



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Wednesday 22<sup>nd</sup> February, 2017

The House met at 2.30 p.m.

*Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku) in the Chair*

#### PRAYER

**Hon. Temporary Deputy Speaker (Ms. Karen Wanjiku):** There is no quorum, the Sergeant-At-Arm to ring the bell for 10 minutes.

*(The quorum bell rang for 10 minutes)*

**Hon. Temporary Deputy Speaker:** Members we already have quorum, we can proceed.

#### STATEMENTS

##### NOISE POLLUTION MADE BY CHURCHES AND CLUBS IN KILIMANI

**Hon. Temporary Deputy Speaker:** Hon. Members, Hon. Marion Githinji's request for a statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding noise pollution in Kilimani area.

**Hon. Marion Githinji** (Nominated Member): Thank you Madam Speaker. Hon. Speaker pursuant to Standing Order 41 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding noise pollution in Kilimani area. Hon. Speaker there has been several complaints made by residents of Kilimani area to the County government due to noise pollution made by churches and clubs within the neighborhood. Hon. Speaker as

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

per a previous television broadcast, a number of churches and clubs within Kilimani area were mentioned for noise pollution.

Hon. Speaker, in the statement I wish the Chairperson should inquire into and report on:

1. Confirm that the clubs in the Ward have complied with County noise level directive; and
2. Measures put in place by the County Executive to curb noise nuisance in Kilimani Ward.

Thank you.

**Hon. Temporary Deputy Speaker:** The Chairperson Environment, Vice chair, member?

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Thank you Mheshimiwa Marion for bringing up this issue. Today we had a meeting on Agriculture, Environment and Natural Resources we are looking on it. I believe next week we shall be able to come up with the report and communicate to the member the way forward. Thank you.

**Hon. Temporary Deputy Speaker:** Hon member give us the day. Okay, next statement from the Hon. Carolyne Muga from the Chairperson of the Sectoral Committee on Planning and Housing regarding the undue delays in replacement of asbestos roofing to the defunct Nairobi City Council houses. Do we have Hon. Carolyne? Mheshimiwa is absent? Okay, we can proceed. The following responses to statements will be given; we start with the statement requested by Hon. Amos Mbutia from the Chairperson of the Health Services regarding the implementation status of Kahawa Health Centre.

#### STATUS OF KAHAWA HEALTH CENTRE

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Madam Speaker. Hon. Amos Mbutia MCA had requested for a statement regarding the status of Kahawa Health Centre. Madam Speaker Kahawa Health Centre has no connection to sewer line and this has been reported to the concerned authority for intervention. The connection has also been incorporated in the annual work plan budget for FY 2016-1 and it is waiting consideration. However Madam Speaker, if the Hon. Member looks at the proposed budget for FY 2016-17, there is an allocation of sh.16 million which has been allocated for the construction of health centres and Kahawa West is among them, so that that sewer problem can be rectified. So in that case Madam Speaker, I wish to inform the Hon. Member that his request has been taken care of and the document will soon be done and that problem will be solved. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Mheshimiwa Amos, are you satisfied with the response?

**Hon. Member for Kahawa Ward** (Mr. Amos Mbutia): Thank you Madam Speaker, I have the report with me and I appreciate the work of the Committee. But I just wish the Committee that during the budget making they allocate money for Kahawa Health Centre for sewerage construction. Otherwise I am satisfied with the report.

**Hon. Temporary Deputy Speaker:** Thank you. I believe the Hon. Chairperson has heard. It will be done. We go to the other statement, request by the Hon. David Kairu from the Chairperson of the Sectoral committee on Health Services regarding the appointment of the board committee members for Mama Lucy, Mbagathi and Mutu-ini hospitals.

**Hon. Manoah Mboku:** Madam Speaker, there is a member here who is disturbing me. May be if you can throw him outside.

**Hon. Temporary Deputy Speaker:** Proceed Hon. Chairperson.

APPOINTMENT OF BOARD COMMITTEE MEMBERS FOR MAMA LUCY, MBAGATHI AND  
MUTU-INI HOSPITALS

**Hon. Manoah Mboku:** Madam Speaker, on the issue requested by the Hon. Njoroge Kairu regarding the appointment of the board committee members for Mama Lucy, Mbagathi and Mutu-ini hospitals, Madam Speaker I have the following response; The Hospital management board provides oversight role to the hospital management teams to improve the health status of the community. The board management of the hospitals were appointed by the County Executive Committee Member responsible for Health Services in August 2015 in accordance with the Legal Notice 155 of October 2009.

In regards with the qualifications of the boards, Madam Speaker the boards are comprised of 7 and not more than 9-----

**Hon. Temporary Deputy Speaker:** There is a Point of Order Hon. Member Alex.

**Hon. Member for Mugumo-ini Ward (Mr. Alex Otieno):** Thank you Madam Speaker. It think we had resolved as House, that the statement need to be discussed by the Hon. Member and then when the Chairman is responding it is just a summary form; that whether the member is satisfied or not, not to read the whole statement.

**Hon. Manoah Mboku:** Thank you, Madam Speaker. I don't know if the Hon. Member is also in the House because this statement was referred in yesterday's Assembly.

**Hon. Temporary Deputy Speaker:** Is Hon. Kairu in?

**Hon. Manoah Mboku:** Maybe, Madam Speaker, if I can share this information with him and then he can report back to this Assembly later.

**Hon. Temporary Deputy Speaker:** Thank you. Let us go to the next Statement. Statement requested by Hon. Njoroge Maina from the Chairperson of the Sectoral Committee on Health Services regarding the status of drugs supply in Umoja I Health Centre.

**Hon. Manoah Mboku:** Madam Speaker, I can also notice the Hon. Member is not in the House. I might respond on this but he may deny later on. Madam Speaker, I need your direction.

**Hon. Temporary Deputy Speaker:** He is not in; we can go to the next Statement. Statement requested by Hon. Elkanah Mauti from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the implementation status of water tanks project in every Ward.

**Hon. Member for Mugumoini Ward (Mr. Alex Ouda):** Thank you, Madam Speaker. Response to a Statement requested by Elkanah Mauti, MCA---

**Hon. Temporary Deputy Speaker:** Is Hon. Mauti in? He is not in.

**Hon. Alex Ouda:** But, Madam Speaker, he is satisfied with the Statement. I just met him a few minutes ago outside.

**Hon. Temporary Deputy Speaker:** But this Statement belongs to the House, not Hon. Mauti's. We can go to the next Order.

## PROCEDURAL MOTION

### APPROVAL OF THE ASSEMBLY CALENDAR FOR THE FIFTH SESSION

**Hon. Temporary Deputy Speaker:** Hon. Majority Leader? Hon. K'Otieno.

**Hon. Member for Saran'gombe Ward (Mr. Pius Otieno):** Thank you, Madam Speaker. I stand to move the following Motion, THAT pursuant to Standing Order No. 25 (1), this Assembly approves the calendar of the Assembly (regular sessions) for the fifth session of the Assembly as contained in the Schedule attached to the Order Paper.

Hon. Members, I would wish to inform you that both the Houses, be it at the National or at County levels, we are being governed by calendar. This House will have no business sitting here if we will not adopt this calendar. It is important sometimes that we ask our colleagues or we do our thorough soul searching before we react either by emotion or we make decisions based on the lies or probably we make decisions out of fear. It is important that we all appreciate the word *sine die* recess because that one is the bone of contention. *Sine die* is a Latin word meaning 'we have adjourned until when the House shall be recalled'. That is the vocabulary about *sine die*. In as much as I was not here last week, but I was surprised to hear Members had a different opinion of not passing this calendar. We risk facing the wrath of the people and institutions such as Salaries and Remuneration Commission (SRC).

Hon. Members, I would implore and ask you that in as much as people could be having different opinion, but I would wish you to take that opinion that would lead this House to posterity. I know quite a number of us would want to sit here at that period between 9<sup>th</sup> May and 7<sup>th</sup> August, just a day before the elections. That is when this Assembly shall be adjourning because we would have already gone for elections. People would have casted their ballots either for K'Otieno or not. We would have known our fate. Others wouldn't be coming back by virtue of party nominations, and others would probably be coming back. So, even if you will still win that election, I know by 7<sup>th</sup> [August], nobody will be here because we would not

have taken the oath that would actually confer to us that mandate of sitting in this House or the Legislative Assembly be referred to us the second Legislative Assembly of Nairobi.

In as much as people might be raising doubts on the vocabulary of *sine die*, we will have to adjourn because by the end of 7<sup>th</sup> of August, there will be nobody who will be calling himself either MCA for California, MCA for Sarang'ombe or whichever Ward. So, Hon. Members, let us not be afraid of passing this noble document simply because of the fear of the unknown. Let us now put aside the small things so that we adopt this calendar so that we may continue sitting in this House deliberating and passing the business of Nairobi people who brought us here.

I wish to call upon Caroline Muga to come and second. Thank you.

**Hon. Caroline Muga** (Nominated Member): Thank you, Madam Speaker for the opportunity to second this Motion. As my colleague has rightly said, we need not fear the unknown because this Assembly actually does need a calendar and we cannot shy away from that fact and say 'what if'. I humbly ask my Hon. colleagues to pass this Motion so that we can move on and expedite the issues we need to discuss in this Assembly. Thank you.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Ogeto, you microphone is on.

**Hon. Member for Kilimani Ward** (Mr. Moses Ogeto): Thank you, Madam Speaker. I want to stand here to oppose the Motion because looking at this calendar and what made it to be shut down is that we did not understand how the House Business targeted the short and long recesses. When you say shutting the Assembly completely, on June that is the time we are talking about the budget. When you are going to close on 16<sup>th</sup> June, by then are we going to ensure that this budget process--- During that time, who will be looking at this budget? is it going to be done by the people or the MCAs who will not be present in this House? Thank you Madam Speaker. I stand to oppose this motion until it has been rectified and the dates have been put in clarity because if we don't do that then let us know. How are we going to do the budget? Are we going to roll over the budget of last financial year to this financial year? Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Members, we should be aware that this Financial Year, we will do our budget earlier and anybody from Budget Committee can confirm that. That is just an information. We can proceed.

**Hon. Moses Ogeto:** Then it should be captured in this paper because the financial year ends on 30<sup>th</sup> June. Let us be informed. That is why I am saying the budget is not captured here.

**Hon. Temporary Deputy Speaker:** Let us proceed.

**Hon. Member for Kwa Reuben Ward** (Mr. Elkana Mauti): Thank you Madam Speaker. I am very much worried because during the first round we had deferred the Motion. The Motion was shut down and

procedurally it was supposed to go for six months before it can be returned to this House. You have returned it today. What is the logic behind that? Who has an interest over this? We have said no to this motion. Any motion which been negated must come after six months. It is not yet six months. I am here to oppose because Serem [SRC chairperson] could not know that you have adjourned *sine die* and we will be paid. There will be no pay. The session should continue. We don't know where you had gone for consultation to bring about *sine die*. We have said no to this. We are therefore to continue so we can earn our salaries. How will Serem pay you if you don't attend the Assembly sittings until August 9<sup>th</sup>?

**Hon. Temporary Deputy Speaker:** Hon. Petronila?

**Hon. Petronila Achieng** (Nominated Member): Yes. Thank you. I just want to add my point to this Motion. I really find what is happening in this Assembly today very wanting. These Members are honorable. They have the rights enshrined in the constitution of Kenya. That is why they are in this House today. I don't know what happened to *kamukunji* in this House. Because we are supposed to sit and somebody should have educated us.

When I was in Naivasha, I remember requesting that the leadership start with the Members' welfare and this is why I wanted that because people would have understood. From my educational view, I know that the campaign calendar is 90 days and that is from 8<sup>th</sup> of May. So, when you say the House will be on recess from June, what informed that? Because we will still be in campaign from May to June and then after that they are going to close the Assembly. Yes, we don't mind it being in suspension but let us be told clearly in a *Kamukunji* how they are going to deal with our welfare until that 7<sup>th</sup> (of August) that we are talking about.

House Business Committee, please don't take advantage of Members who don't sit in the House Business. We are supposed to be talking and agreeing and moving in the same style and march forward together as Members of this Assembly. The leadership on Saturday in Sawela Lodge did not come. I came, signed and left because we wanted to discuss such issues and they decided to run away. None of them was in Sawela. Now you come here with a motion, you don't explain to people how their welfare is going to be catered for and you want Members to pass the same thing. Is that really fair? Or do you think that we have now finished our calendar and we should now leave. We are not leaving until 7<sup>th</sup> whether we win or lose, whether we are in the nominations or not. Please take care of the Members of this County Assembly. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Kairu.

**Hon. Member for Woodley Ward** (Mr. Njoroge Kairu): Thank you very much Madam Speaker. I stand here to oppose this calendar. And the basic of opposing this calendar is that it is being said that we are in the payroll until 7<sup>th</sup> August. And for that reason, I don't see the reason why I should be earning money without working. For that reason Madam Speaker, I oppose the calendar.

**Hon. Member for Kabiro Ward** (Mr. Clarence Munga): Thank you Madam Speaker. Let me add my voice. I want to oppose this motion. As you read the mood of the House, Members are still energetic enough to soldier on until August this year. So, I am opposing this motion urging other Members to oppose it so that we can continue with the business of this House. I think we still have important businesses and matter concerning Nairobian to discuss. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** One more and then we can call the mover.

**Hon. Chief Whip of the Minority** (Mr. Hashim Kamau): Thank you Madam Speaker. I stand to support the Motion. I also request that you suspend putting the question so that maybe we can have a *kamukunji* tomorrow in the morning.

*(Loud consultations)*

**Hon. Chief Whip of the Minority:** Madam Speaker that is my request. One, if I may take the Members through the calendar---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order Hon. Members! Order Hon. Thuo! Let us hear his opinion, and then you will decide.

**Hon. Hashim Kamau:** So, Madam Speaker, my request is that you suspend putting the question until tomorrow or the day after so that we can sit down as Members in a *kamukunji* so that Members can understand what *sine die* means. If I could take the Members through what the calendar says, it is that we are having sitting from Tuesday 14<sup>th</sup> February to April 6<sup>th</sup>. Normally we have a short recess in between this time. But actually we have killed the recess so that Members can go marathon.

**Hon. Member for Mutu-ini Ward** (Mr. Martin Karanja): Point of order Madam Speaker

**Hon. Temporary Deputy Speaker:** We have a point of order.

**Hon. Martin Karanja:** Thank you Madam Speaker. My mind is puzzled by Hon. Hashim's misleading's on this House, telling us that there is lack of quorum and assuming that we do not have voices as MCA's and members of this House. I want to let him know that we are here and we are the people who are concerned about the proposed motion and if we are to shoot it down then let it be so. Thank you.

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Madam Speaker, I did not say that there is lack of quorum in the house, but that it will be very difficult to raise quorum as of June 16<sup>th</sup> to April 2<sup>nd</sup>.

**Hon. Temporary Deputy Speaker:** Order Members! It is his time to talk. I will also give you time to debate





**Hon. Hashim Kamau:** Secondly Madam Speaker, I want to inform the members that the calendar can be amended later if need be during the time of Sin die. As it has rightly be put by Mheshimiwa K'Otieno, the calendar is line with that of the National Assembly. We need time to go and campaign. My request Madam Speaker is that you postpone putting of the question to tomorrow so that---

**Hon. Temporary Deputy Speaker:** Are you opposing or proposing?

**Hon. Hashim Kamau:** I support

**Hon. Temp. Deputy Speaker:** One last one from Hon. Mberia

**Hon. Member for Karen Ward (Mr. David Mberia):** Madam Speaker I stand here to oppose the motion because it is unprocedural in this House. A motion which has been shot down must wait until six months to be brought back to this house and so I stand to oppose. The House is pregnant for you to put the question.

*(Hon. Temporary Deputy Speaker consulted the Clerk)*

**Hon. Temporary Deputy Speaker:** I am being notified that a procedural motion does not have to wait for six months to be put back. So allow me to call the mover of the motion to reply so that I can give you time to decide on the same.

**Hon. Pius Otieno:** Thank you Madam Speaker. There are things that need to be put straight. Just like in the courts, an accused person normally has his day. I also want to believe that a good legislature must also have his day or time in the house and so I ask for my time. Madam Speaker and Hon. Members alike, it is important for us to understand the reason as to why these changes are being sought. The budget cycle of this year has tremendously changed and there is nothing that we can do as Hon. Members. Not unless the National Assembly can pass a bill that seeks to bring a referendum that will push the electoral cycle ahead from August probably to December. Only then shall we read our budget in June, the way we normally do it. As long as we are not going to have a referendum then I know that the Budget and Appropriations Bill of Nairobi County Assembly will be laying their budget estimates on this House either next week or next week but one.

From what I heard from Hon. Ogeto, the statement will not be done in June as always but in the next two weeks. We should be very sincere with our fellow legislatures who perhaps do not understand the nitty-gritties that we are talking about. The session will run from February 14<sup>th</sup> to April 6<sup>th</sup>, in there we shall be going for a recess. While on recess, the committees will be ongoing.

*(Loud consultations)*

As I said, any accused person will have his or her day in court and so let me also have my time in the Assembly. During the long recess from 7<sup>th</sup> April to Monday 8<sup>th</sup>, we will be having our committees. I believe that as at now we do not have Members serving in almost two committees.



*(Loud consultations)*

Nyangwara has? There is no day Hon. Nyangwara's name was brought before the house and removed. I am also aware that he is still in the good books of the Majority leader because they eat, wine and dine together and so this issue of Hon. Nyangwara having one committee is neither here nor there.

**Hon. Temporary Deputy Speaker:** You are supposed to reply Member. Kindly do so

**Hon. Pius Otieno:** Hon. Members, I am not lecturing you unless you want me to do. I am not a lecturer. Hon. Members there is nothing wrong with this calendar and if there is then I could not have agreed to move this procedural motion.

**Hon. Temporary Deputy Speaker:** Order Hon. Members!

**Hon. Pius Otieno:** It has nothing to do with 6 months, or on anybody's salary. In fact when we go on recess and have two sittings, it will be even much better than coming here in the afternoon at the campaign period. If at this time we are not able to raise quorum then how will we raise it when that time comes? Thank you.

*(Question put and negatived.)*

**Hon. Temporary Deputy Speaker:** Next order!

## MOTION

**Hon. Pius Otieno:** Thank you very much Madam Speaker

**Hon. Temporary Deputy Speaker:** Order Hon. Members. We are on the next motion. Give the Chair time.

**Hon. Pius Otieno:** Madam Speaker, this profession also has its own hazards and sometimes I consider such scenarios as the hazards of legislatures.

**Hon. Temp. Deputy Speaker:** Hon. Member, you are supposed to move a motion

### ADOPTION OF NAIROBI CITY COUNTY EMERGENCY FUND REGULATIONS 2017

**Hon. Pius Otieno:** Nairobi City County Emergency Fund Regulations 2017; I move this motion that this Assembly adopts the report of the select on Delegated County Legislation on the consideration of the City County Regulations 2017

**Hon. Temporary Deputy Speaker:** Hon. Members. This is a very important motion. Kindly let us stay in the Assembly

**Hon. Pius Otieno:** [The Motion] laid on the table of the Assembly on Thursday 16<sup>th</sup> February, 2017. Then they will come back and say that they do not understand *Sine die*, as if people do not spend money. IEBC should look into some of the things that are going on here

**Hon. Temporary Deputy Speaker:** Proceed Mheshimiwa

**Hon. Pius Otieno:** Nairobi City County Emergency Regulations 2017 was laid on the floor of the Assembly on 27<sup>th</sup> September 2016 pursuant to section 111 of the Public Finance. I think that IEBC should look into things that are going on. Nairobi City County Emergency regulation 2017 were laid on the floor of the Assembly on the 27<sup>th</sup> September, 2016 Pursuant to Section 111 of the Public Finance Management Act, the regulations were there after committed to the Select Committee on County Delegated legislation for scrutinizing and reporting back to the Committee.

Mr. Speaker, it is also important for you to understand or underscore that this Committee did not do a one man show job, there was a lot of intense consultation with appropriate institutions and personnel. To bring you up to speed allow me to inform you that this committee also consulted the Executive Committee Member for Finance and Economic Planning the Chief Officer for Security Compliance and Disaster Management, The Director of Fire and Rescue Services, the County Attorney and The Select Committee on Finance Budget and Appropriations

The Officers from the Executive gave their views of their Department and proposed amendments to some of the paragraphs in the regulations in this report. The Chairperson of the Select Committee on Finance, Budget and Appropriations presented the views of the said committee gathered during scrutinizing of the said regulations which were invariable during our deliberations.

It is important for Members to understand that this one was more of a money motion that the input of the Budget and Appropriation committee was to be sorted for. Mr. Speaker if you keenly look at the Public Finance Management Act 2012 if you read Section 110 "A County Executive Committee may, with the approval of the county assembly, establish an emergency fund for the county government under the name ".....County Emergency Fund" meaning Nairobi County Emergency Fund and the fund shall consist of money from time to time appropriated by the County Assembly to the Fund by an Appropriation Law.

Hon. Members I know some Members may say that there was need for a Kamukunji; you see when Members are called for this particular positions of being an MCA the people or institutions assume that it will be incompetent upon Members to do their own research to look for the information and I believe all Members have got this report in their tablets. Basically what we are going to do here or the recommendation that we shall be passing today we are not going to do them, in a full House it is going to be inform of a Motion regulations are a bit different from the Bills that are normally executed in this House. So that is one thing.

The Second one is also to inform you that there will be no pushing for amendments or for an individual pushing for single amendments the way we normally do with the Bills. We shall either propose or oppose to whatever that has been captured in this report and if the Assembly will see it fit to do away with this report it will be the end of this regulation.

If the House also approves it then the same regulation will see the light of the day then the Assembly shall communicate its findings to the County Executive Committee Member in charge of this docket. So Hon. Members, it is very important for this Assembly to see to it that we prosecute, interrogate and probably have a common finding in as far as this regulation is concerned.

The purpose of this regulation has been captured in this PFM Act and it clearly states that the purpose of the emergency fund is to enable payments to be made in respect of a County when urgent or unforeseen need for expenditure for which there is no specific legislative authority arises.

There is one gray areas that Members need to understand, this emergency regulation that we are passing here today is not meant to address issues of probably 40 houses in Sarang'ombe caught fire maybe yesterday night, then you run to CEC or Director that I want one hundred thousand to go and give to my Members to stand in solidarity with them.

This regulation is not addressing on that, this regulation is very express that it will only be addressing matters of urgency that have not been legislated and a good example could either be Nairobi County could wish to compensate or wish to acquire some moveable properties or immovable properties and there is no specific law that captures that and it is an emergency and it has to be done that is when CEC for finance or the docket of Finance would see it fit to go and draw money from this Fund to address that particular problem or urgent matter that has arisen. It has been captured well in Section 110 Sub Section 2.

Therefore, Hon. Members even as we are here today it is important for me to take you through some of the recommendation, allow me also to congratulate all the Members of this Committee of delegated County legislation and the Committee on Budget Appropriation and Finance for having done their duty diligently and see to it that whatever transpired from this deliberation was for the Good course for this County Assembly.

The following consideration Madam Speaker were also made that the long title was to be amended by deleting expression 2015 appearing immediately after the expression regulations and substituting thereof with expression 2017. That is self-explanatory because we are now in 2017 there is no way it could have been passed with expression 2015.

If you go to the pre-humble of that regulation that a pre-humble be amended by deleting the expression 110 appearing immediately after the expression given by substituting thereof the expression section 111 which is basically giving the County Executive Committee Member for Finance the power to administer on this emergence fund.

Hon. Members, that the short title be amended by deleting expression 2015 appearing immediately after expression regulations and substituting thereof with expression 2017. That is also self-explanatory. We are moving to paragraph one.

THAT, paragraph 1 be amended by deleting the expression “2015” appearing immediately after the expressions “*Emergency Fund Regulations*” and substituting thereof with the expression “2017”.

### **Paragraph 2**

THAT, Paragraph 2 be amended –

- a) In paragraph 2 by defining the expression “unforeseen need” and “disaster”
- b) In Paragraph 2 a (iii) by deleting the expression “*ship*” appearing immediately after the expressions “*safety of a*” and substituting thereof with the expression “*motor vessel*”, meaning we are avoiding ambiguity.
- c) In Sub-paragraph 2 c by deleting the expressions “section 116” appearing immediately after the expression “*under*” and substituting thereof with the expressions “section 110”.
- d) In paragraph 2 c by deleting the expressions “Chief officer Security and Head of Disaster Management” appearing immediately after the expression “*means the*” and substituting thereof with the expressions “*County Executive Committee Member for Finance and Economic Planning*”.

### **Paragraph 3**

THAT, Paragraph 3, 4 and 5 be amended by merging them all together to read as paragraph 3.

### **Paragraph 4**

THAT, Paragraph 4(b) be amended by expounding it to keep it more clear, transparent and accountable.

### **Paragraph 5**

THAT, Paragraph 5 be amended by deleting the expressions “the event an unforeseen calamity, accident or natural disaster which would result either cause loss of life, harmful effects on human and environmental health as well as disruption of livelihoods” appearing immediately after the expression “to be made in” and substituting thereof with the expressions “in respect to the County when an urgent and unforeseen need for expenditure arises”.

### **Paragraph 6**

THAT, Paragraph 6 be amended by deleting the expression “*Chief Officer*” appearing immediately after the expression “*the*” and substituting thereof with the expressions “*the County Executive Committee Member for Finance and Economic Planning*”.

**Hon. Temporary Deputy Speaker:** There is a point of order

**Hon. Member for Githurai ward** (Mr. Jackson Ngare): Thank you Madam Speaker, if I remember well sometimes last year this assembly reprimanded the County Attorney for Nairobi City County and we categorically said the same has no business transacting for the county. Madam Speaker if you look at this document...

**Hon. Temporary Deputy Speaker:** Which Standing Order are you using Hon. Member?

**Hon. Jackson Ngare:** Its member's concern...

**Hon. Temporary Deputy Speaker:** Which one? You have to quote because it is like you are debating but you rose on a point of order.

**Hon. Jackson Ngare:** Madam Speaker it is about this document. I don't have to stand on a different order, am discussing the document on the floor.

**Hon. Temporary Deputy Speaker:** You will debate when the time of debate comes. Point of order cancelled.

**Hon. Jackson Ngare:** No it is illegal because we...

**Hon. Temporary Deputy Speaker:** Proceed.

**Hon. Pius Otieno:** Thank you Mr. Speaker, I was on paragraph 6, THAT, Paragraph 6 be amended by deleting the expression "*Chief Officer*" appearing immediately after the expression "*the*" and substituting thereof with the expressions "*the County Executive Committee Member for Finance and Economic Planning*".

#### **Paragraph 7**

THAT, Paragraph 7(2) be amended by deleting the expression "*Chief Officer*" appearing immediately after the expression "*the*" and substituting thereof with the expressions "*the County Executive Committee Member for Finance and Economic Planning*".

#### **Paragraph 8**

THAT, Paragraph 8 be amended by deleting the expressions "*section 10*" appearing immediately after the expressions "*accordance with*" and substituting thereof with the expression "*section 110*".

#### **Paragraph 9**

THAT, Paragraph 9 be amended by deleting the expression "*notify*" appearing immediately after the expressions "*administrator shall*" and substituting thereof with the expression "*seek approval of*".

**New paragraph 10**

THAT, new Paragraph 10 be added to read as follows, “Any unutilized balances in the Emergency Fund shall not lapse at the end of the financial year, but shall be retained for use for the purposes for which the Emergency Fund was established.”

**New paragraph 11**

THAT, new Paragraph 11 be added to read as ‘County Executive Committee Member for Finance and Economic Planning means the member of a County Executive Committee responsible for the Financial affairs of the County and for the County Treasury’.

I call upon the member of this committee Hon. Petronilla to come and second

**Hon. Petronilla Achieng** (Nominated Member): Thank you madam Speaker, I take this opportunity to second the motion and also inform the members that we saw it in our wisdom not to call the County Attorney who we believe has not been vetted but the legal office that exists was represented in Naivasha as well as this particular regulation is under the County Executive Member for Finance and Economic Planning and not under the County Attorney and I urge the members because since we came in, and I can say it was oversight, we didn’t have any law that was informing the disaster issues and anything else that was supposed to be done. Most members have been complaining that whenever they have disasters some were being accommodated heavily and some were given very little money. I think this is the regulation that is going to help this particular area and as I have said everybody has a document to read and I want to thank the chairman for Budget; he has opened his gadget that were given here in the assemble and he has been going through the whole Bill. I second the Motion.

*(Question proposed)*

**Hon. Jackson Ngare:** Madam Speaker under Standing Order 32 I observe there is no quorum in the house.

**Hon. Temporary Deputy Speaker:** OK Searjent-at-Arm can you confirm?

Searjent-at-Arm ring the bell for 10 minutes

*(Quorum bell rang for 10 minutes)*

Members, there is still no quorum and since this is a very important regulation we cannot continue discussing without a quorum. I adjourn the sitting of the Assembly until tomorrow 2.30 pm.

**House rose at 3.46 pm**

