure performance submitted by the County Treasury in the quarterly expenditure reports the County Treasury shall henceforth submit reports detailing the non-financial performances of the County Budget.
6. To ensure that the County Assembly monitors the status of revenue collection, the County Treasury must avail to the Assembly not later than 10th of the subsequent month a report together with the bank statements of all the bank accounts maintained by the County Treasury in the previous month indicating how much money has been received by the County Treasury from local sources and how much money has been swept into the County Revenue Fund.
7. That the County Treasury submits to the Assembly not later than 30th July, 2016 the status report on pending bills and measures initiated by the County on clearing the bills and any other accrued debt.
8. That the County submits to the County Assembly quarterly reports on how it has been implementing the strategy fiscal responsibility principles approved in the County Fiscal strategy paper
9. That all sectoral committees shall ensure that the budget for the various sectors is implemented as approved.
10. That in compliance with the provisions of regulation 35 of the PFM Regulation 2015, the County Treasury shall submit to this Assembly an Appropriations Bill that contains votes and programs of the financial year.

B. ALIGNMENT OF THE BUDGET TO THE FISCAL STRATEGY PAPER FOR THE FINANCIAL YEAR 2016/2017

Mr. Speaker sir, the provisions for regulations decree that the approved fiscal strategy paper shall form the basis of the budget estimates. This in effect implies that for expenditure items where the County Assembly approved programs for implementation in the coming financial year, the County Treasury and indeed all sectors must ensure that the projects are implemented as approved without alterations whatsoever. This section Mr. Speaker sir therefore is aimed at taking the budget back to the baseline which is the strategy paper for the financial year 2016/ 17.

That under the Urban Planning and Land sector

1. The estimates for the financial year 2016/17 for the urban planning and land sector be retained at Ksh. 753 million for which Ksh. 318 million is for recurrent, while Ksh. 435 million is for capital expenditure.
2. All projects that were approved in the Strategy Paper and were left out in the tabled estimates should be reintroduced in the budget for the financial year 2016/17 as follows;
 - i. Installment and upgrade of ICT supported services be allocated Ksh. 31 million
 - ii. Implementation of web based physical INAUDIBLE system be allocated Ksh. 50 million
 - iii. Sustainable energy and climate change action plan be allocated Ksh. 5 million
 - iv. Renovation of planning and compliance of city hall planning offices be allocated Ksh. 5 million
 - v. Refurbishment of UDD offices and development control registry be allocated Ksh. 10 million
 - vi. Refurbishment of survey offices be allocated Ksh. 12 million
 - vii. Purchase of survey equipment be allocated Ksh. 12 million
 - viii. Acquisition of site vehicles be allocated Ksh. 15 million
 - ix. Refurbishment of city hall valuation offices be allocated Ksh. 10 million
 - x. Establishment of GIS based valuation role be allocated ksh. 20 million
3. All projects whose allocations in the tabled estimates were above the figures approved in the Strategy Paper should be readjusted to conform to the approved Strategy Paper ceilings as follows;
 - i. That the allocation for development of integrated district plans for the City be reduced from Ksh. 130 million to Ksh. 30 million

- ii. That the allocation for development of four public spaces in Eastlands and Aga Khan Walk be reduced from Ksh. 70 million to Ksh. 25 million
 - iii. That the allocation for survey of County Land and other lands be reduced from Ksh. 20 million to Ksh. 10 million
4. The following new projects included in the tabled estimates and defended by the sector but are still within the approved overall ceilings for the sector be included in the budget for the financial year 2016/17
- i. Regularization of unauthorized development be allocated Ksh. 60 million
 - ii. Planning compliance and enforcement on building to hire equipment security and vehicles be allocated Ksh. 55 million
 - iii. The following projects contained in the table estimates be implemented since they are within the approved ceilings;
 - a. Regulations of County and other lands to be allocated Ksh. 10 million
 - b. GIS development and expansion be allocated Ksh. 50 million
 - c. Registration of leases be allocated Ksh. 20 million

That under the Urban renewal and Housing sector, that the estimates for the financial year 2016/17 be retained at Ksh. 398 million of which Ksh. 210 million is for the recurrent expenditure while Ksh. 188 million is for capital expenditure.

That the following projects be implemented under the capital expenditure development vote;

- i. Rental Housing maintenance be allocated Ksh. 60 million
- ii. Housing policy formulation be allocated Ksh. 10 million
- iii. Community development Ksh. 5 million
- iv. Mortgage collection system Ksh. 5 million
- v. Urban Renewal Ksh 68 million
- vi. Building services Ksh. 30 million

That under the trade tourism and cooperative sectors

- i. Ksh. 50 million be allocated for development of modern kiosks, jua kali shades in all the 85 wards in Nairobi City County

- ii. That amounts from the following votes be reduced and transferred to the development of modern kiosks;
 1. Ksh. 35 million allocated to Tourism development for advertisement, awareness and public campaigns amount to be reduced to Ksh. 20 million
 2. Ksh. 26 million allocated for other operating expenses under Tourism development be reduced by 15 million
 3. Ksh 26 million allocated to trade, development and market services for headquarters be reduced to Ksh. 15 million
 4. That under the Office of the Governor security compliance and disaster management Ksh. 50 million be allocated in the development of budget to cater for construction of one fire station as approved in the County Fiscal Strategy 2016/17

That the budget for the transport, roads and public works be reallocated as proposed by the Sectoral Committee on Transport and Public Works to provide for the following projects approved in the County Fiscal Strategy Paper 2016/17;

1. Ksh. 425 million for maintenance of roads in all the 85 wards at Ksh. 5 million per Ward
2. Ksh. 5 million for persons living with disabilities for transport access facilities
3. That under education, youth, Children culture, sports and social services Ksh. 30 million allocated for purchase of didactic materials for ECD centres be reduced to Ksh. 15 million as per the Strategy Paper
4. Ksh. 5 million allocated for renovation of one stop Youth Centre as per resolution of the Strategy Paper

That the budget under the Public Service Management be adjusted as follows in line with the Strategy Paper;

1. Ksh. 50 million allocated for culture change program be knocked off the budget
2. Ksh. 5 million allocated for corruption eradication knocked off the budget
3. Ksh. 35 million allocated for integrated Human resource information system be knocked off the budget
4. Ksh 10 million allocated for construction of customs center's be knocked off the budget

5. Ksh. 5 million allocated for acquisition of ICT platform for employee management be knocked off the budget
6. Ksh. 5 million allocated for equipping the HR sector be knocked off the budget

Proposed adjustments and reallocations in 2016/ 2017 budget;

Mr. Speaker sir---

Hon. Speaker: On Ksh. 35 million, you said it should be knocked off the budget but you said it be allocated for integrated Human resources information system, Ksh. 10 million be allocated for construction of customer care center and yet you say Ksh. 5 million be allocated for requisition of ICT platforms for employee engagement and Ksh. 5 million be allocated for equipping of the Human Resource Centre?

Hon. Micheal Ogada: Sorry for that Mr. Speaker. Ksh. 35 million be allocated for integrated human resource development. Sorry for that. We proceed Mr. Speaker sir.

Proposed adjustments and re-allocation in financial year 2016/ 17. Mr. Speaker, as has been said, the budget estimates received presentations from Chairs of sectoral committees on recommendations and proposed allocations in the 2016/17 budget in line with its mandate so as to ensure that the County remains on track in delivering in areas that are critical for growth of the County. The Committee made numerous recommendations.

Mr. Speaker sir, whereas the provisions of section 131 of the PFM 2012 gives the County Assembly, through the Budget and Appropriations Committee the mandate to make amendments on the budget, such amendments can only be done in line with minimum parameters stated in section 131 (3) of the Act. It dictates that an amendment may be made in the budget only if 3 conditions are satisfied. Namely;

1. It is in accordance with the resolutions adopted regarding the County Strategy Paper
2. Any increase in expenditure in proposed appropriation is balanced by reduction in expenditure in another proposed appropriation
3. Any proposed reduction in expenditure is used to reduce the deficit

Further Mr. Speaker sir, the provisions of regulations 37 of the PFM Regulations 2015 has set a bar for any such changes at not more than 1% of the approved vote ceilings. Whereas the Budget

Committee believes this provision is highly restrictive, it is duty bound to only operate within its boundaries nonetheless. Mr. Speaker sir, it is in this regard therefore and in strict adherence to the above provisions of the law that the Budget Committee wishes to make the following adjustments in the budget. These needs were identified jointly with the sectoral committees, sector heads and Budget and Appropriations Committee. The Committee wishes to assure the Members that the views of the County Executive Committee member for Finance and the public have been taken into account as required by law.

Expenditure reallocations

That the budget estimates for Agriculture, Livestock and Fisheries be reallocated to provide for the following;

1. Under veterinary animal health: Ksh. 500 million provided for the purchase of generators be reallocated towards purchase of veterinary medicines
2. The initial allocation of Ksh. 995,000 for livestock resource development be reallocated to cater for training allowances
3. Under Fisheries Development and Management, the allocations of Ksh. 3 million for the purchase of agricultural machinery and equipment be scrapped off the budget and reallocated as follows;
Ksh. 1 million for training expenses
Ksh. 1 million for trade shows and exhibitions
Ksh. 1.1 million for the purchase of veterinary vaccines under animal health and quality assurance

That under the Public Health Department, the following amendments be made under a curative program;

1. Allocation of upgrade of Pumwani Nyayo ward be reduced by Ksh. 20 million to Ksh. 80 million
2. That allocation for the construction of new complex at Kasarani be reduced by Ksh. 20 million to Ksh. 40 million
3. That Ksh. 40 saved from the above reduction be reallocated as follows;
Ksh. 10 million for construction of insulator at Dandora 2
Ksh. 10 million for equipping Embakasi Health Centre
Ksh. 15 million for rehabilitation of Kaloleni Dispensary and construction of perimeter wall

Ksh. 5 million for rehabilitation of Mbotela Day Clinic

That Ksh. 121 million allocated for upgrade of coronial services be scrapped off the budget and reallocated to the following projects. The County Executive Committee Member for Finance submitted to the Budget Committee that the expenditure be shelved off;

1. Ksh. 30 million for nutrition unit for the following items
2. Ksh. 5 million to procure nutritional commodities
3. Ksh. 3 million for monitoring and reporting tools
4. Ksh. 3 million for procurement of anthropometric equipment
5. Ksh. 3 million for storage facilities
6. Ksh. 6 million for nutritional survey
7. Ksh. 10 million for training and awareness
8. Ksh. 10 million for treatment of street children for free in Ngara and Pangani health centers
9. Ksh. 10 million for equipping Ngara Health Centre
10. Ksh. 30 million for Nyayo Dispensary
11. Ksh. 30 million for equipping of Dandora 3 Health Centre
12. Ksh. 10 million for construction of perimeter wall at Upendo Dispensary
13. Ksh. 20 million for health facility in Matopeni
14. Ksh. 5 million for construction of Perimetre wall at Silanga
15. Ksh. 5 million for rehabilitation of equipment of Njiru Health Centre
16. Ksh. 10 million for Public Band Clinic South B
17. Ksh. 10 million for equipping Kangemi Health Centre
18. Ksh. 20 million for perimeter wall at Mama Lucy Hospital
19. Ksh. 11 million for equipping Lindi Health Centre
20. Ksh. 10 million for local dispensary
21. Ksh. 10 million for Madaraka Health Centre
22. Ksh. 10 million for equipping Kamiti Health Centre

That under Education, Youth, Children, Culture and Sports Services, the following amendments be made in the development projects as follows;

That the allocation for various sports grounds be increased by Ksh. 50 million to Ksh. 40 million and further that the budget be adjusted as follows;

1. The Ksh. 5million allocation for rehabilitation of Toyoyo Sports Ground (Ofafa Maringo) be scrapped off the budget;
2. The Ksh. 5million allocation for rehabilitation of Mihango Sports Ground be scrapped off the budget;
3. The Ksh. 5million allocation for rehabilitation of Kibera Sports Ground (Laini Saibi) be knocked off the budget;
4. The Ksh. 5million allocation for rehabilitation of Tena Sports Ground be reduced by Ksh. 2million to Ksh. 3million;
5. The Ksh. 5million allocation for rehabilitation of Kawangware Sports Ground be reduced by Ksh. 2million to Kshs. 3million;
6. Ksh. 3.5million be allocated for rehabilitation of Kangemi Sports Ground;
7. Ksh. 3million be allocated for rehabilitation of Huruma Sports Ground;
8. Ksh. 2million be allocated for rehabilitation of Baba Dogo Sports Ground;
9. Ksh. 3million be allocated for rehabilitation of Kisumu Ndogo Primary School Sports Ground;
10. Ksh. 3million be allocated for rehabilitation of Dandora I Sports Ground;
11. Ksh. 3.5million be allocated for rehabilitation of Mathare 4A Sports Ground;
12. Ksh. 3million for rehabilitation of Embakasi Sports Ground;
13. Ksh. 10million be allocated for rehabilitation of Joseph Kang'ethe Sports Ground; and
14. Ksh. 3million be allocated for rehabilitation of Mwiki Sports Ground.

The Ksh. 125million for various Social Halls be reallocated as follows:

1. The Ksh. 25million allocated for equipping of Pumwani Social Hall be reduced to Ksh. 20million;
2. The Ksh. 20million allocated for rehabilitation and equipping of Dandora III Social Hall be reduced to Ksh. 10million;
3. The Ksh. 75million allocated for construction of rehabilitation centre at Ruai be reduced to Ksh. 50million;
4. Ksh. 10million be allocated for rehabilitation of Kabiro Social Hall;
5. Ksh. 15million be allocated for face-lifting of Karen Social Hall;
6. Ksh. 5million be allocated for rehabilitation of Eastleigh North Social Hall; and

The allocation for rehabilitation of Mathare North Social to be increased by Ksh. 5million to Ksh. 15million.

I. Expenditure Reductions.

Mr. Speaker sir, the following are proposed reductions in the County expenditure:

- a) That under the Office of the Governor and Deputy Governor:
- The Ksh. 8million allocated for landscaping of Governor's Office be reduced to Ksh. 2million; and
 - The Ksh. 85million allocated for procurement of vehicles for 85No. Ward Administrators to be knocked off the budget.
- b) That the budget for the County Assembly Service Board be rationalized and reduced by Ksh. 33.1million (under the Salaries and Personnel Emoluments- sitting allowances for Members of the County Assembly). This is meant to ensure that the budget for the County Assembly is in tandem with the figures approved by the Senate in the County Allocation of Revenue Bill, 2016. The Clerk to the County Assembly submitted that the expenditure on sitting allowances is projected to have sub-optimal absorption rate;
- c) That under the Education, Youth, Children, Culture, Sports and Social Services Sector:
- The allocation for General Administration and Support Services be reduced by Ksh. 15million; and
 - The allocation for construction of 40No. new ECDE centers be reduced by Kshs. 20million to Ksh. 100million
- d) That under the Trade, Tourism and Cooperatives Sector the Ksh. 30million allocated for revolving loans to SMES and Chamas be reduced to Ksh. 18million and the amounts be transferred to recurrent vote.

II. Budgetary Increases

- a) That the budget for the Transport, Roads and Public Works be increased by Ksh. 60million and that the amounts be allocated to the following projects:
- Ksh. 50million for improvement of Tassia Roads; and
 - Ksh.10million for Baraka drainage
- b) That the allocation for Scholarships and other Educational Benefits (bursaries) under Education, Youth, Children, Culture, Sports and Social Services Sector be increased by Ksh. 41.1million or to Ksh. 256.1million.
- c) That the budget for the Environment, Water and Energy Sector be increased by Ksh. 15million and that the amount be allocated to Youth Empowerment Programme

Mr. Speaker sir, in conclusion and pursuant to the provisions of Section 131 (1) of the Public Finance Management Act 2012 and Standing Order 207 (6) the County Budget and Appropriation Committee recommends that:

This County Assembly adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the Nairobi City County Government and County Assembly for the financial year 2016/17. Thank you Mr. Speaker sir.

Hon. Speaker: Very well Hon. Chairperson!

Hon. Michael Ogada: I wish to ask Benadette Wangui to come and second it.

Hon. Benadette Wangui (Nominated Member): Thank you Mr. Speaker sir, mine is to congratulate the Chairperson of Budget and Appropriation Committee and the Members as they have done a commendable job of coming up together with the budget that we are having it right now and has just read it to us.

First and foremost the budget is going to help the people of Nairobi by bringing a big change, whereby there is going to be a lot of development. We have put a lot of money in Public works that is in infrastructure starting with the roads and street lighting. This will make Nairobi to have a big change in lighting and in roads. Therefore, we will have something to bring back in our Wards and show the people that Nairobi City County from 2013 to 2017 that we have done a good job.

We have also put a lot of Money in Health meaning we are going to rehabilitate the Hospitals in Nairobi, this means that the people in Nairobi, will no longer be suffering from issues that they had, we have also put a lot of money in WDF that is going to help in issues not addressed in the Executive but also issues that the Members particularly the elected Members feel that they need in their Wards.

I would also like to urge the Executive to make sure that they implement this Budget so that it is not a budget that is going to be just on papers. Let them implement it so that there can be some changes. Also a lot of Money is kept in Early Childhood Education so Nairobi *watoto watasoma*, there is a lot of money also kept for Trade.

Mr. Speaker sir, we have seen the modern kiosks that are going to be constructed in our Wards meaning this is going to help the people of Nairobi and especially the small business people who will not be selling out in the open air market.

However, what I would like to say again is I would like to appeal to the Members of the Executive since it is our mandate to make sure that this money that has been allocated goes to the implementation just not on papers so that Nairobi can move forward. I therefore beg to second.

(Applause)

Hon. Speaker: Very well Hon. Benedict Nganga! Hon. Members before I propose I would like to inform you that you should be carrying your tablets because the document is sent to your tablets.

(Question Proposed)

Hon. Speaker: Hon. Leader of Majority!

Hon. Member for Keleleshwa Ward (Mr. Elias Okumu): You must obey all your seniors every time. Mr. Speaker I think that I am right because as I was saying when I was moving the procedural Motion I said that Benedict was smiling and I know the reason why she was smiling, it is because of this budget.

There is somebody who was saying that I was also smiling as much as Kileleshwa was not captured in that budget, I therefore rise to support and I know that next time you will consider Kileleshwa Ward since we don't have pot holes in Kileleshwa,

Mr. Speaker it is a very good budget for Nairobi County. Therefore let all of us not take too much time debating on this because I know some Members have something to say on this. We should all support this budget so that Nairobians can get what they deserve for their service delivery from both MCA's and Executive.

Let us give warning to the Executive they should not take it for granted, but should implement it 100%. It should not be theory but practical for Nairobians to see the services for MCA's of Nairobi, that is the reason why we want more money in Ward Development Fund.

As I know there are people with different opinions, like the Member for Makongeni Mbotela Ward where you have more Social Halls, I know you will support the budget and that we just take our time as I said that I didn't take my breakfast as normal because I came here very early in the morning, and right now it is the time when I should go and take my lunch. So let us not take too much time here. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Deputy Speaker and then Hon. Ngaruiya.

Hon. Deputy Speaker: Thank you Hon. Speaker, I rise in support of this report of the Committee of Budget and Appropriation. Mine is just very brief to brand this budget as a supper budget and budget of our time. Thank you.

Hon. Speaker: Hon. Chege Ngaruiya!

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Thank you Hon. Speaker, for giving me this opportunity and I hereby rise to support this budget and it is a job well done by the Committee on Budget and Appropriation. Mr. Speaker, we as Members of Budget and Appropriation, we burnt the midnight oil despite the rigidity and conservative nature of its Chairman.

The confusion and the problems envisaged Just the other day was as a result of the Chairman who is rigid and very conservative. I therefore urge the appointing authority to do a reshuffle to this Chairman so that at least we can have.....

Hon. Speaker: There is a Point of Order!

Hon. Patrick Ngaruiya: I am contributing Mr. Speaker! This one is just an introduction.

Hon. Deputy Speaker: Mr. Speaker is it in order to allow the Hon. Member to discuss the conduct of a Hon. Member without a substantive Motion. It is wrong Mr. Speaker and the Hon. Member must withdraw with immediate effect.

Hon. Patrick Ngaruiya: Mr. Speaker, I am not discussing the conduct I am only contributing. You see when you say somebody has overstayed, at least the appointing authority should even if not a reshuffle remove that chairman. Since, from the time of the defunct City Council up to now we have been experiencing no change Mr. Speaker.

Therefore, I want to say this that we have a very ambitious budget 35.98 billion is not a small budget the recurrent expenditure from that particular budget is 23 billion that is in terms of salaries and operations in this County. Half of that money is going for salaries as we are in a very sorry state and what we are getting from the National Government is 16.4 billion.

When you look at the salaries it is like all the amount that we are going to get from the National Government is going to salaries. 1.9 billion for salaries I think as a County we should rethink of how we are going to do so that we can reduce the wage bill which is sky rocketing every now and then Mr. Speaker.

When you also look at the Development we have only set aside a paltry of 12.8 billion therefore all that now when we are trying to fix the deficit... Last year we came up with another ambitious budget of 32 we had to come up with a supplementary to reduce it to 29 billion Mr. Speaker.

We have not been acting on a figure that the County can afford. When we look at that particular budget of 16.4 billion from the National share the amount of money that we are going to get from revenue is around 19.57 billion.

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

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Mr. Speaker, thank you very much. It is really disturbing that the Hon. Member before us here is a Member of the Budget Committee and he is not even aware that we had a Supplementary Budget in this House.

He is also not aware that there was a great reduction on whatever was brought into Supplementary in the month of April, he is not even aware there was a Supplementary that was brought into this House on 29th of June, 2016 Mr. Speaker sir. So it is wrong for him to indicate that the overambitious budget did not have a supplementary. Thank you.

Hon. Speaker: Very well Hon. Maurice Akuk! I am sure the Member has understood.

Hon. Patrick Ngaruiya: Mr. Speaker, I think I mentioned about Supplementary Budget and I think it is the Hon. Member who is not aware. He should be very aware that I am a very keen listener and a very senior Member in that Committee.

So as I finish, what we need to do we have to encourage the revenue collectors so that at least they can bring that particular figure of 19.57 billion so that at least the development of this County can be realized because of what I am sure for the recurrent it cannot be touched, Mr. Speaker when I come to development and that is where we have problems when it comes to payment of contractors and suppliers because that deficit of that particular budget in most cases it cannot be taken to recurrent but it is taken to the project and development of this County.

So Mr. Speaker we have a task to ensure that this County collects revenue so that at least we can reach that target. I also want to encourage Members of this House that they should take committee meetings seriously because this is where most of the projects are allocated and money is distributed evenly. So failure by them even to be very conversant with the County Physical Strategy Paper and the County Integrate programmes has brought a lot of confusion in this particular County Assembly. So as I rise I want to support, and I want to encourage all the Members to support do the same.

Hon. Speaker: Hon. Chief Whip Majority.

Hon. Chief Whip Majority (Mr. David Mberia): Thank you Mr. Speaker. I rise to support the Motion and it is indeed a super budget and if implemented to the letter there would be a great change in the City. Also there were papers circulating in this House about the gratuity of these Members, Mr. Speaker, letters from the Clerk and responses the CEC Member for Finance saying that the gratuity for Members was paid in full. We want to know, we are leaders Mr. Speaker sir, we want to know who is misleading this House, the County Assembly Service Board or the County Executive Member for Finance, Mr. Speaker.

Hon. Speaker: Yes Hon. Ogeto.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker I believe that my able Chief Whip want to portray irrelevancy in what we are discussing in this budget. We are talking about 34 billion and he is bringing some issues which cannot amount to even a billion, Mr. Speaker sir. Let us discuss this issue of the budget, if there are things that he want to table this House we have that session for that. Thank you.

(Applause)

Hon. Speaker: Very well, Hon. Chief Whip.

Hon. Chief Whip Majority: Thank you Mr. Speaker sir. Let me reserve my energy for the afternoon session Mr. Speaker sir. I support the Motion.

(Applause)

Hon. Speaker: Hon. Imwatak.

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker, allow me to address you on this side. I was on the other side to supplement my able Minority Leader who has gone to break the fast. First of all I must recommend the entire leadership of the House from where you sit, the Clerk, the Majority Leader, the Minority Leader and also to the Budget Committee led by my able Chairman Ogada. I wouldn't want to brand this budget as a 'super budget'. I would want to say this is a county budget for Nairobi. Why am saying this Mr. Speaker? I must first of all clarify this to the 4th Estate, as much as brothers and sisters you are up there to write each and everything that emanates from this Assembly, kindly take your time what we say Mr. Speaker.

I am saying this because last week when we lacked quorum in this House I met my great friends very young, very energetic, the future of journalism in this country and they asked me a very simple question; "Mheshimiwa what is your take about the budget?" And I said no the budget has not failed but the quorum has failed in the House because the women were in a caucus, and by saying so doesn't mean that the County comes to a standstill. Whether the budget comes forth or not, the law allows the County to use 15% of the Consolidated Fund pending the passing of budget in case there is an emergency. But Mr. Speaker, on the newspaper and the social media I was portrayed as rubbishing off the issue of the budget in the County which is not right. So brothers and sisters up there, before you write, kindly take time to write the right thing so that we can also appreciate your work.

Mr. Speaker secondly, I want to recommend the Chair of the Budget. Number one on item of the 50 million he has knocked off the budget, the culture change training. Last year the County Executive went to Naivasha to do a culture change among the top brass of the County. I will in the near future maybe next week table documents here to show that the culture change which was in Naivasha was not culture change. It was a way of swindling Nairobians money.

Mr. Speaker I commend the Chairman for knocking off that money and also I want to commend the Chairman of Environment Committee and the entire committee who presented a budget on the youth empowerment. Mr. Speaker this County has 13,000 employees whom the County Government pays 650 million on their health scheme, the energy by these people is not enough because almost 4,000 or 5,000 of them are beyond the age of 55 years. So Mr. Speaker I believe with the empowerment of the young people especially in this sector, that we can bring more than 6,000 new energy in the system we can help to build Nairobi.

Lastly Mr. Speaker, I want to commend my Health Committee, health is everything in this County Mr. Speaker. I love when the Chairman read the budget of the Health Committee, it shows now we are moving from a different angle. The issue of dependent on Kenyatta Hospital is coming to an end. We are

having a referral in Mutuini, Kayole and Makongeni. I believe the issue is now very simple Mr. Speaker, that's why I said when I started I don't want to brand this budget as a super budget because we do a budget every year but the procurement process of all these projects starts towards the end of the financial year which is very wrong, Mr. Speaker. We want to ask the Implementation Chair upon the passing of this budget to fast track, how do we get this projects start rolling off from 15th of this month not to wait until next year on June. Now we are running from one office to the other. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Hon. Zulfa Hakim.

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker. Allow me to answer the Majority Leader in public, that *nimefungua na* with pleasure but I have the County at heart and that is I why I am here. Mr. Speaker I rise to support this report. First of all let me congratulate the very able Chairman Hon. Ogada and his team together with the leadership of this House for making this session possible this morning, Mr. Chairman, you have done a commendable job. Mr. Chairman I have to congratulate you. However I want to register my concern on a few issues. I happened to sit as a friend of the Committee of Implementation and I sighted that there is some frustrations in terms of implementation.

Mr. Speaker many of the Bills and the Motions that we pass here are actually lying down somewhere in somebody's office and some of them are what is budgeted for here today. Mr. Speaker I want to urge the Implementation Committee together with their able Chairman to fast track and make sure that the departmental heads in these particular departments move with speed to implement some of these very key issues.

Mr. Speaker I am particularly impressed by the allocations to the Early Childhood Education and the Health department and again I want to repeat that the essence of devolution is based on development at the grassroots level and this is why it is very important for this House to pass this report in order for the realization of the fruits of devolution, Mr. Speaker. With those few remarks I beg to support.

Hon. Speaker: Our brother Hon. Jaffer kassam.

Hon. Member for Parklands (Mr. Jaffer Kassam): Thank you Bwana Speaker. I wish to congratulate the Committee Chairman Hon. Ogada because he actually listened to us as the Sectoral Committee of Enforcement that includes Justice and so on and for the first time in 20 years they have approved that we can employ City Inspectorate Officers number 356 and this is something that had not happened for the last 20 years and it is something that should be noted and it will go a long way to help us in enhancing our revenue. With that and going by his advice, he has always been advising that the sector committee follows the department.

Mr. Speaker sir, we have now actualized the budget in Legal department. We are soon going to have a bus to carry the prisoners to and from the cells which used to be done by a lorry which was being hired every day. With those few remarks I would like to congratulate the Committee and also I would like to say that in that spirit of devolution as the Hon. Member Zulfa said they are catered for and we are having

devolved services in almost all Sub-Counties with the funds which are scarcely available. Thank you Mr. Speaker sir.

Hon. Speaker: Hon. Members as you know our time is coming to an end and I will get two from this side and two from this other side because our time is almost over. Hon. Bishop, and then Hon. Jackie Nyangala.

Hon. Member for Waithaka Ward (Mr. Anthony Karanja): Thank you Mr. Speaker. Mr. Speaker protect me from---

Hon. Speaker: Go ahead.

Hon. Anthony Karanja: Thank you Mr. Speaker. Today is a great day and I would like to commend the Chairman of the Budget Committee for his good command of the Queen's language and just that, Mr. Speaker. This budget is a disaster. Mr. Speaker, I would like to bring to the attention of these Members that in this budget that for the first time since we were elected in this County, the fight to eradicate corruption in this County is not funded. Five million has been removed for the eradication and the fight against corruption. I sit in the Transport Committee and we agreed in the Committee that we will not have any new projects.

I am seeing it for the first time in this budget that we have 60 million shillings for new projects in Tassia Estate. Mr. Speaker this is an abuse of our intelligence in the Committee which we sat down at the expense of the tax payers of this City to decide that we will not have new projects we want the money to be used to pay our contractors for all the stalled projects in this County.

Mr. Speaker I thought it was a typographical error for us to allow the Environment department to add 5 new trucks to their fleet. It is very clear that the Chairman has stated that all trucks that were bought last year are not functional simply because they are no spare parts. It will be a betrayal of the highest order to the people of this County if we allow the Executive to buy 5 new trucks when we have about 20 trucks which are less than one year old at the garage. Mr. Speaker, this is a disaster. We need to wake and exercise our oversight role and say no to this Executive. We need to say to this budget and we need accountability for the budgets that we have been passing over the last few years.

Mr. Speaker we have been funding Early Childhood Centers for the last 3 years. Up to now, we have the same money, I don't know whether it is the same money or the new money in this budget. Yet we have not seen anything, we have a plot at Lucky Summer. We are yet to see work starting in any other Ward, Mr. Speaker. I have reasons to believe that the money we passed last year for the same projects is not there. I have reasons to believe that things are not going well in this County and it is the high time that we all decided to go down because going down is a must. We have a choice whether we want to go down alone, or we want to go down with the City.

It is very unfortunate to betray the trust that was bestowed upon us, Mr. Speaker. So with this I very loudly oppose this budget. We do not need to have Nairobi working. We need Nairobi to stop and be audited, Mr. Speaker. Thank you.

Hon. Speaker: Point of Order from Hon---

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Mr. Speaker it is quite irresponsible for the Hon. Member to rise at this point in time where as he knows he had all opportunity to present himself in good time and rest his voice in good time. This is not the time now to start questioning the report of the Budget and Appropriation Committee. It is wrong, we are at the final stretch and there is little we can do about his concern. It is quite irresponsible of him. Thank you.

Hon. Speaker: Hon. Deputy Speaker, the Member is right to oppose the budget that is his own right. Hon. Jackie Nyangala and then Hon.---

Hon. Jackline Nyangala (Nominated Member): Thank you Mr. Speaker. Id Mubarak to the Hon. Members of Nairobi County Assembly and Kenya as a whole. Mr. Speaker I beg to support---

Hon. Speaker:Order Hon. Member! Give the Member time to---

Hon. Jackline Nyangala: Mr. Speaker two things---

Hon. Speaker: Hon. Mbono---

Mr. Speaker two things came to me when the Chairman was reading the report and Hon. Bishop has talked about corruption. Corruption, if you are corrupt you are corrupt. I don't know how you are given money to teach you how not to be corrupt. It is in your conscience. Mr. Speaker money was allocated and taken out for culture change. What is culture change? If you are corrupt and you know you like to do bad things, you know you are doing it. When you are corrupt and you are doing it you knowing that it is wrong. I don't have to give you money to teach you not to do it. Mr. Speaker I support.

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker I rise to support this Motion. But I want to say the following, that of all the budgets that have been presented in this House, this is the most debated. I want to go through it so that the Hon. Member can be able to actually understand what the Budget Committee has done. If you go to all Wards, the Ward Development Fund had been allocated Ksh.1.7 billion. That is not small amount. All the Sectors, for example Water, every Ward if you look at the issues of equality and equity, is going to benefit at the tune of Ksh.4 million through the Water Sector. Go to the Trade Sector, the Budget Committee allocated Ksh.50 million for the development of modern sheds.

Why have we put the term modern sheds? Mr. Speaker, you do know, and this House is aware that majority of Ward Development Fund Committee projects are zeroed on modern kiosks and sheds yet they were not approved by the Planning Sector. That is why in our opinion, we thought it was easier to implement.

Go to the issues of bursaries, if we have allocated from Ksh.2.5 million to Ksh.3 million, the implication is, whereas we were able to give 400 needy students, now it will be able to increase to 600.

I hear that Tasia is an issue. It is very embarrassing when you are the Chairman of the Budget and people are demonstrating because you have not done roads yet you are presenting a budget of Ksh.35 billion. Honestly, you address the issue of roads in your Ward. What is wrong with that?

Mr. Speaker, may I say this firmly but humbly, this report is generated from Sectoral Committees. If a development sector says that we need four trucks, what the Budget Committee does is to do a recommendation to the House that we are feeling that instead of procuring so many trucks, repair the ones that are existing and then buy some new ones.

Mr. Speaker, this is the most consultative Budget, in fact, I want to put to the attention of this House that the public participation that we had was the most vibrant and dynamic. So, what I want to say is this, a budget is as good as how it is implemented. From the way we are procuring our projects, from the survey, to design, to the way our projects are being procured, it is taking about six months. Let us have a forum whereby we can have all our architects and engineers so that all these documents can be made in two or three weeks, and then every Hon. Member will have something to say to his constituents. Mr. Speaker, I support.

Hon. Speaker: Hon---

Hon. Member for Woodley/ Kenyatta Golf Course Ward (Mr. Njoroge Kairu): Thank you very much, Mr. Speaker sir for giving me this chance to add my voice on this. I don't want to go much into details on what is in the budget because everyone knows. But, there is something else I want to say, this Budget is just a projection of what we want to do. If we are not going to enforce revenue collection, this Budget will not be implemented. The reason why we did not have this Budget on the date that is in the law is because there were some disputes on revenue. Therefore, it is high time to ask our Governor to come out from the comfort zone and tell this House what he is going to do to improve on the revenue collection. If you look at the current Budget, it is totaling to Ksh.36 billion.

Hon. Speaker: There is a point of Order, Hon---

Hon. Majority Leader: Mr. Speaker, as much as everybody is entitled to his/her opinion, I sympathize with my friend and brother, the one with the red coat, he is consulting on how he can withdraw so that he can support the Budget. Give him another time to come and support the Budget because he is alone in the House.

Hon. Njoroge Kairu: Thank you, Mr. Speaker sir for the correction of the Majority Leader. Mr. Speaker, you should tell Majority Leader to be rising on Standing Orders where they are necessary because what he said is not what I said. For that reason, it is important for the Governor to come out

candidly and tell us how are we going to make sure that the projection that we have here of Ksh.36 billion will be implemented.

Mr. Speaker sir, if you look at 2016/2017 Budget, we had projected a Budget of almost Ksh.33 billion but the money that we managed to raise is Ksh.28 billion. Therefore, we had a deficit. When that deficit occurs, what is affected is development. For that reason, the Governor needs to come up with elaborate way of collecting revenue. If you look at our collection right now, instead of going up, it is coming down. There are rumors at the corridors that there are people who are collecting money for campaigns. That is why we are not collecting that money. Let him come out and tell us how we are going to support this Budget.

When we release this budget to the public, on their knowledge, they know that we have this money that will be able to implement the Budget. But eventually, as the time goes by, he starts to bring supplementary. For that reason, I support.

Hon. Speaker: The last one, Hon. Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker for giving me this opportunity. First of all, I want to congratulate the Chair of Budget and Appropriations Committee and the whole Committee because they did a good job. Mr. Speaker, I wanted to urge the Committee to look into Planning and Lands next time because what we asked was mere Ksh.1.7 billion and they gave us only Ksh.1.51 billion yet most of the revenue collected in Nairobi, almost 75%, comes from Planning and Lands. I want to tell my colleagues who are saying we have a big deficit, this is just small amount compared to our money lying outside there. The uncollected land rates are over Ksh.120 billion. How can we say that Ksh.36 billion is a lot of money yet a lot of money is lying out there?

I would urge the revenue collection to roll up their sleeves; they have to shape up or ship out. The issue of deficit should not arise because we have money. In fact, we should even lend the National Government money. They should not go to beg money outside because there is a lot of money within. We are not going to sit back and see things happening in awkward way.

I can report to this House that our Majority Leader, who is the Chairman of Implementation, has gone ahead to call the Executive. By next week, you will see things rolling in this City because we don't want things to be the way they were. This is our last Budget and we have to make sure it is implemented to the later. Thank you, Mr. Speaker for giving me this opportunity.

Hon. Speaker: Hon. Members, I want to thank all of you. Our time is up and I want to call the mover to reply.

Hon. Michael Ogada: Thank you very much, Mr. Speaker sir. In reply, I want to take this special opportunity to really thank you as the Speaker of this House for giving my Committee a lot of guidance

under very difficult circumstances. I really want to thank the Clerk of the Assembly for giving us a lot of guidance, leadership and advice. As a Committee, I am really glad with the leadership of the House.

One thing we all need to appreciate, Budget is a very hot political process, that if not handled with care, things will really not move right. That is why you will hear Majority Leader every time refer to me as a dictator. Also, one of my Members calls me a rigid person. It is not being rigid; it is being decisive and firm so that we can get results in terms of what we are doing. That does not really amount to dictatorship.

The other thing, Mr. Speaker, one of the Members raised the issue of us not allocating money for eradication of corruption. Another Member answered it well. You really don't have to use money to tell people not to be corrupt. You simply stop corruption. Besides that, corruption, we can only maybe advise them through trainings. The Committee allocated enough money for trainings in each and every sector. Giving money for corruption was duplication, so we could not allow that.

When it comes to the issue of allocating money for new projects, I need to advise our brother that what happened is that, we did not stop new projects; we simply encouraged that the old projects must be given priority. With that, what we have done in the Budget, the total money for development is almost Ksh.10 billion. In that, only around Ksh.5 billion is for old projects. The others are for new projects. So, which means, Tasia is not an isolated case. There are many other development projects in all Wards in Nairobi. Being the Chairman of the Budget Committee cannot stop me from enjoying developments in the City.

Mr. Speaker sir, another thing that we need to remind ourselves is that, contractors are not paid from development money but debt resolution money. We have allocated enough money to pay contractors. That should not be the cause of us saying anything negative about the Budget. About trucks, we discovered as Committee, we gave money last time for buying trucks. We have almost 47 trucks. They are new because 1 year old truck is a new truck. So, the department became careful and decided to request for 30 more trucks and they didn't request money for repairs of the ones which are not working. All the new trucks they bought, none is working but they didn't make any effort to ask for monies for repair. Instead, they asked money for new trucks. That is why we said, instead of buying new trucks, we were going to give them money to repair the old trucks, and we gave them around Ksh.50 million to that effect. We only asked them to buy five.

Mr. Speaker sir, as a Committee, we are glad and we thank Members for contributing positively. I am glad, as I anticipate the approval of this Motion. Thank you very much.

Hon. Speaker: Thank you very much, Chairman on Select Committee on Budget and Appropriations.

(Question put and agreed to)

Hon. Speaker: Hon. Members, Loans and Mortgage Committee meet at the Committee room at the rise of the Assembly.

Hon. Members, I really want to thank you. To our brothers and sisters of the Muslim faith, on behalf of Nairobi City County Assembly Members and staff, we wish you IDD Mubarak. God bless you. The Assembly is adjourned till 2:30 p.m. Thank you.

(The House rose at 12:30 p.m.)