



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Tuesday 3rd November 2020

The House met at 9.30 a.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm if we have the quorum.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have a communication, I wish to welcome you after our short recess.

Hon. Members I have the following communication to make. As you may be aware, today we are resuming from a two weeks' long break following the adjournment of the sitting held on 15th October 2020, pursuant to the County Assembly Calendar. I therefore with great humility, welcome you back to the Assembly and believe you have had a great engagement with the constituents. Hon. Members as representatives of the people and trustee of their interests, we bear the greatest responsibility to provide services to them in line with the triple role of legislation, representation and oversight. Within the Assembly, we endeavor with the tool that facilitates us to undertake these roles and I want to commend Members for your commitment in utilizing these tools especially asking for information from the Executive through statements and sponsoring of critical motions.

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Hon. Members, I understand the challenges that the committees are facing in terms of accessing feedback from the Executive and the Nairobi Metropolitan Services (NMS) especially for the transferred functions. However, my office with the Assembly leadership are consulting with the said offices to ensure that whenever Members request for the information in line with their oversight role, get such information in a timely manner. Further, Hon. Members, I recognize that there are a number of businesses that are pending before committees including Bills, statements and reports, I direct the office of the Chairperson of Committees in conjunction with the office of the Clerk to table a report on the same and marshal the pending business for expeditious processing and tabling. Welcome back Hon. Members, I thank you.

(Applause)

MESSAGES

REFUSAL TO ASSENT THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2020 (ASSEMBLY BILL NO. 6 OF 2020)

Hon. Speaker: Hon. Members, I have a message from the Governor. Hon. Members, Standing Order 43(1) relating to the Messages from the Governor provides that *“The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly”*.

In this regard, Hon. Members, I wish to report that I received a Message on Wednesday 15th October, 2020 from the Governor vide a letter of 15th October, 2020. I wish to inform you that on the 15th October 2020 at the rise of the Assembly I received a message from His Excellency the Governor Mike Mbuvi Sonko by the letter reference NCC/GOV/VOL 1/OCT.20/004 dated the same day.

Hon. Members, the message regards the refusal to assent the Nairobi City County Appropriation Bill Assembly Bill, (Assembly Bill No.6 of 2020). Hon. Members, Standing order 43 (2) further provides, and I quote, *“If a message is received from the Governor or the Senator of the County, at a time when the County Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the County Assembly on the day the County Assembly next sits”*.

In this regard, I wish to confirm that this message was received while the Assembly was not in session having adjourned for the short recess. However, the electronic version of the message was circulated to all Members on Thursday, 29th October, 2020. Accordingly, Hon. Members I now wish to convey the following message.

Refusal to assent the Nairobi City County Appropriations Bill, 2020, (Assembly Bill No. 6 of 2020) pursuant to section 24 (2) (b) of the County Government Act 2012 and Standing Order 145 (2) (b).

Hon. Members, you may recall that on Thursday 8th October, 2020 the County Assembly passed Nairobi City County Appropriations Bill, 2020 (Assembly Bill No. 6 of 2020).

Thereafter, I presented the Bill for assent to His Excellency the Governor on Friday 9th October, 2020. In accordance with the provision of section 24 of the County Government Act 2012 and Standing Order 145. However, on Wednesday 15th October, 2020 His Excellency the Governor, by way of memorandum referred the Bill back to the County Assembly for reconsideration pursuant to provisions of Section 24(2) (b) of the County Government Act, of 2012 and the Standing Order 145 (2) (b).

Hon. Members, pursuant to Standing Order No. 146, the memorandum was committed to the Committee on County Finance, Budget and Appropriation for consideration and reporting. The committee is expected to table its report within 21 days with effect from Thursday 29th October 2020. Thereafter, I will issue directions on how the assembly shall proceed with the business. Thank you.

Next order!

PAPERS

Hon. Robert Mbatia: Thank you Mr. Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the table of the Assembly today 3rd November 2020 on a Tuesday; The report of the Select Committee on County Finance, Budget and Appropriation in consideration of His Excellency the Governor's memorandum on refusal to assent to the Nairobi City County Appropriation Bill 2020, Bill No. 6 of 2020. Thank you Mr. Speaker, I beg to lay.

NOTICES OF MOTION

Hon. Moses Ogeto: Thank you Hon. Speaker. On behalf of Hon. Silvia Museiya I want to move the following motion---

Hon. Speaker: A minute member! From my records you are not Hon. Silvia Museiya and I don't have any communication that you have to move. Let me consult. Hon. Deputy Minority Whip, I think you are conversant with our standing orders and I overrule on this one. I wish Hon. Museiya had made a communication to the Chair but I will defer it to the next sitting.

Hon. Moses Ogeto: Hon. Speaker much obliged. But the same communication was done, the problem is traffic. I know the communication has reached your office but I am much obliged with your ruling.

Hon. Speaker: Thank you member.

(Point of Order)

Hon. John Kamangu: The Deputy Speaker should sit on his seat, he is seated on another seat. He should know that the seat is reserved for him. Thank you Mr. Speaker.

Hon. Speaker: Hon. Silvia Moseiya had another Statement, but as I had made a ruling---
(The Speaker consulted the Clerk-at-the-Table)

MOTION

Hon. Speaker: Hon. Silvia Moseiya?

Hon. Anthony Karanja: Hon. Speaker, I want to move this Motion on behalf of Hon. Silvia Moseiya, if that is allowed. I have a message to that effect on her behalf which I can share with you quickly.

Hon. Speaker: Hon. Member, I would like you to move the Motion, but you know we are restricted to our Standing Orders. On my desk, I am not aware that you are to move the Motion. So, it will be ideal for us to follow what is laid down in the Standing Orders.

Hon. Anthony Karanja: Hon. Speaker, I agree with you. I will look at the Standing orders to be clear on that. But in the meantime, I have a message from her and she has communicated to somebody for me to move the Motion. Do I proceed?

Hon. Speaker: I am afraid you will not be able to proceed because that communication could have been done in written form. You know this is a House of records and order. Next time you will liaise with the mover and kindly tell her to oblige to the basic Standing Orders so that we can be able to proceed in a fairer and correct way of doing business.

Hon. Anthony Karanja: It is written to me; does it matter?

Hon. Speaker: But that Motion is for this House, it is not your personal message. You have to follow the laid down procedures.

Hon. Anthony Karanja: Thank you.

(Motion dropped)

ADJOURNMENT

Hon. Speaker: There being no any other business, the Session stands adjourned to 2.30 p.m.
Thank you.

The House rose at 10.23 a.m.