



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 28th June, 2018

The House met at 2.30 p.m.

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

PRAYERS

(Point of Order)

Hon. Speaker: Hon. Gari, let us first do the sequence.

Hon. Maurice Gari: Madam Speaker, I am concerned about Order No. 2, we were supposed to be given communication. It has passed and the Clerk has gone to Order No.3 yet you said you will give ruling on Tuesday but today is on Thursday. So, I need to be informed if it is ready or not.

Hon. Speaker: Hon. Gari, you remember I requested that we first finalize with the budget and we are finalizing today. We have to go to Appropriations Bill and therefore, today I am going to defer most of the businesses so as to finalize the budget. I am requesting you to give me up to next week.

PAPER

Hon. Speaker: Since I can't see the Chair for Education, proceed Clerk.

(Hon. Oyugi spoke off the record)

Hon. Speaker: Okay, Hon. Kennedy, why can't you lay the Paper on the Table?

The following Paper was laid on the Table:

Report of the Sectoral Committee on Children, Childhood Education and Vocational Training on the site inspection visit to Juja Road Primary School, Pangani Primary School, Dr. Aggrey Primary School,

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Muslim Primary School, Cerebral Palsy Unit in Pangani Ward, St. Elizabeth Primary School and Star of Hope Primary School in Viwandani Ward on 20th February, 2018.

(By Hon. Kennedy Oyugi)

(Point of Order)

Hon. Speaker: Which one are you using, Minority Whip? And how comes since that time you haven't gotten your card, whose are you using?

(Hon. Imwatok spoke off the record)

Hon. Speaker: It is reading Geoffrey Ng'ang'a Mbutia.

Hon. Peter Imwatok: Let me use this if it is not applicable.

Hon. Speaker: Okay, proceed with your Point of Order.

Hon. Peter Imwatok: Thank you, Madam Speaker. With your permission, I request we rise for one minute in honour of those people who have lost their lives in fire tragedy in Gikomba. It is a matter of concern and as leaders of Nairobi, it is good we honour our electorates; some are our sisters and brothers.

Hon. Speaker: Let us rise for one minute and Majority Leader, you will give condolences.

(Hon. Members rose in silence for one minute)

Thank you, Hon. Members, on behalf of the County Assembly of Nairobi we wish to tell all the bereaved families that we will stand with them as the County Government. Thank you.

NOTICE OF MOTION

Hon. Speaker: Chair for Education, you are supposed to put your Notice of Motion.

ADOPTION OF THE REPORT ON THE SITE INSPECTION VISIT TO VARIOUS SCHOOLS IN PANGANI AND VIWANDANI WARDS

Hon. Kennedy Oyugi: Madam Speaker, I beg to give notice of the following Motion; THAT this Assembly adopts the report of the Sectoral Committee on Children, Childhood Education and Vocational Training on the site inspection visit to Juja Road Primary School, Pangani Primary School, Dr. Aggrey Primary School, Muslim Primary School, Cerebral Palsy Unit in Pangani Ward, St. Elizabeth Primary School and Star of Hope Primary School in Viwandani Ward on 20th February, 2018, laid on the table of the Assembly, today Thursday 28th June, 2018. Thank you.

Hon. Speaker: Thank you, Chair.

STATEMENTS

Hon. Speaker: Yes, Majority Leader.

Hon. Abdi Hassan: Thank you, Madam Speaker. With your indulgence, I am standing on Standing Order No. 41 (2) that we defer the Statements and go to Order No. 8. Thank you.

Hon. Speaker: Thank you, Majority Leader, I agree. We will defer the Statements to next week Wednesday, 4th July, 2018.

(Statements deferred)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

Hon. Abdi Hassan: Thank you, Madam Speaker. THAT, notwithstanding the provisions of Standing Order No. 127, this Assembly resolves to reduce the publication period of the Nairobi City County Supplementary Appropriations Bill, 2018 (Bill No. 4 of 2018) from seven (7) days to one (1) day.

I ask my good friend, the Deputy Minority Whip to second the Motion.

Hon. Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Madam Speaker. I second the Motion.

(Question proposed)

Hon. Speaker: Hon. Imwatok.

Hon. Peter Imwatok: Madam Speaker, looking at the mood of the House, you can call the mover to reply.

Hon. Speaker: Mover.

Hon. Abdi Hassan: Thank you, Madam Speaker. Let me take this opportunity to thank Members for supporting the Procedural Motion. I would also like to thank Minority Whip who is able whip for reading the mood of the House and asking the Speaker to ask the mover to reply. Thank you, Madam Speaker.

(Question put and agreed to)

BILL

First reading

SUPPLEMENTARY APPROPRIATIONS BILL 2018 (BILL NO. 4 OF 2018)

(A Bill For An Act Of The City County Assembly 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 On The 30th June 2018 And Appropriate That Sum And A Sum Voted On Account By The Nairobi City County Assembly For Certain Public Services And Purposes)

Second reading

SUPPLEMENTARY APPROPRIATIONS BILL 2018 (BILL NO. 4 OF 2018)

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Hon. Speaker: Chair.

Hon. Robert Mbatia: Thank you, Madam Speaker. I rise to propose that the Nairobi City County Supplementary Appropriation Bill 2018 (Assembly Bill No. 4 of 2018) be read a second time. I request my Minority Whip to second. Thank you.

Hon. Peter Imwatok: Madam Speaker, I arise to second the Bill. Thank you.

(Question proposed)

Hon. Abdi Hassan: Madam Speaker, I am standing under Standing Order No. 100. Judging by the mood of the House, I kindly request you ask the mover to reply.

Hon. Speaker: Mover.

Hon. Robert Mbatia: Thank you, Madam Speaker. I want to thank the House for a wonderful mood to move fast and to allow the Executive to be able to undertake their objective. Thank you, Madam Speaker.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE ASSEMBLY

(Hon. Speaker left the Chair)

IN THE COMMITTEE

(Hon. Evans Otiso took the Chair)

SUPPLEMENTARY APPROPRIATIONS BILL 2018 (BILL NO. 4 OF 2018)

Hon. Chairman: Order, Hon. Members. We are now in the Committee of the Whole Assembly to consider the Nairobi City County Supplementary Appropriation Bill 2018 (Assembly bill no. 4 of 2018) and we start we clause 2.

Clause 2

Hon. Chairman: Mover.

Hon. Robert Mbatia: Mr. Chair, I move that Clause 2 be part of the Bill.

(Question proposed)

(Question put and agreed to)

First Schedule

Hon. Chairman: Mover.

Hon. Robert Mbatia: Mr. Chair, I move you that the First Schedule be part of the Bill.

(Question proposed)

(Question put and agreed to)

Title

Hon. Chairman: Mover

Hon. Robert Mbatia: Mr. Chair, I move that the Title be part of the Bill.

(Question proposed)

(Question put and agreed to)

Clause 1

Hon. Chairman: Mover.

Hon. Robert Mbatia: Mr. Chair, I move that Clause 1 be part of the Bill.

(Question proposed)

(Question put and agreed to)

Hon. Chairman: Mover.

Hon. Robert Mbatia: Mr. Chair, I propose to move that the committee do report to the Assembly its consideration of the Nairobi City Supplementary Appropriation Bill 2018 and its approval thereof without amendments.

(Question put and agreed to)

(The House resumed)

(Hon. Speaker in the Chair)

REPORT AND THIRD READING

SUPPLEMENTARY APPROPRIATIONS BILL 2018 (BILL NO. 4 OF 2018)

Hon. Evans Otiso: Thank you, Madam Speaker, I beg to report that the Committee of the Whole House has considered the Nairobi City County Supplementary Appropriation Bill 2018 and approved the same without amendment.

Hon. Speaker: Chair.

Hon. Robert Mbatia: Madam Speaker, I beg to move that the Assembly do agree with the Committee in the said Report.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Mover.

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

(Question proposed)

Hon. Moses Ogeto: Thank you, Madam Speaker, it is very fortunate that we have a very serious and able Chair for Budget and Appropriation Committee. I have gone through the document and I am looking at the way the Chair captured the Ward Development which had a bill of Kshs.980 million.

Hon. Speaker, the Committee of Budget and Appropriation has very competent Members and looking at the whole Bill, it's very categorical. But let us ensure that whatever happens in this Bill should be implemented as per the approval of this Assembly. I am seeing even the Planning Department has been given a very serious allocation.

Today, Hon. Speaker we stood here for a minute of silence to condole with the families of Gikomba. This budget if it is implemented as we have passed---

(Loud consultations)

Hon. Abdi Hassan: I think my good friend here and my little brother is debating on estimates while we are on a Supplementary. It is on just matters pertaining Ward Development Fund, nothing else is in the supplementary. We have not reached the estimates, so you are anticipating the debate.

Hon. Moses Ogeto: Hon. Speaker, it is okay he has stood up but you see we are on third reading and on the reading, we have the last opportunity to speak about this Appropriation Bill No.2 which we have before this House. I believe as much as he wants to inform me, I have gone through the first reading, second reading and now we are on the Supplementary. I think I am in order to comment on what I have or else because I am seeing the printer messed up, I don't know if he has the same copy. Let the Majority Leader not fear that we are going to make this budget fail. We are going nowhere so as to ensure that the budget does not fail because Nairobians wants services.

Hon. Speaker, I was saying that if the same budget which we have passed on the second reading be implemented as per it, such things which are happening like in Gikomba will not happen. It is because the money which we allocate is used for an account and changed to be used on something else. If we go by the vote as the way we have approved in the Assembly, then we will be able to avoid these calamities. Therefore, Hon. Speaker, I beg to support. Thank you.

Hon. Peter Imwatok: Hon. Speaker, I was just joking with Majority Leader and I was assuring him without contradiction that we are going to give Nairobians a budget. Don't worry about my numbers on this side, we are enough (*Laughter*) because I know if I decide otherwise, you have no numbers on your side despite being the majority side.

(Laughter)

Hon. Speaker: Order!

Hon. Peter Imwatok: Rest assured Majority that all is well because the Chair of Budget and Appropriation Committee is my neighbour in Makadara, a great man and friend, and also my Chairman of Budget and Appropriation Committee. Therefore, Majority Leader rest assured Nairobi has a budget and they will pass all the Bills.

Hon. Speaker, having said that, it is imperative that Nairobi be given chance to make a head start, I am aware the Executive in particular His Excellency the Governor as said in many occasions that let us judge him from first of July, exactly almost a year after his election. We are very eager to see. Madam Speaker, even one day you were in the media and said let us judge the Governor after this current budget.

I must appreciate the Budget and Appropriation Committee lead by Chairman Mbatia and Vice Chair for being so meticulous on this Budget and all these Bills. I believe the Members of this County Assembly are looking wholesomely the entire Nairobi and the challenges facing Nairobi and I believe on the passage of this Bill, now real oversight will take place. I beg to ask my side however much you are in the House, to make this Bill pass. I still insist the Bill must pass. Thank you, Madam Speaker.

(Applause)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

PROCEDURAL MOTION

Hon. Abdi Hassan: Thank you, Madam Speaker I can see the good tidings of handshake are bringing a lot of good things. When you see Minority Whip standing without a lot of jabs to my Governor, I think handshake between Hon. Raila and President Uhuru is working.

THAT notwithstanding the provision of Standing Order No.127, this Assembly resolves to reduce the publication period of Nairobi City County Appropriation Bill 2018, Bill No. 5 of 2018 from 7 days to 1 day. I will ask Hon. Ogeto who is the Deputy Minority Whip to second the Motion, thank you.

Hon. Moses Ogeto: Thank you, Madam Speaker. Today must be a very good day for the Majority Leader. I stand to second the Bill and tell the Leader of Majority to sit and relax. The handshake is working, thank you.

(Question put and agreed to)

BILL

First Reading

APPROPRIATIONS BILL 2018, (BILL NO. 5 OF 2018)

(A Bill for an Act of Nairobi City County Assembly to authorize the issue of sum of money out of the County Revenue Fund and its application towards the services of year ending 30th June 2019 and appropriate that sum and sum voted on account by Nairobi City County Assembly for certain public services and purposes)

Second Reading

APPROPRIATIONS BILL 2018, (BILL NO. 5 OF 2018)

Hon. Robert Mbatia: Thank you, Madam Speaker, I rise to propose that the Nairobi City County Appropriations Bill 2018, Assembly Bill No. 5 of 2018 be read a Second Time

Madam Speaker I request the Hon Minority Whip to second.

Hon. Peter Imwatok: Madam Speaker, I rise to second my Chairman on the same.

(Question proposed)

Hon. Robert Mbatia: Thank you, Madam Speaker, I want to thank the entire Assembly for the speed that we are moving with. I also want to thank the Members of minority side for supporting this. This shows the spirit that this Assembly has and the people from Nairobi should read much from this. Thank you as I reply.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE ASSEMBLY

[Madam Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman (Hon. Evans Otiso) took the Chair]

APPROPRIATIONS BILL 2018, (BILL NO. 5 OF 2018)

Hon. Chairman: Hon Members, we are now in the Committee of the Whole Assembly to consider the County Appropriations Bill, 2018 Assembly Bill No. 5 of 2018 and we start the Bill from Clause 2.

Clause 2

Hon. Robert Mbatia: I move that Clause 2 be amended as follows:

By deleting the figure Ksh.32,310,240,815 and replacing thereof with the figure Ksh.32,220,404,815. Mr. Chairman I want to bring the Members to speed on this. The reason why this has been brought up is because there are some adjustments that we have made in

the final figure but I will bring members to knowledge of this when I move the other amendments. Thank you, Mr. Chair.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

(Clause 2 as amended agreed to)

Schedule

Hon. Robert Mbatia: Mr. Chair, I move that the Schedule be part of the Bill as amended.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

New Clause 2 (a)

Hon. Robert Mbatia: I move that the New Clause 2 (a) be part of the Bill

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

Hon. Chairman: Mover, for the Second reading.

Hon. Robert Mbatia: Thank you Mr. Chair. I move that the New Clause 2 (a) be read a second time.

(Question that New Clause 2 (a) be read a second time proposed)

(Question that New Clause 2 (a) be read a second time put and agreed to)

(Question that New Clause 2 (a) be part of the Bill put and agreed to)

Title

Hon. Robert Mbatia: Mr. Chair, I propose that the title be part of the Bill.

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

(Question that the title be part of the Bill put and agreed to)

Clause 1

Hon. Robert Mbatia: Mr. Chair, I move that Clause 1 be amended as proposed. Thank you.

(Question that Clause 1 be part of the Bill proposed)

(Question that Clause 1 as amended be part of the Bill proposed)

(Question that Clause 1 as amended be part of the Bill put and agreed to)

Hon. Robert Mbatia: Thank you, Mr. Chair. I beg to move that the Committee do report to the Assembly its considerations of the Nairobi City County Appropriations Bill, 2018 and its approval thereof with amendments.

((Question put and agreed to)

(The House resumed)

(Hon. Speaker in the Chair)

REPORT AND THIRD READING

APPROPRIATIONS BILL 2018, (BILL NO. 5 OF 2018)

Hon. Chairman: Thank you, Madam Speaker. I beg to report that the Committee of the Whole House has considered the Nairobi City County Appropriations Bill, 2018 and approved the same with amendments. Thank you.

Hon. Robert Mbatia: Madam Speaker, I beg to move that the Assembly do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

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

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Hon Speaker: Hon. Millicent?

Hon. Millicent Mugadi: Yes, Madam Speaker.

Hon Speaker: I can see you are---

Hon. Millicent Mugadi: I think it is the machine that has a problem, sorry.

Hon Speaker: But I hope you are fine.

Hon. Moses Ogeto: Thank you, Madam Speaker. I also want to congratulate the Chairman, Mr. Good for ensuring that he has met the deadline which is required by the law. Going through item by item in this budget, I am very happy with it. But there is only one item which is for liquor licensing, there is this Board which has been allocated very good money, Ksh.204 million. This Board is the one which frustrates my residents by every day approving liquor licenses. In the budget they have been given a good sum which they

will ensure that they must do a feasibility study and recommend so that we avoid the litigations which arise from the courts.

Madam Speaker I am also seeing Ksh.90 million which has been allocated to the Office of the Governor for general administrative services, security and safety. It is a good motive so that the security and safety-- it is good that now the Governor has come from his home to Nairobi so that he can start working very well since he had been given a very huge budget for his security and safety.

Madam Speaker, looking at the last bit about Ward Development Fund, it has been allocated good amount of Ksh.1.2 billion. This one will make the Hon. Members of this House to ensure that their priorities in their Wards have been captured. The Ward Development Fund is the most prioritized project which the Members of this Assembly will ensure that it has been done.

Madam Speaker, I have also seen in Building and Compliance, they have been allocated almost Ksh.320 million. Let this House approve this budget as it is. We want compliance, there is no way we will be approving such budgets and then the members of the Executive will sit down and say that we don't have a budget. It has been always that the last budget was for Kidero but now we will start with a new dispensation with a new budget. Now they will not be saying that it was for the former regime, so that there is no blame game. There is nowhere that the name of the former Govern Kidero will be appearing that it was his budget. Madam Speaker, I support. Thank you.

Hon. Speaker: Hon. Minority Whip

Hon. Peter Imwatok: Madam Speaker. Thank you. I like it when my small brother wakes my mind. Worry no more Majority Leader, we are going to pass this and to my able Chair of the Budget and Appropriations Committee and the most celebrated Member of the Committee who was once he Director of Budget *Mheshimiwa* Karaja, thank you. As a Member of the Committee despite the fact that I have a very busy schedule and a member of the opposition, I must admit that when the first budget that appeared before this Assembly was more than Ksh. 34billion. Currently through your wisdom and the entire membership of the Budget Committee we worked and burnt the midnight oil to make sure that we get a budget that is practical, realistic and competent enough in line with the aspirations of the people of Nairobi. Just as my brother has said, I know as opposition we have our role well cut out and I am sure that with this budget our County will work well. In particular Mr. Chair I am sure you are cognizant to the issues surrounding the Ooffice of the Governor like security. We have a budget of Ksh. 90 million to cater for that and we are giving him latitude to hire FBI so that he is present in the County to deliver services to Nairobians at his discretion.

I am very happy when the issue of Ward Development Fund is shared equitably. I am aware that all the 85 Wards are well taken care of by the Chair to make sure that each Ward has something irrespective of their political alignment. Madam Speaker, for this County to move forward and I am pleased that the Majority is here to send our humble requests to the Executive. We have no issue passing this budget but remember that we will question how this budget will be appropriated for the benefit of Nairobian's. Let it not be that we pass this budget and or takes the day. The budget on legal affairs is huge and as we have seen in other counties, it has been a bone of contention. We however have decided to give the Executive that amount for the sake of Nairobians with the conjunction 'but'. The Holy Bible says that we should remember that in everything we do, it will be accounted for. We therefore tell the Executive to enjoy the budget but they should

remember that we will put them to account. As we support this Bill, let them know that we will take them to account. Viva Viva Nairobi. Thank you.

Hon. Abdi Hassan: Thank you madam Speaker. Let me first take this opportunity to congratulate the Budget and Appropriations Committee because this is a friendly budget to the people of Nairobi. For the first time the Ksh. 50 that has been levied to the common *mama mboga* has been scrapped and all spectrums of this County have been covered. I would also wish to tell my good friend the Minority Whip that the Governor is working and as you go across the Country then you will feel his work. More than 30 projects which our good friends left in tatters are almost due completion. Yesterday, the Governor was with H.E the President dispatching Cuban doctors to the 47 counties. Therefore the Governor is working and he is secure. I want to assure our good friends whom we are now working together thanks to the great handshake that this budget will be implemented fully. It is not going to be a paper budget as we are used to. I also want to inform my good friends that we are coming up with a Bill to allow the Executive use 50% of the local revenue at source. If this was in place then the people of Gikomba would have been helped. We do not have any monies for emergency because you cannot spend at source.

Hon. Moses Ogeto: Point of information

Hon. Abdi Hassan: I don't want to be informed by my good friend. Madam Speaker, this County is grounding to a halt because even if you want to buy a pen then you have to requisition to the COB and getting an approval can take more than two to three months. You can attest to that Mr. Speaker. We need this County to move forward and operate and with those few remarks, I beg to support.

(Question put and agreed to)

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL 2018; ASSEMBLY BILL NUMBER 5 OF 2018. A BILL FOR AN ACT OF NAIROBI CITY COUNTY ASSEMBLY TPO AUTHORISE 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, 2019 AND APPROPRIATE THAT SUM BY A VOTE OF THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES.

Third reading

Hon. Speaker: Hon. Members, we now stand to adjourn. The House adjourns to next week Tuesday July, 2018 2:30PM.

(The House rose at 4:00 p.m.)