



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 30th June 2020 (Afternoon Session)

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr John Kamangu) in the Chair]

PRAYERS

Hon. Deputy Speaker: Clerk, proceed, I think we have the quorum.

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Hon. Members, I have two communications to make.

SECONDMENT OF STAFF FROM THE COUNTY GOVERNMENT TO THE NATIONAL GOVERNMENT

Hon. Deputy Speaker: Hon. Members, I have the following communications to convey;
Hon Members, my attention has been drawn to a ruling delivered on 25th June 2020 by Hon Lady Justice Hellen Wasilwa in the Employment and Labor Relations Court, Petition No. 65 of 2020 [*Okiya Omtatah Okiiti Vs Nairobi Metropolitan Service & 3 Others; Mohamed Abdala Badi & 9 Others (Interested Parties)*].

In the said ruling, the Hon Judge partly found that the County Assembly did not approve the secondment of the County Government Staff to the National Government.

Hon. Members, you will recall that during our Special Sitting held on 2nd April 2020, this County Assembly adopted a Motion moved by the Leader of the Majority Party, the Hon Charles Thuo, MCA, whose effect was approval/concurrence with the secondment of County Government staff to the National Government. The said Motion read in part as follows and I quote:

“Cognizant of the fact, that, the affected County Staff have already been handed over to the Nairobi Metropolitan Services which is the implementing entity of the transferred functions, this Assembly consents with the secondment of County Staff to the National Government and further agrees with the codification,

realignment and ranking of the seconded staff by the Nairobi Metropolitan Services and the Public Service Commission”.

With the foregoing, Hon. Members, I wish to advise all parties interested in this matter on the aforementioned actions already taken by the County Assembly. I also wish to reiterate the County Assembly’s support of the Nairobi Metropolitan Services initiative and re-assure His Excellency the President, Uhuru Kenyatta, that the County Assembly shall pass all the legislations required to ensure the success of the NMS.

In that regard, Hon. Members, I now direct that the Office of the Clerk forwards the said Motion together with the Hansard Report and the Votes and Proceedings of the said sitting to all concerned parties. It so guided. I thank you Hon Members.

Hon. Members, please be seated and observe silence.

DISBANDMENT OF THE SPEAKER’S PANEL

Hon. Members, I have another communication to convey;

Standing Order No. 17 provides for the establishment of Chairperson’s Panel. It comprises of four members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested on the Chairperson of Committees.

Hon. Members, the House expects members of the panel to execute their duties impartially and must be of highest moral grounds. However, events of the recent days have raised credibility issues against some of the members of the panel, which the Speaker cannot condone.

(Applause)

In that regard, Hon. Members, while Standing Order No. 18 provides for the procedure for discharging a member from the panel, in the current circumstances, I hereby disband the entire panel with immediate effect in order to safeguard integrity of the House.

Consequently, I further direct the House leadership to consult with my office and nominate new members to the panel pursuant to Standing Order No. 17.

(Applause)

It is so directed. Thank you, and proceed.

(Loud consultations)

PAPERS

Hon. Chege Mwaura: Thank you, Hon Members. Mr. Speaker, I rise pursuant to Standing Order No. 191 (6) to lay the following paper---

(Loud consultations)

Hon. Deputy Speaker: Members, please observe silence in the House! We want to hear from the Chair of Budget and Appropriations Committee.

Hon. Chege Mwaura: I beg to lay the following papers on the floor of this Assembly today, Tuesday 30th June 2020:

The report of the Select Committee on Budget, Finance and Appropriations of the Nairobi City County Executive and the County Assembly Budget Estimates for the financial year 2020-2021.

I hereby lay, Mr. Speaker.

(The Paper was laid on the Table of the Assembly)

Hon. Chege Mwaura: Thanks again, Mr. Speaker. Pursuant to Standing Order No. 227, I beg to lay the following paper on the floor of this Assembly today, Tuesday 30th June 2020:

The report of the Nairobi City County Vote on Account Schedule.

I beg to lay, Mr. Speaker.

(The Paper was laid on the Table of the Assembly)

NOTICE OF MOTION

ADOPTS THE REPORT ON BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2020-2021

Hon. Chege Mwaura: Thank you, Mr. Speaker. I beg to give notice of the following motion:

That, pursuant to Standing Order 227 (a), this Assembly adopts the report of the Select Committee on County Finance, Budget, and Appropriations of the Nairobi City County Executive and the County Assembly Service Board budget estimates for the financial year 2020-2021, laid on the table of this Assembly today, Tuesday 30th June 2020. I beg to lay, Mr. Speaker.

VOTE ON ACCOUNT

Thanks again, Mr. Speaker. I beg to give notice of the following motion:

THAT, pursuant to the provisions of Section 134 of the Public Finance Management Act, 2012, and Standing Order No. 227, the withdrawal from the County Revenue Fund the sum of Kshs.12,501,822,598/= made up in the manner set out in the Vote of Account Schedule, laid before the County Assembly today, Tuesday 30th June 2020, be authorized for the purpose of meeting expenditure necessary to carry out the services of the Nairobi City County Government during the financial year ending 30th June 2021 until such a time that the Appropriations Act for the financial year 2020-2021 comes into operation. Thank you.

Hon. Deputy Speaker: Thank you, Chair of Budget. Clerk, proceed.

MOTION**ADOPTION OF THE REPORT ON THE CONSIDERATIONS OF THE REVENUE AND EXPENDITURE ESTIMATES FOR THE COUNTY GOVERNMENT**

Hon. Chege Mwaure: Thank you, Mr. Speaker. I beg to move the motion:

THAT, this Assembly adopts the 26th Report of The Select Committee on County Finance, Budget and Appropriations on the considerations of the revenue and expenditure and estimates for the County Government and the County Assembly for the year 2020-2021, laid on the table of this Assembly on 30th June 2020.

Mr. Speaker, the considerations that have been undertaken in this backdrop fall under extra ordinary circumstances, both within and outside the County Assembly borders. The deliberations mark the third time that this Second Assembly has had the opportunity to consider and make determinations for the County Revenue and Expenditure Estimates prepared pursuant to the provisions of Section 131 (1) of the Public Finance Management Act 2012, the PFM Act for County Governments Regulations, 2015, and the Standing Order 222(2). Global review of the Devolution progress indicates that it is the eighth time that the County Assembly shall be called upon to take a position on resources meant to shape the county's development compass including that they shall have granted approval of expenditure of amount settling to 200 billion since the onset of devolution.

Mr. Speaker, allow me to shorten so that I don't bore members with the figures that have been captured here. Let me go straight to recommendations. That, the remainder of this report should be construed as amendment of the submitted budget for the financial year 2019-2020 with an aim of ensuring that it is aligned with the County Fiscal Strategy Paper (CFSP) and other planning documents while taking into account the recommendations of the County Executive Committee Member of Finance and the sectoral committee.

Mr. Speaker, the Committee noted various critical issues during the consideration of the estimates which it would like to address in addition to the proposals contained in other parts of this report. The report proposes the following among other things:

1. That, the budget for the County Government be adjusted to ensure that the budget for the County Assembly is accommodated at Kshs.1.409 billion for the recurrent and Kshs.600.7 million for the development activities.
2. Nairobi City County Persons Living with Disabilities Act 2015, the budget of the County Government be adjusted to provide amount not less than one per cent of the total budget for the programmes and activities for Persons Living with Disabilities;
3. That, the County Government budget be adjusted to provide resources for rehabilitation of street children and street families;
4. That, the County Government holds a consultative framework meeting with the KRA to develop a joint framework for enhancement of revenue collection and the same be captured in the Finance Bill 2020-2021;

5. That, in line with the provisions of Section 148 of the PFM the County Treasury assigns full accounting functions to respective sector Chief Officers;
6. To provide resources for development allocation of operations and maintenance across all sectors excluding the County Assembly be reduced by 20%; and
7. That, the above changes be captured in the Appropriations Bill 2020, be submitted to the County Assembly.

Mr. Speaker, we are hoping that these recommendations will be fully implemented.

In conclusion, pursuant to the provisions of Section 131 of the Public Finance Management Act 2012, and the Standing Order No 222 (6), the Select Committee on County Finance, Budget, and Appropriations recommends that; this Assembly adopts the report of the County Finance, Budget, and Appropriations Committee on the considerations of the Budget Estimates and Nairobi City County Government and the County Assembly for the year 2020-2021.

In summary, Mr. Speaker, the manner in which the committee had to move so that we have to table the estimates today has been very tight. As such, the most reasonable route was this process that we are proposing. We will table estimates, and because we still have the revenue allocation which shall be determined by the Senate, we will again have further go on the budget so that we will now appropriate based on the ceilings that we will be given.

Before that, for purposes of members understanding, the Appropriations Bill will not be passed today even if it is the 30th June. It means that we will work with something called the 'Vote on Account' which means that the recurrent functions of the County Government both in the Assembly and the Executive, will proceed as per the last financial year's budget up to six months. Then, between that time we will have been able to clear the issues that are in between. I know that I have rushed things but we will have a better time when we will be doing the appropriations so that members can be taken through and understand and interrogate this report.

However, I want to indulge my members to accept the work of this Committee because under the circumstances, today is the end of the financial year. If we do not pass this report the way it is, then it puts us in a limbo until we pass the appropriations. Vote on Account is a safe net for everyone because salaries and anything will continue to be paid up to the time that we will be cleared to pass the appropriations. Let me ask the Vice Chair of this Committee to second me in this motion and then we can proceed. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Chairman. Hon. Ogada, Vice Chair Budget!

(Applause)

Hon. Michael Ogada: Thank you a lot, Mr. Speaker. As I second this Motion, my able Chair has talked about it and he has elaborated the circumstances under which we are looking at the document. The circumstances are so unique in the sense that they are new circumstances that we have never gone through before. With the taking over of several functions of the County which had been transferred to Nairobi Metropolitan Services, they went with quite colossal amount of money in the tune of kshs.27 billion. Beside that, our Executive Department did not have an opportunity of sitting with the NMS. So, there is a

lot of misunderstanding between them. They do not understand the functions which they have remained with, and what they are supposed to do in terms of budget.

Therefore, as a Budget Committee, we have been put in a tight situation to ensure that we do a document that is going to cater for all sectors. To start with, we realized that from the budget that we prepared, we have some development issues that is meant for the Assembly. These development issues were in a tune of around Kshs.600million for members' offices. According to the document that was presented, that particular section was removed, and it became upon this Committee to ensure that think is brought back.

The other thing, when you look at the document deeply, we realized that in terms PFM where the fresh hold is supposed to be 30-70, they were not able to meet the threshold of 30-70 and they did 20-80, which was against the law. As a committee, we had to put our feet down and ensure that it is reduced to 30-70. For us to do that, my Chairman has just told you that the Committee had to recommend that most of those sectors in the Executive are going to be affected by a serious reduction, in fact, all of them by serious deduction 20% of all their recurrent budget so that we can finance the capital projects.

The National Parliament has not passed what we are supposed to have as our share, so which means that we have to wait until we have dealt with it. That is when we will be able to say that this is the actual figure which is going to come to the County from the National Government. This meant that we had to take into our account that fact that they have not finished with that. We are also aware that today is the last day that we had to look at this document. If we do not look at it today, one thing is that we were going to have many interruptions in terms of service delivery. It was wise for the Committee to decide that after the reductions, then authority is given that the County is able to spend at least 50% of their requests until when the Committee and the Assembly will have passed the final document, taking into consideration everything else that is amiss.

Mr. Speaker, it was quite tight and difficult but am happy that the Budget Committee lived to the expectations of the Assembly and they tried their best to ensure that the Assembly side is comfortable as well as the Executive side is not going to be interrupted in terms of their service delivery. The document before us here, I would only request the Members of the County Assembly that it is consultative, where the Executive was consulted before we made the final decisions. We have also consulted the entire Assembly leadership; they are all aware of what it is in this document. We are all in agreement that this is the best way to go. Otherwise, I wish to second this document.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, please debate. Hon. Okeyo.

Hon. Fredrick Okeyo: Thank you, Hon. Speaker. As I rise to support, one thing that you have noted is that when you have a Chair and a Vice Chair who are senior with so much experience, they end up talking about everything touching every area and then they leave the members with nothing to say.

When you look at the recommendation as a committee that is on page 27, I will go to Section (a) which indicate that; *The Budget for the County Government be adjusted to ensure that the budget for the*

County Assembly is accommodated at Kshs.1.409 billion for the recurrent and Kshs.600.7million for development activities.

This is very vital for our Assembly, performing our legislative roles, and making sure that development wise, we are catered for. We have been yearning to have our Ipad as members since we are currently using zoom. We are pushing the Board to make sure that every member gets his or hers within the shortest time possible.

When you go to part (b), it says, *that in line with the Nairobi City County Person living with disabilities Act, 2015, the budget for the County Government be adjusted to provide an amount of not less than 1% of the total budget for programmes and activities for persons living with disabilities.*

It is also interconnected part (c) which says; *that the County Government budget be adjusted to provide resources for rehabilitation of street children and street families.*

These are two very vital things and recommendation. I would like to give thanks to the new Members of the Budget Committee, Hon. Mary Ariviza, who champions a lot in terms of disabilities and Hon. Margaret Mbote, who also champions a lot about street children. If you look at our Facebook page, she has been helping these children. I think the leadership did a very good thing by bringing the two members to the committee so that the interest of the two are captured well. The interest of making sure that the street children have something and they are catered for and are recognized within the county is well. Thank you, Mr. Speaker you, I would like to support.

Hon. June Ndegwa: Thank you, Hon. Speaker. First, I would like to congratulate Hon. Chege Mwaura and Hon. Ogada for a job well done despite being there for about 48 hours. They have done a fantastic job.

Hon. Speaker, I rise to support this motion, reason been that it has outstanding members of that Committee who have sat and worked well and looked at all the areas that are pertinent in this city and hence came up with this budget.

Hon. Speaker, you are aware that we had a challenge even in the passage of the Supplementary Budget the other day, especially after the new entrant in town, the NMS. It must be a very difficult task to try to balance the budget for NMS and the Budget for County. I would like to agree and conquer with them that this vote on account is something that will give us ample time to just have some stability in matters of financing in this city. Considering that Nairobi generates 60% of GDP, it means that if we grant to a halt and we do not collect, then the rest of the country grant to a halt.

Hon. Speaker, I would like also to congratulate the Committee and all those who have contributed in this budget, including the Former Chair and Former Vice Chair. I would like to say that we are one time and one House and it does not matter who brings the budget into this floor. I know that the Budget Committee has a lot of brains experience, and with the new leadership, they will work well. Thank you, Hon. Speaker.

Hon. Anthony Gathumbi: Thank you very much, *Bwana* Speaker for the opportunity to put my thoughts on this debate. First, I would like to congratulate this New Committee lead by Hon. Mwaura. I want to speak about hope, as last time I spoke it seemed like I criticized the document that was here, but that

was far from the truth. Mine was a contribution because most of the members when they spoke, they spoke against their document, that is what I pointed out.

Today, when I am listening to them, they are always speaking about hope. They have given me hope and also they have given people of Harambee Ward hope. They have told us nothing is going to stop and that life will continue. What I am saying is that I can see a lot of soberness with the new committee

(Applause)

congratulation to them. I would like them to continue that way giving us hope. I am not an accountant and do not know much about the budget, but again listening to them and reading the document that is in front of me, what I can see is that I am been led by people who know what they are doing. Therefore, thank you very much. I support.

Hon. Deputy Speaker: Thank you. Today it is so surprising because some members are using other members' cards. I can see John Kamangu Nyumu requesting. Okay, you are Kamangu proceed!

(Laughter)

Hon. Peter Imwatok: Hon. Speaker, when I walked into the chamber, I was informed that the Speaker had given directives and because I am a perennial loser of my card any time he is on the Chair, I will be using his cards.

Hon. Deputy Speaker: Permission granted!

Hon. Peter Imwatok: Thank you for that consideration. Hon. Speaker, I would like to rally my voice upon the Majority Whip, Hon. Kimemia, and the members who spoke previously. I give thumbs up to the Members of the Committee led by the able Chair, Hon. Chege Mwaura and his perennial Committee Member of Budget Committee, that is Hon. Ogada. He is also known as a confirmed philosopher in matters of the streets.

Hon. Speaker, this is a very important moment and I know some of us may not understand that before today, another more than 50 Hon. Members spent a night within the precincts of this House. Others even spent the night here without knowing why. I want to unpack the reason as unto why. Those who understood was to protect the independence of this House. This House independence is envisioned on what Hon. Kimemia said, giving equal opportunity to the rightful people. If you are good in matters of ICT, let you be given a chance to exploit your knowledge and experience. If you are good in guiding the Committee and making sure that the Committee runs within administrative systems and prevalence like Hon. Ogada and Mwaura as the Chair, let be given an opportunity.

Hon. Speaker, looking at the vote on account of Kshs.12, 501,822,598 billion, it is one of the best and wisest ideas the Committee has done. You are aware on the fourth column, this House ought to have debated a budget estimate of Kshs.31, 433,645,196 billion. But looking at the itemized per vote, vote No. 1 County Public Service Board, we may have been able to describe that vote comprehensively.

Vote No. 2 Office of the Governor. If you demystify the office with a budget of Kshs.5.11 billion now allocated Kshs.2.48billion by the Committee of Budget and Appropriations, you will realize that office it is

not an individual, it speaks about different sectors, including even the Inspectorate, if am wrong. The Vice Chair of the Justice Committee, Hon. Moses Ogeto is here.

Hon. Speaker, you are aware that Inspectorate as a sector, three quarters of it was transferred to the NMS and the deed of transfer was very clear categorical. When a function is transferred, it ought to be transferred also with its liabilities and human resource. Therefore, it is wise to make that decision as they shape up the financial obligation of this County. I know they are going to shape it.

I was privileged to sit in that Committee for a few minutes and a question was posed, "how do we know what the NMS is doing and what the County Government is doing?" Indeed, we are leaving in a hole no one wants to make us understand what is happening from this hand to the other hand.

Hon. Speaker looking at the sector of Health at Kshs.3.234 billion, initially it was Kshs.6.7billion. We are sure that Health as a Sector, including the nurses, health workers and everyone else was transferred to the NMS. So, the question begs, who are we appropriating for? Is it the County Government or the NMS? That is the question we are leaving to Hon. Chege Mwaura and the Committee to unpack so that when we come into this House to look for a comprehensive Budget for Kshs.31.433billion, we are sure who we are speaking to.

You are also aware the Minister of Finance unveiled the national budget with Kshs.15.7 billion of our equitable share transferred directly to the President's office through the NMS. There was a capturing sentence which was saying that another Kshs.9 billion from the County exchequer should be transferred to the NMS. The challenges, the committee on Budget in its wisdom has to unpack to us. How does that Kshs.9 billion go to NMS? If indeed Kshs.15.7 billion already gone, then the National Parliament through its Budget and Appropriations Committee report tabled before the Parliament, is also asking again the County Government of Nairobi to remit another Kshs.9 billion to the NMS. It means, a total of Kshs.24 billion, which should belong to our coffers, is already money to be transmitted to the NMS. That leaves us out of Kshs.31.433 billion minus Kshs..24 billion, a mathematician like Hon. Ogeto can answer you. The answer is less than 6 billion.

In a nutshell, this parliament should debate a budget of not more than Kshs.6 billion. That is why in the wisdom of the Chair and his Committee, that we pass a vote on account as we give them a chance to demystify every aspect of every vote. If it is the issue of staff, 6,053 were transferred from the County Government. As of February of this year, the County Government of Nairobi had about 9,900 staff, but by March, they transferred to the NMS 6,053 staff, with a mortality rate and retirement age, aware that the County government employed last in 1998.

Hon. Speaker, we are talking about Governor Sonko's Government having less than 2,000 staff. The number cannot be equated to the budget before us. Therefore, the Chair of Budget, you have a job to do. Your job will make us get who we are as an Assembly. If we demystify what Public Service and Health are in terms of budget allocation, I can assure you that we will be debating in this Assembly a budget of less than Kshs.6 billion as the only budget that is supposed to be expedited by the Governor of this city.

We also know that Water and Environment as a sector is a completely transferred function. That is an issue that the Chair of Budget has to work on before he comes before us. Are supposed to approve this on behalf of the County Government or on behalf of the NMS? There is also a complain that to date, the

Executive wants to abrogate our duties. The duty to know how NMS spends the money given by the National Government is our duty. I am hoping the Chair and the Vice Chair are on it. Even the NMS must be able to report to this House because our equal revenue share is a right under the Constitution and the Public Finance and Management Act. We must know that if you are given Ksh.15.7 billion, how is it going to be expedited? We must tie ourselves within the parameters of the law that every project we do, either in the NMS or in the County Government--- But I feel for the County Government because after this vote, they will be very busy paying salaries as the NMS works. We must check the NMS properly to make sure that no one takes advantage of the public coffers.

Lastly, I want to give thumps up to the entire House. For those who we have been in this journey since last week to date, it has been a journey in a while. But at least in the annals of history, it should be written there were men and women who stood and said it must happen. When NMS succeeds in this town, all of us will be successful.

(Applause)

When this county falls, all of us will be crying. As the Chair of Budget has taken up a mantle together with the Vice Chair and the members, we also want the Committee on Environment to take suit. Get us facts about what transferred functions are so that you assist the Committee on Budget. Call those NMS officers here so that we demystify this aspect of what has been transferred and what has not been transferred so that when we come back here, we do a budget that is within what the County Government ought to do, not just a blanket budget of Kshs.31.433 billion and every officer comes here pretending he doesn't know what is happening. It is funny.

This House has the power. We want to put it straight that we will not be taken like primary school kids. My Majority Leader today almost lost his cool because he could see how a mere staff of the County Government wanted to rotate the Hon. Members as if we have nothing to offer. We might be down today but we want to assure you, Hon. Speaker that in the three weeks, the County Government of Nairobi will never be the same. I think this is the only county assembly that has never stood up and said enough is enough. As a Seventh Day Adventist, I normally say this, I am sure you will be running to my office one day, asking, "Can we stand up."

For these few remarks, I support the report fully and urge the Chair and the Committee on Budget to start looking onto this budget critically, item by item, vote by vote, word by word, and figure by figure, so that by the time we come back here with the budget, we are able to assert our authority as Assembly. That is what ought to be done between the NMS and the County. We will put that to rest. I beg to support.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker. First, let me thank the Chairperson of Budget and his Deputy because they have shown that everything can be possible. Despite what is happening, we shall continue with our oversight duties in this Assembly. I am happy for the allocation the Committee gave to Education, Youth, Sports, Culture, and Social Services Sector, they had requested Ksh.642 million. I remember we had a proposal of about 25 ECDEs, and when we went to their offices, they told us they don't have enough money to fund all those projects. I am in that Committee. The last meeting

that we had, I asked the same question and the reply was that they need additional funds to be able to achieve their goals.

Hon. Speaker, we normally pass these budgets always from 2018/2019, and now we are in 2020/2021, we are remaining with one and half years to the end our term. My worry is, the consumption of the same is very low. Allocation for development is Ksh.6.4 billion and for recurrent is about 25 billion. You will find that the recurrent budget is utilized, but in the development budget, we are told procurement process takes too long. I urge the Implementation Committee to take charge and make sure all the projects are done.

(Applause)

Hon. Speaker, I also urge the Budget Committee to make sure all the money that have been proposed are taken care. Thank you, and I beg to support.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. I appreciate for allowing me the opportunity to speak on this issue of budget. I would like to thank the leadership of this Committee, led by the able leader, Hon. Chege Mwaura. When I see names of Hon. Chege Mwaura and Hon. Michael Ogada are bold in a document which is properly done, I smile in my heart. That is a bold step. I would also like to note that even the English of the document has changed ever since the new leadership took forth.

(Laughter)

Kudos. I have read a word that I have never read in any other report today. I will say it at the tail end of my submissions.

Mr. Speaker, the budget estimates that we are planning to appropriate in the next coming financial year is Ksh.31 billion, this is down from Ksh.35 billion of the previous financial year. We have lost about Ksh.4 billion. I want to believe that budgeting is progressive, whenever you do not appropriate as much as you had budgeted for, your budgets are cut. This is properly more of a demotion because of the amount of money that we appropriated in this financial year. Looking at the documents that have been submitted before this House, including the CFSP with regard to those specific vote heads, we have been lurking behind for some time. Especially the development vote, absorption has been very low and it is very alarming. I would wish that we commission a specific audit on our CIDP. Now that we have crossed the two and half year mark, let us commission an independent audit of our CIDP to see the implementation of the CIDP and all other ADPs that have been there in the past.

I appreciate the fact now we have two wings of the Executive, I would like to say that we have the political wing and the technical wing; the Executive and the NMS. Most of the budgets have been allocated to the NMS. Based on the 100 days that elapsed on Sunday, what we have seen being done in Nairobi is quite tremendous. We would like to praise the General for helping Nairobi move out of the mud.

(Applause)

Mr. Speaker, health, culture, planning and transport are being dealt with. I know for sure that after a few years, we will stand and say that Nairobi has transformed because of what happened with the Deed of Transfer of Power. We now all support the General and the NMS because of what they have done in the last 100 days. If that would have been the speed of implementation of projects, then I think Nairobi would have transformed to a city that would be like what Hon. Njihia was describing in the morning; like that of Dubai, Berlin, Germany, and other developed cities in the world.

Hon. Speaker, we would want to encourage the Executive to look at the NMS is doing so that we can have the 28 functions that were not transferred to the NMS – because according to the Fourth Schedule, the NMS was given 20 functions and the Executive has remained with 28 functions. If the 28 functions that are remaining can also look at what the 20 functions are being transformed to be, then I think we will have a better Assembly overseeing them. We will also have a proper Executive that can boast of the projects that have been happening.

Hon. Speaker, I would wish to laud the leadership of this Assembly as well, started by the Speaker and followed by you, for providing for us a proper Assembly budget. I am so sure that the plight of those of us who felt we were undermined in the previous regimes as come to an end. The budget has not grown so significantly but we have seen things happen. I boast right now that I have a PA which I have never had in the last years. I know that the Hon. June Juliet Ndegwa will make sure that I get another PA or a driver.

(Applause)

Kudos for the good work you are doing. Let us steer clear from the political wing of the Assembly and let the administrative wing take forth its right step towards developing this institution. I am sure that when it is accounted that Hon. Imwatoke served in this Assembly, let good things be said about him that he fought for this course and delivered justice. Institutional memories will be remembered. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kabiro. The mover?

Hon. Chege Mwaure: Thank you again, Mr. Speaker. I first and foremost want to thank members for the support that we have gotten so far. May I first thank members for the debate and allowing us to proceed as proposed in the report.

Secondly, I want to congratulate and thank my Committee that has been doing the bulk of this work. As you are aware, this is my second day in the Committee. Clearly, I am not the one who has been in the cooking. With your indulgence, Mr. Speaker, may you allow the members of this Committee to rise for the purpose of recognition because of the work done since April 30th.

Hon. Deputy Speaker: Members of Budget Committee, can you stand up?

(Members of Budget Committee stood on their feet)

(Applause)

Thank you, you may have your seats. Hon. Members and Mr. Speaker, it is their work that I am presenting. As Hon. Mbugua Kabiro is saying, may be mine is only English.

My Majority Leader is walking out; I will ask him to give me a minute so that I thank the leadership of this House for the organization you did. As I said this is the second meeting since Friday, my day and night was very short, not because I was working on the report of this Committee, but because I was chased by calls and meeting after meeting that has gotten us what we are today.

With no particular order, let me start with the Leader of Majority whom we had a discussion and he pushed me that we need to have a relook at how things are done budget wise, not because of the members only, but also for the relationship between the NMS, the Executive and the Assembly. I wish I made these remarks when most of the people who have not been in this journey would hear so that you also don't think it is just a matter of sitting and getting positions. It is much more than that. I want to thank the Majority Leader for what he was seeing in what we are trying to do.

(Applause)

I also in the same way extend thanks to the Leader of Minority because of that kind of assurance. Mr. Speaker you know that I was also a Whip in this House. I think it was Sunday night when I was speaking to the Minority Whip and pushing that this is the direction but I still refused. When I was the Acting Speaker, the same people had camped in my house imploring on why this direction should go the way it has gone. Honestly in my view, I had not seen why we should change the leadership. I just thought maybe we have a discussion and we move. But the leadership was of the opinion that thinking had migrated, so it needed a different kind of thinking.

We had a meeting yesterday with the Speaker, and as a Committee, we wanted to do that meeting with the Executive. But if we had allowed those guys to come here, they will have been beaten by members because of salaries and all that. Today, if you came – even the Deputy Speaker and the leadership were in the Committee – you could see the thinking and the seriousness that this House is taking with this issue of leadership again.

Chief Whip Majority, thank you. In our various discussions, the Whip was of the opinion that I should take the position. When I told her, “no”, she told me, “you know very few people would do the same for you if they were put in the same position. People are selfish”. Those are her words. ‘Just take, push the committee for one month or two then drop. At least take. Don't shame us by refusing’. I want to thank you and I will try my best to navigate as much as possible. Thank you very much.

For my neighbor and Member for Ziwani Ward who feels it is a right to direct me because we are neighbors, most people don't know we were in the same primary school with Hon Millicent. We again share a border. So, she was of the opinion that this is the right thing to do. You cannot afford to be a backbencher as I have always wanted to make my way back I found myself again on the frontbench. Thank you, Hon Millicent.

My friend Hon Moses Ogeto who honestly is a close friend of mine, when we had doubts I had no problem, even my Vice Chair running the committee and me being the at periphery. I also want to thank for the stability of this House. We had a discussion with Ogada, how he wants to make this Committee as a

model. I remember telling Hon June that I do not want to attend the elections, not because I was afraid but I did not want us to think in terms of winning and votes, but to bring a difference in thinking. Thank you, Hon Ogeto for that.

To my Vice Chair who has been instrumental in helping me learn the ropes--- I cannot forget the Budget Office that started us off. It is like being thrown into a swimming pool and expected to learn to swim. This was my first meeting today at 9 a.m. and I was supposed to present at 2 p.m., imagine the pressure and in between the Executive is there and the House leadership wants to box them because of members' salaries. It is balance between Budget Committee issues and House issues. I am supposed to play cool and to ensure everything is in order.

Hon Deputy Speaker, you know the journey we have taken. I want to thank you for allowing us to move. I mention that because it is important members understand the background of how some things are happening and why they need to happen some way.

Mr. Speaker, I cannot forget the previous leadership of Hon Robert Mbatia and his Vice Chair Hon Karani. They are the ones who have been running this thing for two years. But this is a political arena, much as their expertise was important, there are other factors which my Vice Chair and I are not party to. We have become victims because we are left to take the shame and the spilled blood. We have to walk with our heads high and assure everyone, including them because I can see they are still in this Committee. I assure them they will get the fairness they deserve. I will pass to the leadership and tell them we are thankful for what they have been able to do. We will still require their expertise moving forward.

Mr. Speaker, thank you and the entire House for where we are. I beg to reply.

Hon. Deputy Speaker: Thank you Chair, Finance and Budget.

(Question put and agreed to)

MOTION

VOTE ON ACCOUNT

Hon. Chege Mwaura: Thank you, Mr. Speaker, I think it will be very difficult for me now to be running away from the Assembly business because this is a very busy committee but I am thankful because I have an able committee that will be handling some of these issues.

THAT, pursuant to the provisions of Section 134 of the Public Finance Management Act, 2012 and Standing Order 227, the withdrawal from the County Revenue Fund of the sum of Kshs.12,501,822,598 made up in the manner set out in the Vote of Account Schedule laid before the County Assembly, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government during the financial year ending on the 30th June, 2021 until such a time as the Appropriations Act for the Financial year 2020-21 comes into operation.

Mr. Speaker, we canvassed this issue when we were doing the report, so I will not bore members again. But I will just say two things. This is a compromised position. The alternative we had firstly was to pass the appropriation which we were not ready for. Two, was to pass vote on account which we have laid. Three, was to leave it as it is and walk out and be left in limbo which would have put this Assembly and

Executive at the mercy of the Controller of Budget. We thought of the three options and this was the safest because it gives us something to spend within the law. Within the first month of the new financial year, we will have organized the Appropriation Act for passing. The Executive should be able to respond to the issues the committee members will be asking.

Mr. Speaker, the creation and relationship between the County Executive and the transferred functions in this Assembly is very key because we find ourselves in a situation where about Kshs.24 billion has been appropriated from the National Government. If that money is going to come from the revenue fund, it means in this Assembly, we will be talking about Kshs.6 billion only. We had that fight in the morning. Are these guys supposed to bring us a budget of Kshs.31 billion or Kshs.6 billion? We agreed to get some time to clear our heads, put all actors on the table so that we have a direction.

Hon. Members, this position on vote on account was the best option possible. I beg that you consider it as it is as we work out the Appropriation Act. With that, I beg to move and request my able Vice Chair to second. Thanks.

Hon. Michael Ogada: Thanks a lot, Mr. Speaker. It is the same thing we talked about before and we have also explained to members the reason as to why we only request them to pass and give authority that the county can spend up to Kshs12 billion in terms of recurrent in order to make sure the stability within the county continues, salaries are paid, and operation and maintenance are paid.

The only thing that is excluded in terms of what we are approving is anything to do with development. So development will be waiting until we will have known how much is going to be spent here and how much is going to be spent at Nairobi Metropolitan Service.

With that, I would like to beg members of this House to assist us in passing this so that we maintain stability. Thank you very much.

(Question proposed)

Hon. Moses Ogeto: Thank you, Mr. Speaker. First and foremost, I want to stand here and support this motion and to congratulate my Chairperson of Budget and Appropriation Committee for having fairly accepted to be the Chair for this period.

Hon Speaker, this is a wonderful job because by the end of the financial year no one will say the Budget and Appropriations Committee made Nairobi County staff and Nairobi Assembly members not to receive their salaries. That notwithstanding, I didn't have time to inspect this budget. It is said you cannot plan the future without not looking at the past. If it is a budget of Kshs31 billion and yet you want to allocate only Kshs6 billion to development, it is ridiculous. One time we shall be asked why we proposed a budget of only Kshs6.4 for development without seeing the necessary approvals.

Hon Speaker, I had glimpse of the report of Controller of Budget. The absorption rate of development is disturbing. We are requesting the Chair and the Vice Chair to ensure from the beginning of next financial year, let them bring a report that will encourage development. We congratulate the President. Today he launched 20 water bowsers and over 5 ambulances for the NMS.

As I support this motion, it is good that the Budget and Appropriations Committee brings a good report that encourages the development of this city so that come 2022, we will say Baba Manu who was sitting as Chair of this Committee ensured Nairobi County got enough clinics to treat patients of Nairobi.

Hon Speaker, looking at Public Works, the budget for its development is very minimal yet we see potholes everywhere. It doesn't make sense. We ask the Committee that when they review the exact estimates, not the vote on account, let them ensure there is serious development. I beg to support the motion.

Hon. June Ndegwa: Thank you, Mr. Speaker. I thank the Chair, Vice Chair and the Committee for this report. We have had a lot of turmoil in this Assembly. There is an African proverb that says, 'truth is the first victim of war'. If you look at this budget, it is the truth. The reason we have NMS is because of what we failed to do. Even when we did the budgetary allocation, we did not spend as required. We also know that the County Allocation Revenue Act stalled and has few issues because they want to be able to separate what is for NMS and what is for Nairobi County.

I think it was a wise move that was done by this team of Budget Committee to just put vote on account. Truth be told, I do not see where the development allocation for Nairobi County or for Governor Mike Mbuvi Sonko is going to come in between now and then. We have seen a report today that the President has gone to flag off water bowsers and launch boreholes that have been done. There are almost 18 to 20 roads and alleys done by NMS in only 100 days. It is only fair and wise that the Committee on Budget and Appropriations denied- because that is the right word to use- Mike Mbuvi Sonko his money for development. Mr. Speaker, it is justifiable because we have not seen anything he has done with the money he was given before. But I am sure this Budget Committee will sit again in August when we have all the County Allocation of Revenue Act (CARA) allocations and when they have specified to what belongs to NMS and to what belongs to us.

Mr. Speaker, I know these allocations are going to be done by CARA will be favourable to us and to the Budget Committee. We need to take note of that fact, the fact that, yes, they said the county cannot stall because we will continue doing our work and paid and the Executive side will continue receiving their salaries but until we get a clear picture of the revenue allocation, then for now we hold and wait as we use the recurrent budget. Thank you, Mr. Speaker and thank you, Budget Committee.

Hon. Mbugua Kabiro: Thank you, Mr. Speaker for giving me this chance. I want to say two things. One, that the Budget Office in this Assembly should get an IFMIS account. There are two accounts in IFMIS. The first account is the transactional where you can be able to transact and the other one is where you can't transact anything. If the new Chair and the Vice Chair can be enhanced and the Budget Office can be able to have IFMIS account that can be able to view all the transactions that are happening without the ability to transact, then the Assembly will be enhanced in its service of oversight.

Mr. Speaker, let the person in charge have an IFMIS account with all the vote heads available to view but not transacts. Let us be able to raise queries whenever we have a problem with any transaction that has happened in that account. That is an Assembly that can be able to oversight the process of implementation of this budget.

Thank you for presenting this vote on account. I know one day we will appropriate the budget we are discussing now. I think it is prudent we have money in our pockets as we continue. Thank you.

Hon. Deputy Speaker: The mover!

Hon. Chege Mwaura: Thank you, Mr. Speaker. I also want to thank the House for understanding why we had to go that route and as I said, it is a stop gap measure. Immediately in the new financial year we shall work on modalities of ensuring we have done with the appropriations and move forward.

Lastly, in the report we have seen what the County Assembly Service Board proposed, we have seen a lot of emphasis on legislation. Hon Kabiro is bringing up the issue of oversight, asking us to get rights for IFMIS. I can't agree with him more. Our reporting needs not only look at the legislative aspect which we are doing now but also the oversight and representational aspect so that anytime you look at the report, it is complete.

Thank you, Mr. Speaker and the House for allowing us to take this direction of vote on account. Once we are clear with appropriation, we will again come and seek the audience of the House to propose the same. Mr. Speaker, I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon members, having transacted today's business, the House stands adjourned till Thursday at 2.30 p.m. God bless you all.

The House rose at 4.22 p.m.