



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Wednesday y 28th March, 2018

The House met at 2.30 p.m.

(Hon. Speaker (Ms. Beatrice Elachi) in the Chair)

PRAYERS

Hon. Speaker: Member, you must always respect the Mace.

STATEMENTS

Hon. Speaker: Hon. Karani in the House? Do we have a response for Hon. Francis Otieno from the Chairperson of Transport? Acting Chairperson? Hon. Ronaldo, I can see you from here.

Hon. Mark Mugambi: Pardon Madam Speaker. The response is for which Hon. Member?

Hon. Speaker: For Hon. Francis Otieno.

Hon. Mark Mugambi: Is the Member in the House? He seems not to be in the House and I also don't have the response.

Hon. Speaker: Hon. Member, last time you told me the same thing and I am following up. You cannot tell me that the Member is not in the House. It is my duty to tell whether the Member is in or not and not you. I have asked you to tell the House and not the Member.

Hon. Mark Mugambi: I am sorry Madam Speaker.

Hon. Speaker: I know the Member is not in the House so do you have the response?

Hon. Mark Mugambi: At the moment I do not have the response. However, in the morning we held discussions with the CEC.

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Hon. Speaker: Make sure you bring the response after recess.

Hon. Mark Mugambi: Thank you Madam Speaker.

Hon. Speaker: There was a statement for Hon. Jeremiah Themendu on the same. Hon. Mark, do you have any response for statements for your committee?

Hon. Mark MUGambi: I don't have at the moment. But just to mention, Hon. Themendu came to the committee and we responded to him and I believe that he was satisfied. I see him in the House and I believe that he can attest to that.

Hon. Speaker: Did you respond by answering to the statements?

Hon. Mark Mugambi: Yes. We answered him and I will get the report from our Clerk. Thank you. Madam Speaker, let us allow Hon. Mark Ndungu to respond to the statements. He has just arrived with them.

Hon. Speaker: Hon. Mark, are you responding as the Chair or?

Hon. Mark Ndungu: As the Chair.

Hon. Speaker: Did you guys do what we agreed on? This is not for you Hon. Mark.

Hon. Mark Ndungu: Okay.

Hon. Speaker: The moment a query comes to the floor of the House, you put us in a very awkward situation because as per the Standing Orders, you are supposed to finish with it and come before the House so that we finalize. But you put me in a situation where I have to ask Hon. Mark, the Chair and not Mark Ndungu whether they have finalized their document. Leader of Majority kindly help the House.

Hon. Abdi Hassan: Thank you Madam Speaker. The Standing Order number 185 states that the Liaison Committee should give the date and place of where the election should be held. The Chairperson of Liaison committee is here and he can speak on behalf of the Committee. Thank you.

Hon. John Kamangu: Madam Speaker, I think there is a lot of confusion and I beg to be given time to sort out this matter once and for all.

Hon. Speaker: Yes Leader of Minority.

Hon. Elias Okumu: Madam Speaker, I think that both the leaders are not sincere. This is because the moment nay person is discharged to a committee and reinstated, you cease to be Chairman until an election is conducted according to the Standing Orders. Thank you Madam Chair. Let him come campaign and I will give him my votes. He is just an ordinary Kenyan.

(Laughter)

Hon. Speaker: Order Hon. Minority Leader! Majority Leader, kindly assist us on that because---

Hon. Abdi Hassan: If you go by the Standing Order which has been quoted by my counterpart the Minority Leader then the Clerk should allocate the time and place where the election should take place Madam Speaker.

Hon. Speaker: Proceed Hon. Mark Ndungu Bahati.

Hon. Mark Ndungu: Thank you very much Madam Speaker. On 6th December 2017, Hon. Jeremiah Themendu rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c), and requested the Chairperson of the Sectoral Committee on---

Hon. Speaker: You have the response on that?

Hon. Mark Ndungu: Yah.

Hon. Speaker: What I will do Hon. Ogeto.... order! Hon. Mark, let me not, because you know I had overruled it at the beginning, let us keep it and answer that response tomorrow without all I have just gone through. Because I didn't know there was a response and I had overruled and passed it. I was giving you so that you guide us because I know you understand better the Committee and that is why I was giving you. But if you have the response it is okay, let us reply to Hon. Themendu tomorrow on the same.

Yes Hon. Ogeto.

Hon. Moses Ogeto: Madam Speaker I think you have given the directions on the same because it is very important for people to respect....even me I respect my Minority Leader here.

Hon. Speaker: Okay. There is a response for Hon. June Ndegwa, the Chairperson of Culture. If he is not there, then Hon. Akama Jared also has his response and it is also with the Chairperson of Culture. I want to just request the Chairmen that we have been waiting for many of these response, so if you have a response----

Yes Hon. Jagero.

Hon. Millicent Jagero: I have the responses from our Chair, Culture and Community Services, Hon. Mwangi Njihia. Response to June Ndegwa----

Hon. Speaker: Is Hon. June in the House? No she is not. Since she is not, we will hold that response. I want us to do all those responses tomorrow, we will finalize all and as I await those ones for tomorrow, I want to ask the following; the Chairperson of Planning and Housing to capture this, there was a statement that was being sought by Hon. Chege Mwaura; the stationing and managing of floodlights across the City and particularly the 30 metre high floodlight located at Fig Tree stage along Muran'ga-Ngara Roads. That statement was sought in 2017, it is still pending, if the answers are there and if the floodlights are working, can we get answers so that we remove it from the tracking system.

Public Accounts Committee, Hon. Patrick Karani had asked for the status of the 1st quarter of the Internal Audit review report of the County Executive, if that one was answered, can we kindly get to know and remove it from the pending list. Culture and Community Services, Hon. Wanyoike had requested for a statement on accounts of the City County Liquor Licensing and Betting Control Board, that statement is still pending, so the Chairperson (Hon. Njihia) you have arrived, and tomorrow we need to get the response. I am reading and I hope you have gotten what I have asked. In your Committee, I can see here but I am not giving you chance at the moment. I want you to hear what I want because you have just arrived. That the Hon. Peter Wanyoike had sought for a statement on Accounts of the Nairobi City Liquor Licensing and Betting Control Board. Now, do you have the response?

Hon. Abraham Njihia: Hon. Speaker, I am sorry I was held up somewhere but on the issue of Hon. Peter Wanyoike, he was here last week on Thursday and we responded to his statement accordingly.

Hon. Speaker: So that one we have finalized?

Hon. Abraham Njihia: Yes, it was answered. I don't know where he is because on the material day, he was in the House and he was okay with the response on the same.

Hon. Speaker: Okay Chairman, and the Finance Committee Chair, Mwangi Njihia MCA had requested for the bank accounts of the Nairobi City County? You responded that one. Hon. Joseph Ouma Ndonji had requested the Planning and Housing, ownership of land L.R No. 1870/11217 located in Westlands, it is still pending. Hon. Daniel Muturi, Committee on Transport regarding the deplorable state of some key County roads especially Marigiti Lane, it is still pending. Chair, I hope by tomorrow we can get a few answers.

Hon. Karani, that was for Planning and Housing Committee, ownership status of land L.R. No.6845/1/19/6845/1/20/6845/1/21/6845/121 in Utawala, is still pending. Then there is Hon. Nicholas Okumu, Committee of Transport, damaged part of the road adjacent to the Embakasi Soweto Bridge in Lower Savannah Ward, still pending. Hon. Francis Ngesa, statement on dilapidated state of street lighting in Dandora, is pending. We have Hon. John Kamangu, statement on lack of a sewer system in Ruai despite hosting the many sewers of the greater Nairobi, it is still pending, and that is Water and Sanitation Committee.

All that I am trying to say is that, can we try tomorrow, Chairpersons. You can pick the list from the table and look at your statements, let us try and see if we can finalize before we adjourn tomorrow for the Easter recess some of these statements. They have been there for a while and it is very wrong when an NGO starts auditing and asking questions when it is too early, so kindly let us have that done.

PROCEDURAL MOTION

THE APPOINTMENT OF TWO MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE

Hon. Speaker: Minority Leader.

Hon. Elias Otieno: Thank you Madam Speaker. I think last time I said there were some names which were not tabled by then; the appointment of the members to the Assembly Business Committee. Pursuant to the provision of Standing Order No. 163 (1), this Assembly approves the appointment of the following members to the Select Committee on Assembly Business;

1. Hon. David Mberia to replace Hon. Michael Ogada
2. Hon. Hosni Mohamed Alawi to replace Hon. Osman Khalif Abdi

Madam Speaker, I call upon the Majority Leader to second the Motion. And we should not take our time to discuss this thing; we pass it, and then go to other business.

Hon. Abdi Hassan: Madam Speaker I stand to second the Motion. Thank you.

(Question is proposed)

Hon. Elias Okumu: Thank you Madam Speaker and I also want to thank Members because we have a serious business today. I heard that Hon. Obuya is the one who is going to sit in there, to preside over this Bill. Therefore Madam Speaker, I want to thank Hon. Members, for supporting this Motion and they

should take a short time. The Husband to City Engineer is also laughing there. Thank you very Much Hon. Speaker.

(Question put and agreed to)

PROCEDURAL MOTION

Hon. Speaker: Majority Leader!

Hon. Abdi Hassan: Thank you Madam Speaker, that notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period of the Nairobi City County Supplementary Appropriation Bill, 2018 (Assembly Bill No. 1 of 2018) from 7 days to 1 day.

Madam Speaker, I ask my good friend and counterpart to second the Motion thank you.

Hon. Elias Okumu: Thank you Madam Speaker, since we want to be very first and also we want to build Nairobi as it is always running while others are walking. So, I rise to second the Motion and we don't want to take much time also because we want to go to another business.

(Question proposed)

Hon. Moses Ogeto: Thank you Madam Speaker, looking at the mood of the House, you can call the mover to reply, even if this Appropriation Bill it's not in good context.

Hon. Speaker: Mover!

Hon. Abdi Hassan: Thank you Madam Speaker, I want to thank the Members for supporting the Motion. I beg to move thank you.

(Question put and agreed to)

SUPPLEMENTARY APPROPRIATION BILL, 2018 (ASSEMBLY BILL NO. 1 OF 2018)

A Bill for An Act of the County Assembly of Nairobi City to authorize the issue of a sum of the money out of the County Revenue fund and its application towards the service of the year ending on the 30th June, 2018 and to appropriate that sum and a sum voted on account by the Nairobi City County Assembly for certain public services and purposes.

(First Reading)

SUPPLEMENTARY APPROPRIATION BILL, 2018 (ASSEMBLY BILL NO. 1 OF 2018)

(Second Reading)

Hon. Speaker: Chairperson!

Hon. Robert Mbatia: Thank you Madam Speaker, I beg to move that the Nairobi City County Supplementary Appropriation Bill, 2018 be now read a second time.

Madam Speaker, on Thursday 28th September, 2017 His Excellency the Governor addressed the Chamber and expounded on a number of policy proposals and legislative interventions that he would like his Government to pursue over five years. To achieve this, the need for finances and effective financial frameworks cannot be over emphasized.

For the benefit of the Members, the County Budget process commences on the 30th August each year with the submission of budget circular to accounting officers of various sectors to guide them on how to prepare budget, undertake monitoring and evaluation of budgetary variables as well as report on the usage of approved lines of expenditures.

Madam Speaker, once each year the County Assembly is also required to consider and approve; the Annual Development Plans which lay the ground for the preparation of the budget estimates for the coming financial year. The core of the budget process however commences on February 28th when the County Executive Committee submit to the House the County Fiscal Strategy Paper.

The paper communicates the broad strategic priorities of the County Government while also setting the budget ceilings for various departments and sections. The approval of this paper informs the contents of the budget estimate tabled in this Chamber not later than 30th April of each fiscal year.

Madam Speaker, the culmination of the consideration of the Budget Estimate is the submission of an Appropriation Bill which provides a Legal basis for withdrawals of Funds out of the County Revenue Fund. The Appropriation Bill provides schedules of total allocations for votes and programmes for the financial year under consideration.

The Supplementary Budget Estimates for the financial year 2017/2018: On Thursday Madam Speaker, of 1st March 2018 the County Treasury submitted to the County Assembly the revised Supplementary estimates, which purposed to align the approved annual estimate of the financial year 2017/2018, to the Governor's manifesto and the Jubilee agenda for the Nairobi City County.

The estimates were considered by the Sectoral Committees which submitted their reports to the Budget Committee. The end product of the process was the report of the Budget Committee which this plenary approved yesterday. With the approval, the County Assembly allowed the County Executive to spend resources for achieving year marked activities like disbursement of bursaries, improvement of roads

infrastructure, implementation of ward based water projects, refurbishment of social hall across the City as well as continued of implementation of Ward Development Fund.

INTRODUCTION OF THE SUPPLEMENTARY APPROPRIATIONS BILL 2018

Hon. Robert Mbatia: Madam Speaker, to ensure that the approved figures are properly anchored in law, this Supplementary Appropriation Bill has been submitted to give legal basis for utilization of the funds. Through this approval the County Government would have authority to spend a total of Ksh.33.65billion with Kshs.25.28 billion being for recurrent and Ksh.8.3billion being for development expenditure. Also considering the Ksh.7.6billion that has been treated as grants through the Metropolitan Development Strategy. Madam Speaker, the Budget Committee have scrutinized the submitted Bill and confirmed that it is consistent with the figures in the Supplementary Estimates report.

The recommendations have been recommended as resolved by this Assembly. Madam Speaker, I wish to urge the Members to support this Bill and give the County the go ahead to utilize the funds for the completion of development funds and projects and other lines of expenditure outlined herein before the end of the current financial year. Madam Speaker, I beg to ask my Deputy, Hon. Karani to second me. Thank you, Madam Speaker.

Hon. Patrick Karani: Madam Speaker, I beg to second.

Hon. Speaker: I propose the question that the Nairobi City County Supplementary Appropriation Bill 2018 – Assembly Bill number 1 of 2018.

(Question of the second reading of Nairobi City County Supplementary Appropriation Bill 2018 – Assembly Bill number 1 of 2018 is proposed)

Hon. Speaker: Mover.

Hon. Robert Mbatia: Madam Speaker, I want to thank the Members of the Assembly. Since yesterday the mood in the House is very clear that they want to hit the ground running. Madam Speaker, as I said yesterday I wish to reiterate to the Executive they should see the mood of this House and extend the same to us in matters coordination. So, Madam Speaker, I beg to Move. Thank you.

Hon. Speaker: Hon. Members, I will put the Question.

(Question of the Nairobi County Supplementary Appropriation Bill 2018 – Assembly Bill number 1 of 2018 be read the second time is put and agreed to)

Order 11

Bill for Act of the County Assembly of Nairobi City to authorize the issue of a sum of money out of County Revenue Funds and its application towards the service of the year ending on 30th June 2018 and to appropriate that sum and a sum voted on account by the Nairobi City County Assembly for assorted public services and purposes – *second reading*

COMMITTEE OF THE WHOLE ASSEMBLY

(Hon. Kenneth Obuya in the Chair)

Hon. Kennedy Obuya: Order Members. Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Supplementary Appropriation Bill 2018 – Assembly Bill Number 1 of 2018 and we start with the Bill from Clause 2.

Clause 2

Hon. Kennedy Obuya: Hon. Members, I propose that Clause 2 be part of the Bill.

(Question proposed that Clause 2 be part of the Bill)

Hon. Kennedy Obuya: Hon. Members, it is now the opportunity for the Members of the Whole House to debate. Hon. Members, I put the question.

(Question put and agreed to)

Schedule

Hon. Kennedy Obuya: Hon. Members, I propose that the Schedule be part of the Bill. Hon. Members I put the question that the schedule be part of the Bill.

(Question is proposed)

(Question that the schedule be part of the bill proposed)

(Question that schedule be part of the bill put and agreed to)

TITLE

(Question that the title be part of the bill proposed)



(Question put and agreed to)

CLAUSE 1

(Question that clause 1 be part of the bill proposed)

Hon. Chair: Order, Hon. Member for Dandora!

(Question put and agreed to)

Hon. Robert Mbatia: Mr. Chair, I beg to move that the committee do report to the Assembly in its consideration of the Nairobi City County supplementary appropriation bill, 2018, Assembly bill no. 1 of 2018 and its approval thereof without amendments. Thank you.

(Question put and agreed to)

(Hon. Kennedy Obuya leaves the Chair)

(Hon. Speaker enters and takes over the Chair)

Hon. Speaker: Chair!

Hon. Kennedy Obuya: Thank you Hon. Speaker. I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Supplementary Appropriation Bill, 2018, Assembly Bill no. 1 of 2018, and approved the same without amendments. Thank you Madam Speaker.

Hon. Speaker: Mover. Chair.

Hon. Robert Mbatia: Thank you Madam. I want to once again appreciate every Member. Since when this Supplementary Estimates were tabled on the floor of the Assembly on the first of March, the Members have been supportive. I want to also thank my secretariat which has been very supportive, Labor and the Fiscal Analyst. I also want to thank your office which has been very supportive and the leadership of the Assembly and most notably the Budget and Appropriation Committee Members. I don't think I need to say much to say to this. I beg to reply. Thank you.

(Question proposed)

(Question put and agreed to)

THIRD READING

Hon. Speaker: Mover. You need to move for the 3rd reading.

Hon. Robert Mbatia: Thank you Madam Speaker. I beg to move that the Nairobi City County Supplementary Appropriation Bill 2018, Assembly bill no. 1 of 2018 be now read a 3rd time. Thank you.

(Question proposed)

(Question put and agreed to)

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICE OF THE YEAR ENDING 30TH JUNE 2018 AND TO APPROPRIATE THAT SUM AND A SUM VOTED ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES

(THIRD READING)

ADJOURNMENT

Hon. Speaker: Hon. Members, we stand to adjourn. The House stands adjourned to the 29th of March 2018 at 2:30PM.

(House rose at 3.35 p.m.)