



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Thursday 8th October 2020

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Quorum confirmed.

PAPER

Hon. Abdi Hassan: Thank you Mr. Speaker Sir. Pursuant to Standing Order 191(6), I beg to lay the following papers on the table of the Assembly today Thursday 8th October 2020: The report of the Select Committee on County Finance, Budget and Appropriation on the consolidation of the Nairobi City County Finance, Budget and Appropriation Bill, 2020. Thank you.

(The Paper was laid)

STATEMENTS

Hon. Speaker: I understand that there is a statement from Hon. Peter Imwatok. Minority Whip, do you have a statement?

REQUEST FOR STATEMENT REGARDING THE CONTRACT BETWEEN THE COUNTY GOVERNMENT AND THE HATARI SECURITY GUARD SERVICES COMPANY

Hon. Peter Imwatok: Sorry Speaker, I was consulting my leader, because he just took a private jet from Mombasa in order to be here. This is historical Speaker. Hon. Speaker, pursuant to Standing Order No. 45(2) (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Justice and Legal Affairs regarding the contract between the County Government and the Hatari Security Guard Services Company.

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Hon. Speaker, in 2008 the county government contracted Hatari Security Services Company to offer security services to county schools and hospitals across the county. However, the terms of the contract are not clear to the public domain. Hon. Speaker, in the statement the Chairperson should inquire into and report on-

1. The contract between the county government and Hatari Security Guard Services Company and provide a copy of the contract therein entered between the county government and the company;
2. When did the contract expire and whether it was renewed;
3. Amount paid to the security firm per month since 2018 to 2020 and total amount of the contract annually for the period of the said contract;
4. Whether the security firm continues to offer services after the expiry of the contract and for how long without the contract;
5. How much was the firm paid having expiry of the contract, provide payment documentation of the same and how the firm was paid in terms of contractual agreements;
6. Why authorize payments to Hatari Security Services even after the contract had expired; and
7. Whether the amounts paid to Hatari Security Services Guards Company was budgeted for and approved by this honorable house.

Speaker, I beg to lay.

Hon. Speaker: Thank you. Can I have the Chair for Justice and Legal Affairs?

Hon. Joseph Komu: I request for three weeks for a comprehensive report.

Hon. Speaker: I did not get what you were saying.

Hon. Joseph Komu: Hon. Speaker, I requested for three weeks to come up with a comprehensive report.

Hon. Speaker: Hon. Imwatok?

Hon. Peter Imwatok: Speaker, I respect the Chair for Justice so much, first of all congratulations. When you were the Chair for Agriculture I looked upon you on many things. But Hon. Speaker, three weeks is too long because the same company as we are talking, is on the process of committing another illegality within this county's jurisdictions. This is a matter of just information as to whether this company is an officially contracted service provided in this county. Am not asking an audit query, it is a matter of information.

Hon. Speaker: Noted. Chair, could you possibly maybe be kind enough to get a report in two weeks' time?

Hon. Joseph Komu: We will do our best Hon Speaker. And I want to appreciate that the issues raised are weighty and quite a number - seven issues to be responded to. As a committee that I chair, I would want to come up with a comprehensive report. That is why I was seeking indulgence for three weeks; nevertheless, we will do our best to work within the time frame of two weeks.

Hon. Speaker: Thank you.

BILL

THE NAIROBI CITY COUNTY APPROPRIATION BILL 2020 (ASSEMBLY BILL NO. 6 OF 2020)

Hon. Robert Mbatia: Thank you Mr. Speaker. I rise to propose that the Nairobi City County Appropriation Bill, being County Bill No. 6 of 2020 be read a second time. Mr. Speaker, I request my very able principal vice chair, Hon. Ogada, who happens to be the Minority Leader to second me.

Hon. Maurice Ogada: Bwana Speaker, thank you very much for giving me this opportunity to make some brief comments about this document.

Hon. Robert Mbatia: Mr. Speaker, after consultations, I want to make some moving notes then request my Hon. Ogada to second. I stand guided; do I make some moving notes Mr. Speaker?

Hon. Speaker: Let me be guided first on the issue of procedure.

(The Speaker consulted the Clerk-at-Table)

You can proceed.

Hon. Robert Mbatia: Normally we pass the estimates report then pass the Appropriation, so now I stand guided Mr. Speaker.

Mr. Speaker, the end-products of a long budget process which commences sometimes in September each year is the Appropriation Bill, which acts as a legal instrument allowing accounting officers to access unutilized funds from the County Revenue Fund. The legislature is periodically called upon to consider and approve the annual estimates of revenues and expenditures not only as a statutory duty but also as gatekeepers of the county public funds. This noble task ensures that the people are at the very center of utilization of the resources that they have entrusted in the hands of the government of the day.

To support this expansive mandate, Mr. Speaker, the provision of Standing Order 189 establishes the Nairobi City County Assembly Finance Budget and Appropriations Committee with a specific mandate, which is:

- To investigate, inquire into and report on all related to coordination, control and monitoring of the county budgets; to discuss and review the estimates and make recommendations to the County Assembly
- To examine the County Fiscal Strategy Paper presented to the County Assembly; and
- To examine Bills related to the county budgets including Appropriation Bills

Mr. Speaker, during the consideration of this Appropriation Bill, we held several meetings and I want to note that an estimates report had been passed and we approved a vote on accounts, Mr. Speaker. On that I also want to thank the honorable members who did that work, led by Hon. Chege Mwaura who was chairing by the time.

During the consideration of the Bill the committee held a number of sittings to review and discuss the published Bill, during which the committee was taken through the re-alignments that had been made to the approved budget to ensure that the Bill is responsive to the realities of the day. Further the committee held deliberations with the officers from the Nairobi Metropolitan Services and County Treasury to build consensus on the figures for appropriation on the transferred and other functions that were retained in the county government. The committee also received oral submissions from the office of the Clerk of the County Assembly through the Director Finance Services on the proposed adjustments to the County Assembly budgets.

Mr. Speaker, the committee is very, very thankful to your office and I would like to highlight on the very many things that we have made adjustments on.

On Tuesday 30th of June 2020, this County Assembly approved an annual estimate for the financial year 2020 totaling Ksh.31.4 billion, consisting of Ksh.25 billion for re-current and Ksh.6.4 billion for development expenditure. Mr. Speaker in the approved budget the County Assembly had been granted a total resource envelop of Ksh.2 billion consisting of Ksh.1.409 billion for re-current and Ksh.600 million for development expenditure.

In consideration, I want to report that after much consideration and I know members are a bit busy, and I know already some members of staff are transiting to Mombasa, I want to report to this honorable house that the NMS made requests, and am highlighting just the areas that we have made changes to this Appropriation Bill.

Mr. Speaker the NMS made a request of Ksh.3.7 billion which the county treasury had allocated them Ksh.1.7 billion on general administration, planning and support services. This under variance of Ksh.1.9 billion, in the re-allocation we have done, we have considered that and given it in totality. We have given NMS Ksh.3.7 billion for general administration, planning and support services.

On Compliance Services they had not been allocated anything by the County Treasury and because of the general duties that they are doing and most of the operations, we have allocated them Ksh.1.6 billion.

Under Health services, the Treasury had allocated them Ksh.6.281billion and there was a variance of Ksh.1.069 billion of what they had requested and we considered that and given them what they totally requested in Health, which is Ksh.7.288 billion.

Under Urban Planning and Lands, the Treasury had allocated them Ksh.420 million, we have allocated them Ksh.708 million as they had requested.

Under Housing and Urban Development, they had been allocated Ksh.145 million, we have allocated them Ksh.224million as they had requested. The variance was Ksh.79 million, we have got it somewhere and have allocated them.

Under Transport, Public Works and Infrastructure they had been allocated a total of Ksh.1.13 billion and they had requested a total of Ksh.940 million. They had requested less but after listening to the Treasury, we have agreed to give what the Treasury had given them, that is Ksh.1.13 billion.

Under Environment, Water and Energy & Natural Resources, there was a variance of Ksh.822 million, that being a difference of Ksh.1.6 billion which the county treasury had given them, we have given them Ksh.2.4 billion.

Mr. Speaker, NMS have created a vote under Energy and Street Lighting, Mr. Speaker, normally the County Treasury lumps that together as a component under Public Works. This time they had requested for street lighting Ksh.1billion which we have allocated them. So this being recurrent, we have totally allocated what NMS had requested which is Ksh.18.04 billion.

I am just highlighting the major differences, because the Members have the Bill that had been approved by the report of the committee chaired by Hon. Chege.

Mr. Speaker, under development, of note is that the Transport, Infrastructure and Public Works we have allocated Ksh.2.5billion to NMS as they had requested.

Under Health Services, the County Treasury had allocated them Ksh.748 million, NMS had requested Ksh.887million, a difference of Ksh.139million, we have appropriated them Ksh.887million as they had requested.

Under Urban Planning, Housing and Lands, they had requested Ksh.183 million and they had been allocated Ksh.20 million, a difference of Ksh.163million, we have given them Ksh.183million as requested.

Under Urban Renewal and Housing Sector they had been allocated Ksh.50million, we have allocated them Ksh.888million as they had requested.

Under Energy, Environment, Water and Sanitation, under development, they had been allocated Ksh.150 million and they had requested for Ksh.943million, they have several development protocols they need to do, a difference of Ksh.793 million, we have allocated them the total Ksh.943million.

Under Energy and Street Lighting we have allocated them Ksh. 2.3 billion as they had requested.

So of note under development also we have transferred in totality the Ward Development Fund (WDF) component from the office of the Governor to NMS under Public Works which falls under NMS.

Mr. Speaker also under recurrent we have transferred a total of Ksh.30 million recurrent for WDF to Public Works which falls also under NMS. So many would want to ask where we got all this money that had been in question. After much consultation from both the County Treasury and NMS we realized that there were some undeclared cash balances, there was some money that was still kept at our CIF here which totals to Ksh.5.5 billion, so all that is what has helped us to get a good resource envelop which totals to about Ksh.35.5 billion which now caters for a total of Ksh.18.04 billion to NMS and a total of Ksh.9.1billion of development to NMS.

So, Mr. Speaker, I do not want to belabor much of that because I just wanted to highlight ...

(Interruption)

Hon. Speaker: Chair, I want to guide the Hon. Members that if they have a request it has to be through the Chair.

Hon. Robert Mbatia: The Hon. Member happens to be my neighbor, so I thought it wise just to cross over. I had forgotten the practices of the Assembly.

Mr. Speaker, in total we have given to NMS what they had requested and actually more because we have transferred the WDF under Public Works which falls under NMS currently as a transferred function.

Mr. Speaker I do not want to belabor much on that, I know Members, I have to beg your pardon, because this has been a rushed period and we give the final document. What Members have is the initial Bill which we have made the adjustments as I have read. I can see *Mheshimwa* Kabiro pointing at me, I know he is very keen and I have to explain that that was the Bill that was passed through the other estimates

but we have made adjustments after getting more on revenue and again on the request and realities of the day that most of the developments falls under the transferred functions which are under NMS. So we have agreed that as a committee we shall transfer the funds to that side.

Mr. Speaker worth noting also is the matter of pending bills, which I have not mentioned here. That has been a big challenge. I know Hon. Ogeto, I was with him in the corridors of this House and his major problem was the pending bills. I want to report that we have apportioned what belongs to NMS and most of the Ksh.3.5 billion pending bills will be paid by NMS. Thank you Mr. Speaker. I beg Hon. Ogada, the Minority Leader to second me.

Hon. Michael Ogada: Thank you Bwana Speaker. My Chairman has spoken and he has actually explained all about the report that the Budget Committee has tabled. Bwana Chair I want to highlight some few issues. Number one is that we are in a very dire environment where we have two different bodies who are all struggling to get cash and everybody wants it all. So all the two bodies, each and every one of them want all the money. They do not want anybody else to share. It becomes very difficult and it calls upon the Budget Committee to be the arbitrator between the two bodies, without the committee it becomes hard because selfishness can override purpose.

Based on the document that was tabled as my Chair has put it, the document that was tabled was of Ksh.31billion and we have to remember that we were guided by the Fiscal Strategy Paper that we had, which was of Ksh.31billion. After the Strategy Paper, we had a document that is the Estimates, which also came at 31billion because ordinarily it is the Strategy Paper that guides the making of the Estimates. And finally the Estimates guides the Appropriations Bill. So the Appropriations Bill became Ksh.31billion also. But Bwana Speaker, one thing that we need to notify this House is that it has not been very easy with the Budget Committee.

It has not been easy because during the budget making process we are all aware that the person who is supposed to do the publication of the Finance Bill is the CEC of Finance, and CEC Finance is basically the person in charge. His only business is to ensure that he requests the other departments and sectors to forward their proposals so that they can be compiled together in form of a budget and then they are published.

But it was a bit difficult because according to when the Budget Committee summoned them since we had to summon them several times, we realized that they did write letters to NMS, the transferred dockets to forward their budgets, unfortunately they were not forwarded. So that makes it very difficult and it also made it difficult for the finance department to really come up with a proper document.

As a committee, we had to make sure that we request NMS to appear before us and they actually came with the budgets. Now as we speak today we were having two budgets, one from NMS and another one from the County government. So it was now upon the Budget Committee to make sure that the two documents are married so that we come up with one document that can run the county and the services within the county.

Marrying two documents made by different people who are not talking is not an easy thing, it became a bit difficult and tedious, but all in all, the Budget Committee made several suggestions and actually they did some good work.

One thing I am happy to announce based on what the chair has put forward is that the budget that we had was for Ksh 31 billion, but as we are talking today it has been enhanced to Ksh 35 billion, so that we at least accommodate all the people since the budgets have now been combined and put together, which I thought was a serious achievement. The other thing that the Committee ensured is that the recurrent expenditures, particularly the ones which deal with the staff must be taken care of without fail and that is also captured in both sides.

When we were looking into the budget, we came across a difficulty problem with the way the costings were done; you realize for example the County Government did costing in terms of salaries remunerations. Example in Inspectorate, we have a staff force of about 1600 and you realize the County Government costed for all those staff and when you go to NMS they cost 800 staff which was double costing.

Therefore, as a committee, it was also upon us to ensure that salaries only paid from one side if inspectorate is divided, into two the ones with NMS to be paid by NMS and the County should pay the ones remaining at the County. However, we did not allow one side to cost for all of it so you will realize that is some of the things that is affecting some figures. As you know selfness is in human beings. When you do that costing and do it properly and then you reduce the figures, someone will feel that their figures have been reduced. We have not used anybody's figures; what we have done it to give the correct amount for the correct work.

You cannot over budget for staff and you only go and use half of the money. If you look at the NMS budget, they budgeted for insurance for all the staff at around Kshs 6 million and Kshs 7 hundred million. When you come at the County Government, they have also budgeted for the same. As a Budget committee we have to behave and act. We remove that figure from one side you leave it on the other side or you split it into two.

Therefore, definitely those figures will have to reduce by about a half. So when somebody looks at his document which he presented he will say that my figures to reduce by Kshs 300 million. It is not reducing; it is a matter of budgeting and cost of resource as appropriate. Those are some of the things which, Bwana Chair, were done. In addition, one thing, which we need to appreciate, is that in terms of the transferred functions NMS holds the key in terms of development in the County. We are alive to that fact and that is why you will realize that in the County of Nairobi the previous finance year we were not able to use more than Kshs 4 billion in terms of developments.

This time around, the Budget Committee has given a whole Kshs 8 billion to NMS in terms of development, something that has never been done in the county of Nairobi before. Therefore, NMS has been facilitated by about Kshs 8 billion to run around and ensure that Nairobi improves. Like for example you go to the environment department. That is why I am telling you budget meeting is a very difficult process and very tiring. In the environment, the Nairobi County did costing for the department salaries and their total cost for all the staff there was Kshs 510 million, which is supposed to be used.

They convinced us that is what is going to be used. When you go for NMS, they have costed for same numbers of staff and their figure is standing at Kshs 943 million. You see now it becomes difficult for a

committee to really look at those figures and balance them. That is why I am saying that budget making and activism should be separated. You can't bring activism in budget making process.

Budget making is not for popularity. If you want to make a name for yourself, you want to use a budget document to become popular; you cannot do that!

(Applause)

In budget making process you follow the law. Because you passed this document illegally it is going to be returned by the Controller of Budget. You will be popular and you will not be getting our salaries; it does not work like that. We should not use a document to make ourselves popular. In any case you do not understand something you should go to the committee. We have a committee with a chairman and he is an accountant. I wish to tell you that Hon. Mbatia - we knew each other in 1994- when we were both accountants in a parastatal. He is a serious accountant and he understand the job. I am also an accountant also Hon. Karani is an accountant. We have more than half of the Members of the Committee who are all accountants. Therefore, you cannot come with activism and expect us to obey. We should not work like that

(Applause)

I was telling Hon. Odalo my friend the other day that budget is not PAC. In PAC, you identify one item and look for the person who made that crime and you start to push him to the corner whereby he will give up. But in budget making you have follow the law and do a lot of research and consult and make a lot of phone calls. Thereafter you make an informed decision that is binding to all of us in the Assembly.

My business is to make sure that the precedents agenda is totally fulfilled and to ensure the Prime Minister's agenda of supporting NMS is totally fulfilled. Our business is to ensure that the staff that work in the County of Nairobi are all paid their salaries and they do not go to the streets. Therefore, we cannot focus on one area and one side. We should not be one-sided. In the Budget committee, you are not supposed to raise the issues of you ward in the committee sitting, that is the motto of Budget Committee. We are above board.

Hon. Speaker, what I am saying is that this document has been very difficult to bring up, it has a lot of intrigues because it is the first time we are doing a documents that combines two different forces. Otherwise, we are in total support because for example, NMS requested for Kshs 18 billion for the recurrent and all that money was given to them. They also requested for Kshs 10 billion for development therefore Kshs 18 billion plus Kshs 10 billion is Kshs 28 billion and we have a total budget of Kshs 31 billion minus Kshs 18 billion which remains to Kshs 3 billion and in this amount of 3 billion how do you pay the Assembly Members and how much will you take to the County Government. We should therefore not bring activism in budget making process because it will lose it. That is why we have to juggle and ensure that the staff of the county are properly remunerated and there are no complaints.

The NMS we have given them all the monies that they need and if there will be a problem we could have used all of it as there is a provision of supplementary budget based on the revenues we are going to collect. We will do a supplementary budget and anything that they think is not covered will be covered instead of trying to force that we give Sonko – I think he wanted Kshs 16 billion and we give Badi Kshs 28 billion.

Kshs 28 plus Kshs 16 billion is Kshs 52 billion and the strategy paper only allow us to spend only Kshs 31 billion. It is an illegality; it cannot work.

Therefore, we had to reduce every figure from all sides but we have made everyone comfortable and I hope that nobody is going to complain. Anybody who will complain on this document you will realize that they are selfish and driven by some personal demons.

Hon. Speaker: That is unparliamentary language!

Hon. Michael Ogada: I withdraw that. Hon. Speaker, we have looked at this document and also we need to appreciate we have committees representing this House and we must give them the respect that they deserve. If you have Environment committee, the docket must be given respect and the report that they bring should be respected.

If you have Legal committee, like for example the Legal chair, the report that he brings to this House should be respected. If you have a chair Budget and a chair of PAC, their reports must be respected. If you are a Member and you do not respect these committees then it means that you really look upon the people who sit in those committees, which is not right. Therefore, I think when seconding this it has been a serious thing and if you allow unnecessary things to be done to this document it is going to take us back to square one because we shall do it here and it will be rejected and returned here and we do not want to do double work. Therefore, Hon. Speaker with those few remarks I wish to second this document.

(Question proposed)

Hon. Abdi Hassan: Thank you Mr. Speaker. From onset let me take this opportunity to congratulate the Budget committee for the good work they have done. We knew that this budget would be budget of conflict because in this Assembly we have people who are going round looking for conflicts. As you understand the agenda of the President and I know few members in this Assembly knows what the agenda of the President is.

The agenda of the President cannot be fulfilled if there are some few figures who want to create division among ourselves. I know it was very tiresome to try to balance this document and the Budget committee need to be congratulated and they have done marvelous work.

Hon. Speaker sir, as I have heard the chair of Budget saying that the budget was Kshs 31 billion and they have added Kshs 4 billion to become Kshs 35 billion. I have also asked the chairman where they got the extra Kshs 4 billion and the chairman informed me that Kshs 3.5 billion is from our shareable revenue, which was not remitted in 2019/2020 by the ministry of finance.

We have another Kshs 1 billion from road maintenance fund and levy. If you add it will come to Kshs 4.5 billion and Kshs 300 million from unspent cash from the County that makes Kshs 35 billion. Which means that we have not done any illegality and for that I would like to congratulate the Hon. Member of the Budget Committee.

This committee has not funded the transferred functions and I have heard the NMS have requested for Kshs 28 and Kshs 6 billion, of which Kshs 18 billion is for recurrent expenditure and Kshs 9 billion for development, which have been granted.

Mr. Speaker sir, yesterday the 'General' called me and told me that 'Majority leader you people have *chengadi me*' and I asked him 'how did we *chega* you' and as we are speaking I had not seen the budget itself. The reason for the 'General' to complain it is that some few individuals in this House are going around propagating the lies and rumors without having concrete information.

(Applause)

Hon. Speaker Sir, as a Majority leader I do not sit in Budget committee and I cannot speak on a document that have not seen. Therefore, I told 'General' 'let me consult my Chair and ask him if they have fixed'. When I asked the Chairman, he told me they have not yet reconciled and balanced the books. I therefore called back 'General' I asked him 'where did you get that information because as we are speaking the Budget committee has not finalized its figures'.

Hon. Speaker, I am urging my colleagues that the time of making people to fight NMS verse Governor that time has gone.

(Applause)

We want service delivery for this county and it cannot get the service delivery when Members are looking for any chance to make people to fight over nothing. The remaining functions, which are going to be left for Governor Sonko is ECD, Agriculture and few others, which have been well funded too. I do not see any reasons for Governor Sonko to complain about this budget.

As we are speaking, NMS has taken 7000 to 6000 staff from this County and we have close to another 4000 staff who have remained within the county. How do this people expect this county staff to be paid, if the money is not going to be allocated to the County? This is because I overheard some individuals saying that do not allocate any shillings to the county. How can someone say that? How are the remaining 4000 staff going to be paid?

Therefore, Mr. Speaker sir, I am urging my fellow colleagues to stop this silly politics as for the last one year we have been playing silly politics and we have lost a year because of this politics and I can see some few individuals want to take us back again to that silly politics.

Mr. Speaker, sir the agenda of the President of the republic of this country is big and I am 100% sure less than five Members in this House knows what the agenda of the President is. Do not allow divisive figures to divide this House on non-issues. With those many remarks, I beg to support this document and I can see the NMS have been given the Ksh 26 billion, which they have asked for, and the Budget committee have allocated all they had asked for and there is no reason for NMS to complain. I also want to urge the Director General to stop entertaining rumormongers, gossipers, idlers in his office because that is a very serious office and busy one. Thank you. Mr. Speaker sir.

Hon. Speaker: Members who are on Zoom kindly click the 'raise hand' icon. Today our system is operational.

Hon. Peter Imwatok: Hon. Speaker, it is good to see the debate enlightened by my able Majority leader - very eloquent man- because I sit next to him I know the spirit moves with his intellect. In a society you will find a man at his age and my age and our hair is white, it tells you that much about such brains.

Speaker, it is need a great afternoon as the Hon. Members of County Assembly, first and foremost, we must desist from apportioning complaints to whoever side of the Assembly.

We have agreed in the House that at any given time must premise their discussion and their debates on the agenda of Nairobians and I believe that is the cause you live in this Assembly. Two, the main agenda -I am privileged to have an agenda who you can consulted every now and then my own party leader is so keen on the success, and our party, on the success of NMS. Not because it is called NMS.

By the way for those who make the loudest voice in this Assembly of either supporting NMS or not cannot talk about it without mentioning the name of Imwatok and Michael Ogada. It is because it is for us – for history of the HANSARD to take it - that we slept more than two months in an apartment trying to execute how Nairobi can salvage itself from this quckmir that was turning into the Somali of 1990. Hon. Speaker when we speak here we must speak as leaders.

Indeed, there is a budget of Ksh 31.5 billion, which was envisioned and well capitalized by my leader. If you weigh on a weighing scale between NMS and the County Government who performs? It is NMS. My chair for Budget can attest to this. Less than 4 months we can see another Dubai in Nairobi. Therefore, the spirit of every Member who want NMS to succeed, it must be applauded by all. Whether those on corridors, busybodies, constructive and intellectual we must appreciate that we are all coalescing ourselves within that we want Nairobi to succeed.

Therefore, Hon. Speaker as I speak about this I want my learned friend Hon. Warutere who is now by best chair for Health that he will take this message home that we expect from this Assembly and its wisdom passes this Bill, this afternoon, that by tomorrow I do not expect to see a Memorandum coming again before this Assembly.

This is because we are all talking on the same page that Nairobi has to succeed and if a memorandum is to come before this House, I want the Majority and Minority leader to listen very carefully: That we should be able to leave this House and stamp our authority against any memorandum which will come against this Bill. If we need, we will be genuine, honest to make sure the four agenda of the President are full filled, and more importantly, NMS succeeds. I was a bit skeptical when I walked in but my leaders have taken me through all the documents. If you can see that nowadays I am not a busy body around.

(Laughter)

Hon. Speaker, I am seeing a budget that has been demystified that the county government has Ksh 7.9 billion, the County Assembly Kshs 2 billion, NMS Kshs 25.6 billion or Kshs 27 billion out of Kshs 31 billion. Assumingly the Controller of Budget says and redesign yourselves according to the CIDP paper. We will be working on Kshs 31 billion. Let us face the reality. Which means the county government will remain with Kshs 3.6 billion. Is it enough to pay the 4500 staff? It might not be enough. That is why I want to give thumps up to the Budget committee to identify where we can get extra funds to be able to supplement that the 4000 plus staff who have remained in the County Government can also get going on.

The only support I need from the Majority side lead by the Majority Leader I know he is a very strong man but a very straight forward. We need to be assured that this House will not receive a memorandum and by tomorrow afternoon, in the spirit that the President wants the Nairobi to succeed, and if memorandum

comes before this Assembly in front of the Speaker, can it be called for a special sitting the following day to be able to look at it?

I hope those who are clapping the loudest will not run for the toilets. They will be here with us, Majority leader, to make sure the threshold to defeat the memorandum, which might come before this House is upheld. Thank you Majority for acknowledging that and Majority whip thank you too and we are sure we can get the two thirds threshold to defeat any memorandum that can be envisioned to come before this House.

Lastly, I am a pound man that in particular the issue of health and environment....

(Point of order)

Hon. Robert Mbatia: Mr. Speaker I want the Hon. Imwatok, whom I respect very much, probably he knows about a memorandum coming because he has talked so much about a memorandum. He needs to tell us so that we can be able to get prepared about it.

Hon. Speaker: Hon. Member desist from areas that are not in the House. Therefore, speak to what is in the agenda. Do not anticipate to the debate.

Hon. Peter Imwatok: Hon. Speaker the problem I have, if you look at my head, is almost your wig. With all due respect, because my age allows me and also my head can foresee and can also advance my ears and eyes to see what I expect to see. I must also appreciate to the allocation to environment sector where I sit in terms of development agenda and in terms of health. It is also prudent for us to understand that this is a House of debate. Let us not deviate from that.

Hon. Speaker, with all due respect, I remember my Majority and Minority leader always wanted this House to be a house of debate, even my minority leader. House of debate is only defeated by on numbers or ideological arguments. Hon. Warutere understands this. You know getting a First Class in our age is not a joke; you understand what a House of debate is. Let us not in a position as Assembly that anyone who has a diverged view on a particular agenda before the Assembly becomes an enemy of the Assembly.

Thank you Hon. Speaker for allowing that always that this be an Assembly that allows every Members to express his ideas however much they are oozing smelling badly let hear. That is my plea bwana Speaker and also allow us to have a decorum language before the assembly. Parliamentary practices require every member from the Majority leader, Minority Leader even whips to use an example first by using always a dignified language before the HANSARD.

By so doing such Members like my lady sister Eve Malenya and I must appreciate the entire House from the Majority and Minority leader and their whips that we all of us we stood firm for our Member.

(Applause)

We thank you Hon. Speaker to your office; you stuck to the law. This lady was outside for one year must learn from us what language we must use in this Assembly. Thank you so much Speaker and God bless you and welcome back from Lamu.

Hon. Speaker: Thank you Hon. Member although you deviated away from your area it was upon me to introduce the Hon. Member Eve Malenya so that she could feel welcomed. That was not your area. Hon Anthony Kimemia!

Hon. Anthony Kimemia: Thank you Hon. Speaker I would like to take this opportunity to contribute on this Bill. I would like to first to congratulate you for having been elected the Speaker of this Assembly. You were my boss in the past and I was your chairman of CDF Committee and I know you are capable of leading this House to great heights as we did in CDF in Makadara.

Mr. Speaker, I will not pretend that I know the intricacies of the budget but I would like to urge the leadership who are in this House to please to allow development to take place. I do not know the intricacies that are in the House and why the people quarrel, as I am normally at peace with everyone. I urge the leadership and I want to thank them for having passed the budget that I have heard it had come from two documents that were not married and were able to marry the documents.

I want to congratulate them for that and I would like to speak like a Member of Harambee ward. A person who wants development in his area and also seeking to make his people happy for having elected him in Harambee ward as an MCA. I would like to say that I would want to see my roads repaired and the dispensary in Jericho ward fenced because it is one of the plans the NMS have. These are the issues that we ought to discuss in this Assembly and I can see the spirit of doing and developing Harambee ward.

I therefore, take this opportunity to congratulate the Budget committee for having done a good job and I would like to ask the leadership led by the Majority leader to give us the way forward on how we are going to engage with NMS to see to it that work is being done in our wards. As we sat today in the Environment committee we had visitors from Kisumu and they were asking this question 'how are you able to oversee NMS'. None of us was able to answer that question. We stumbled around until we agreed with them that we do not have a legislative oversight of NMS. We are only hearing that there are people who are going to NMS at their personal levels engaging with the 'General' in inciting the 'General'. We would like that to stop.

(Applause)

No one should go to General Badi to incite the General against other Members. Here we want to work together and we want to have a legislative framework where we can engage NMS as opposed to having individuals going to Badi and pretending that they are better MCAs than others are. Thank you very much and welcome.

Hon. Speaker: Thank you may I have Hon. Ogeto but before you contribute the ICT team make arrangements so that we can be able to have Hon. Jeremiah Themendu immediately after Hon. Ogeto is done, who is on Zoom.

Hon. Moses Ogeto: Thank you so much Hon. Speaker, first I would want to congratulate the Committee of Budget for ensuring that the amount of Kshs 9 billion has been allocated. Secondly, I would like to congratulate the Budget committee by ensuring that by reducing public finance management by Kshs 1 billion and reallocating it to development.

Hon. Speaker, I am happy with the budget. If you see the budget, the Budget committee has reallocated a total of a figure of Kshs 14 billion of the recurrent expenditure to NMS. Since it took a lot of staff from Nairobi City County to a total of 6000 which again I would like to commend the committee of Budget.

Hon. Speaker I cannot miss to say in vote of legal affairs, and I believe you will convince my chair, that again they have added from Kshs 515 million to Kshs 717 million. The same things that we say here

that we should ensure that development is not being biased am seeing this figure has disturbed me also to say that I believe that the chair will ensure that the same figure of Kshs 717 million will be reduced at the Third Reading so that it captures the aspirations of Nairobi residents.

Hon. Speaker, I also want to congratulate the membership of Budget Committee for ensuring that this budget is in line with the CFSP. In case the same will be uploaded – and the Vice Chair of Budget Committee who serves as the Minority Leader has told me that the Committee worked tirelessly to ensure that the Kshs.3.5 billion which was not transferred - and the Leader of Majority has also insisted on the same and also the Chair – that the Kshs.3.5 billion equitable share which was not given during the last financial year will be brought forward. This is so that we can balance and we can finance a budget of Kshs.31 billion to Kshs.35 billion.

Hon. Speaker, with those few remarks, I believe our sentiments will be taken into consideration. I beg to support.

Hon. John Muthiga: Thank you Mr. Speaker. First, I would like to appreciate the Budget Committee for work well done. It was hard for them to bring the County Executive and NMS together. We know that this budget has been a baby conceived by the President and for us to please our President because this is our very first budget from the time that NMS came into place. It is paramount for all of us to rally behind this budget so that we can have development.

Hon. Speaker, it is very funny for me to hear the Minority leader who is my very good friend talking about people who are busy bodies and don't want this document. In every market there are people who thrive on confusing others and bring confusion so that we particularly the elected leaders cannot get development. When we start implementing this document, I am sure that Komarock residents will not get any development because we will still go back where we were.

I urge every likeminded Member and knows why he came here, to support this document. I have also heard my Majority leader say that we should leave the office of the Director General alone, let people stop going there. Let us see development from that side. When one goes to the General and tells him that Hon. Imwatok or Hon. Guyo who is the Majority Leader is dragging---

(Point of Order)

Hon. Peter Imwatok: As a Member of this House Mr. Speaker, it is important when you discuss any person's name that you have a substantive Motion, that is the procedure. Let stick to the agenda which is the passing of the Appropriations' Bill, please.

Hon. Speaker: I think he is guided.

Hon. John Muthiga: I am guided Mr. Speaker by my very good friend Hon. Imwatok. Thank you very much. Mr. Speaker as I was saying, anybody ---

(Point of Order)

Hon. Silvia Museiya: Thank you Mr. Speaker. I would like to speak on the point of order by Hon. Imwatok. I don't think it is right when you say that we cannot discuss people's names unless through a Motion. We have been discussing the agenda of the President and mentioning his name throughout and we are directly relating this budget to NMS led by the General.

It is not the issue of the General but the issue of NMS. We have even discussions of Governor Sonko here, it is part of discussion. He is pre-empting like we have an issue with the Governor and we finished that debate last week.

Hon. Speaker: Hon. Member, you have already made your point. I want to guide Members: it is true that according to our Standing Orders we are not supposed to mention the name of a person but you can name the office; those are two different entities. You stick to the office of the Governor and not an individual. Proceed, Hon. Member.

Hon. John Muthiga: Thank you Hon. Museiya. Mr. Speaker, it seems the longer I am going to stand here and speak, the more Members will be requesting for point of orders. What I want to say is; as a Member of Komarock Ward I fully support this document. I want event he President to fulfill his promises so that the people of Nairobi can get development that they deserve.

Lastly Mr. Speaker, I would urge the leadership - both the Majority and the Minority Leaders - now that they have harmonized this budget making, it is upon the NMS and the county to make sure they work together. Thank you Mr. Speaker, I beg to support.

Hon. Speaker: Thank you. Hon. Chege Mwaura! We can have Hon. Ariviza then. Okay, Hon. Chege proceed.

Hon. Chege Mwaura: Thank you so much Mr. Speaker. Before I proceed, let me take this opportunity to congratulate you most sincerely for being elected the Speaker and at the same breath congratulate all the leaders who were nominated as leaders at the same time. I wish them well and wish that we proceed in a manner that improves the level of debate in the House.

Mr. Speaker I want to support this very good work that has been done by the Budget Committee. I had a small stint t that Committee, let me say it was not easy to bring on board the issues of NMS and the Executive. The issues of the assembly of course were well known. The fact that this committee has been able to go beyond that, I really congratulate them and wish that the spirit of being able to harmonize all these documents continues.

I want to also peg my submissions based on fundamental issues that I thought - because I had some amendments to make – and Mr. Speaker some of them were based on some very fundamental issues that are also in the PFM Act. As we continue debating, I am also aware that emotions ran high and may be members did not understand where exactly where somebody was coming from.

It was a Kshs.31 billion budget, that is what a member who was not in the committee heard. The development budget was Ksh. 7 billion out of the Kshs.31 billion. It shows clearly that it did not meet the 30% ratio of the development budget and that was one of my issues. But I am happy that I can see the improved document has captured that.

Secondly, on the issue of how do we deal with raising a budget that was tabled as Kshs.31 billion to Kshs.35 billion, on what basis and grounds? Bearing in mind that for the last three years or so, the county government has not been able to meet its collecting ability. In the last financial year, June 2020, we missed the target by 50%. Where would the Kshs.4 billion come from? But I am happy that I have also consulted

with Members and I am told that the bank balances and the unremitted funds from the equitable share has captured the 4 billion.

What I would like my good chair to put in his replying remarks, is that Article 136 of the PFM Act, states clearly on how to deal with money that was not spent. It is supposed to be returned and a report taken to the Controller of Budget. If we are going to capture the Kshs.4 billion, I would rather that we also capture the money in a form of a report and appended it there so that the media does not capture cooked the Kshs.4 billion and put it there. It has to be very clear where the money coming from, whether the report was taken to the Controller of Budget and is now accepted as an appropriated amount on this end.

Thirdly Mr. Speaker is, whether the monies were appropriated to the transferred functions are going to be accessible to these transferred functions without hiccups or issues. I would also want to hear in the replying remarks by my good chair to also capture the modalities they are going to use in terms of advising the CEC Finance to also give them rights in terms of Accounting Officers from the other end so that the monies that have been captured be taken---

(Point of Order)

Hon. Speaker: What is the Point of order Hon. Ogeto?

Hon. Moses Ogeto: Hon. Speaker, I am on a Point of Order 31. Looking at my watch, I wish you would extend time until we finish the business of this House today. I call Hon. Mbatia to second me on this.

Hon. Speaker: You cannot call Hon. Mbatia, you have to request. And that request has not been granted. Hon. Ogeto, the Hon. Majority Leader want to move a Procedural Motion. Hon. Chege, we will come back to you once we are done with the Procedural Motion.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I don't know whether the Deputy Whip of the Minority has read the Standing Orders clearly. Procedural Motions are always moved by the Majority Leader and because this is a Procedural Motion, I was waiting to move it at exactly a few minutes to five o'clock. He is a young man and he want to jump the gun and that is the reason why he wanted to do the business of the government leader.

PROCEDURAL MOTION

EXTENSION OF SITTING PURSUANT TO STANDING ORDER 31

Hon. Abdi Hassan: Pursuant to Standing Order No. 31, I beg to move that this assembly resolves to extend this sitting until the business of the day is concluded and dispensed off. I ask my counterpart the Minority Leader to second me. Thank you.

Hon. Michael Ogada. Mr. Speaker I beg to second.

(Question put and agreed to)

BILL

THE NAIROBI CITY COUNTY APPROPRIATION BILL 2020 (ASSEMBLY BILL NO. 6 OF 2020)

(Resumption of Debate)

Hon. Speaker: Hon. Chege, proceed.

Hon. Chege Mwaura: Thank you Mr. Speaker, I want to be very brief. What I was alluding to, Mr. Speaker, is that those issues were the ones making us request for amendments. But I am happy to point out that the improved version of that budget has also increased on the areas that I had proposed. For example, in my amendment it was Kshs.200 million which has been raised by Kshs.139 million, I think it is fair enough.

In Planning, they have raised by Kshs.133 million from what was proposed. I am wondering why in Transport and Public Works it has gone down from what was proposed by the Kshs.31 billion budget, may be the chairman can also explain that in his replying remarks.

I am happy with the Environment, Water and Natural Resources; they took Kshs.793 million up from what was about Kshs.50 million, it commendable. In urban Renewal, they had proposed Kshs.50 million and added Kshs.69 million. Mr. Speaker, this captures what was in our mind when we were requesting for those amendments.

Finally, in my concluding remarks, let us also stop this notion that any time you have a different opinion from anyone else that you are saboteurs or *madimoni* or whatever; it is a pigment of the imagination. The issues we have raised are very weighty and this is a House of debate. If I am wrong, may I be convinced by a move, let me be told that this is where you are wrong and this is how it is supposed to be.

Let us not be ram shackled to a position simply because somebody is a leader. I am saying this not because maybe I had a spat with my Whip; he was saying these are people who want to swell, we are not willing to swell anything. Personally, I cannot be a mercenary or a rubberstamp. But it is important that whoever raises an issue---

(Point of Order)

Hon. Speaker: There is a Point of Order.

(Hon. Abdi Hassan spoke off-record)

Hon. Chege Mwaura: My leader, I can never have improper motive and you know. I have been a loyal servant of yours and also a loyal boss. I have no intentions of being rude or proposing an improper motive. But I just saying that because the Speaker is also acquainting himself with how we do; I am hoping that if somebody has a different opinion, let it be heard and if that person loses, let him lose honourably. If somebody wins, let him do so and carry the day, this is a House of debate. With those very many remarks, I beg to support. Thank you.

Hon. Speaker: Thank you Member. I believe the chair and the committee would undertake those concerns so that when concluding you will be able to respond to them. Can I have Hon. Mary Ariviza? Before she starts, ICT team get hold of Hon. Millicent Mugadi on Zoom immediately after Hon. Mary.

Hon. Mary Mwami: Thank you Mr. Speaker sir for this opportunity for me to debate on this budget approval. I am so happy that we are able to merge the Executive and the NMS. I know it has been a headache but as many people have echoed, I would like us to have a legal framework on how we should work (I know we already had) but we can still improve on it so that we know how we should work with both the NMS and the County Government of Nairobi.

I stand to talk on two things; I am the Chair of Agriculture and it is still under the County government and I am very happy about a few things there that have been budgeted for. I am happy about the fact that

the new method of urban farming has been captured very clearly with about Kshs 79 million. I am hoping that we start some gardens at the back of our houses and so on.

The other aspect of it is education; it is well captured and I hope that our children will not have to suffer the way they have suffered this year because of bursaries. The education budget which is about one point something billion, I hope it is going to be enough and the money allocated to education and agriculture should not be transferred to another area. I am also happy about---

(Loud consultations)

My leaders are talking so much in that corner and I want them to hear so that they can capture this.

Hon. Speaker: Hon. Members, consult in low tones.

Hon. Mary Mwami: The other aspect which I would like to congratulate the Budget Committee for is the Ward Development Fund. We had the lady in charge of this programme, Josephine. During our Committee she was so frustrated because she could not be in the Executive side nor the NMS side. She was caught in the middle and didn't know what to do. She has been moved to the Nairobi Metropolitan where the projects in the Wards are because most of them have infrastructural aspects whether roads or infrastructure. Therefore, then been moved to NMS would be very good. I am happy about Madam Josephine and I think she will be glad about this. I am looking forward when this will be implemented.

Mr. Speaker, I want the Implementation Committee to do something about it is; we are passing many aspects of our budget but very few of what we pass is being implemented. I am hoping that the aspect of people living with disabilities that has been captured very well in this budget that it will be implemented. I am hoping that the bursaries will be given on time so that our children will not be chased out of school before they get it.

I am hoping that the aspect of street lighting and roads will be done because we have captured it here very well and there will be no fighting. I think it is a good one and please for those of us who have been elected do not call our sister Josephine who is in charge of the Ward Development Fund. It is very dangerous even if you have been frustrated in your Ward to ring a woman who is married at 2 o'clock. Please let us respect women because when you ring her at night you may cause so many problems to her. Even when you could have taken a bottle or two please do not ring women who are married beyond the nine o'clock but when it goes beyond that, it is not acceptable. You can cause people to divorce and that is not good. Thank you Mr. Speaker sir.

Hon. Speaker: ICT, can we have Hon. Millicent Mugadi on Zoom?

Hon. Millicent Mugadi: Thank you Mr. Speaker, I want to thank the members. Today they have made Nairobians happy and also the President. It is also an achievement for us because as you know the President signed the County Allocation Bill and this means that money is coming to the counties. We must see that services to our people are delivered and we know that NMS is one of the entities that is going to do that.

Mr. Speaker I also heard about pending bills, it is a high time that we pay the small SMEs. It is sad to hear that someone is coming to ask the county to pay him an amount as little as Kshs. 50,000. I want to congratulate the Budget Committee and also the leadership, we are moving in the right way. Success is for

all of us and not for an individual. We came here for a purpose which is to represent our people whether elected or nominated. I beg the House to move this way, keep it up Members.

Hon. Speaker: Thank you. I think I will two more Members so that we can close the debate as per the request. Hon. Warutere, and then Hon. Kabiro to follow.

Hon. Peter Warutere: Thank you Hon. Speaker for catching my eye. Allow me from the onset to applaud the great work that has been done by the Budget Committee. It is the first time that we are able to sit here and interrogate the good document and debate on the same. Allow me as well to respond to a quote that was said by my colleague the Hon. Whip about situations and matters memorandum. I know that Nairobi has elected Governor and in the last chapter of the Constitution gives powers to the Governor to do a memorandum on issues that we have and we feel that probably has merit that he does the memoranda.

However, I hope and pray that he will in his own wisdom see that this is a very balanced budget and hope that he will attend to the same.

Number two, on the issue of Health, I am persuaded by the good budget that we have been given as Health Committee. As the chair I know Kshs.7.28 billion and what I have seen for the Public and Transport it is a huge budget that serves our merit and I hope that we are now about one and a half years, we will be able to debate and move away from the rhetoric that has been there, to actionable plans. I know we have limited time and I hope we can focus and move away from blame games and ensure that the 85 Wards get development.

Hon. Speaker, I hope we will be able to pass this good budget because we only have one budget before the end of our term. I hope we will move forward because we have wasted two and half years and so the remaining one and a half years should be for working only. Thank you Hon. chair for Budget for working on all issues that were outstanding and I hope we would be able to move forward. Thank you Hon. Speaker. I rise to support.

Hon. Kabiro Mbugua: Thank you very much Mr. Speaker. I would like to thank the chair and the Budget Committee who prepared this budget. I have looked at your document and I support it fully. I would like to say that I think that you have taken time to make sure that the General is comfortable but I will not say the same to the Governor. If I were him, I would return this with a memo.

(Laughter)

Hon. Speaker: Hon. Member, you are out of order. Don't anticipate debate.

Hon. Kabiro Mbugua: I was just saying if I were him – at times the spirit of if I were the Governor, I would have returned this with a memo. The recurrent vote of 5312, it has really been messed up which is the Office of the Governor. It includes security Kshs.1.1 billion, Legal Affairs which have gained Kshs.200 million, lawyers will be smiling all the way to the bank. Led by Hon. Silvia Museiya.

Disaster Management on the other hand have suffered from Kshs.259 million down to Kshs.59 million. If I were him, I would not sign this thing. Two Hundred Million Shillings is quite a hefty---

Hon. Speaker: Hon. Member, I had warned you not to dwell on that point.

Hon. Kabiro Mbugua: I am trying.

Hon. Speaker: If you go back to that again, you will get the wrath of the Speaker.

Hon. Kabiro Mbugua: I am really trying. I will abstain from trying to be activist in my cause. Mr. Speaker, the Public Finance docket has been dealt a blow – I have always played football with Hon. Mbatia – this one, Allan will suffer, Kshs.629 million has been reduced. For reasons that I don't understand which I hope is to benefit us, but in event that it is brought back, we will be the one to suffer. We have tried this before in the previous times we have seen a situation where the Governor has rejected an Appropriation Bill with a memo and he was unrelenting., he won the battle. We do not want to take the assembly that route again. I hope it will not go that way again.

Education has gained in general services, Kshs.1.9 billion has been added. However, we have suffered greatly when it came to development vote. The vote for Education has been sliced tremendously and has been left with Kshs.72 million down from Kshs.572 million yet it is not something that has been transferred to the NMS. I hope it is for a good reason that it had been reduced. I am trying to get a formula just like how the Senate was trying to look at how to share this Kshs.72 million within the two sectors; that is Education and Social Services. I can't find a formula that would give equal from the Kshs.72 million that is remaining. How do you even apportion? They gave you Kshs.500 million and you have only given them Kshs.72 million. I think that will be a big problem.

I am sad that afforestation has been reduced. I have done tree planting motions and has been passed in this Assembly. I have done a motion on management of County forests and it has been passed, but now we have only been left with Kshs.4.3 million. Kshs.50 million has been taken away. I am sure Wangare Mathai, wherever she is after fighting so hard for Central Park and Uhuru Park, is turning. This is the oxygen that we breath. Let us plant trees. That is the only place that I would fault the Budget Committee dealing a blow with Education Sector by taking away money. It is not fair. But I am hopeful that is for a worthy cause.

Mr. Speaker, I thank the wisdom of the Budget Committee. I want to pray that we will get the itemized budget. I have seen the NMS has gained, I am thankful and happy. That is the spirit of where Nairobi is going. But again in the event that we disgruntle His Excellency the Governor Mike Mbuvi Sonko, you know his fights are unrelenting, he will fight you till the last bit. We do not want to go that direction.

Thank you very much, I truly appreciate having laid all these numbers. I wish to really sit and relax hoping that this budget will be the best. Thank you.

Hon. Speaker: Thank you. Can we have the mover to reply?

Hon. Robert Mbatia: Thank you, Mr. Speaker. First and foremost, I want to respond to the few concerns, but before that, I want to thank every Member present and those present online for the wonderful complements to the Committee. I was not alone, people worked overnight for the last one week. I want to mention them by names. As I mention them by names, I know that there was an estimates report that was prepared by the Committee chaired by Hon. Chege and some Members also went. So, I also want to thank them. Some Members were reappointed to other committees. I want to thank them for the wonderful work that they set and we are now rolling into it.

Mr. Speaker, I want to thank the following members: Hon, Oyugi, Hon. Nyambura, Hon. Mberia, Hon. Okeyo, Hon. Adow, Hon. Okello, Hon. Atemah, Hon. Kemunto, Hon. Azangu, Hon. Ayot, Hon. Muthami, Hon. Paul Ndung'u, Hon. Emily Oduor, Hon. Catherine Okoth, Hon. Susan Makungu, Hon. Ngengi Muturi, Hon.

James Kiriba, Hon. Joseph Mwangi Komu, Hon. Jacinta Wanjiru, Hon. Anthony Ngaruiya, Hon. Kariuki Wanjiru, Hon. Nimo Omar, Hon. Karani, and the Minority Leader, Hon. Ogada. They worked tirelessly.

Mr. Speaker, this morning there was a team that sat as early as 6:30 a.m. to have this document in place. I want to thank them. We had over four meetings for us to get this report ready. So, I want to thank the Hon. Members who have worked tirelessly. I also thank your office, Mr. Speaker, for facilitating us with a wonderful Budget Office of five brilliant young minds that have worked tirelessly to empower us up to this point. Recently, you added us a research person, which we really appreciate.

Mr. Speaker, I would also want to thank the County Treasury and the NMS who assisted us and giving us information. We have been calling them throughout on calls, having physical meetings and virtual meetings up to this time. I also thank the members of the fourth estate because they have continued to air what we pass.

Mr. Speaker, I have never been in this House. I want to congratulate you having been appointed as a Speaker of this House. Today, at least you got my eye. I have been raising my hand on virtual but you have never caught my eye for me to say that. Also, I want to appreciate our sister, nominated Member who has come back. I want to appreciate what the leadership of this House has done. She is a family and we welcome her back.

Having said that, let me respond to the details and the concerns of the Hon. Members. Hon. Imwatoke raised the issue of in case we have a challenge on why the CFSP is not in tandem with the final document. Mr. Speaker, mostly the CFSP is on the policy framework and we have looked at it, both the NMS programs and the remaining functions. We have seen they are all in tandem with the policy framework that was set at CFSP. On the funds, it is allowed because this document has been raised after the 30th of June. Obviously, there are funds that remain. As Mheshimiwa Chege Mwaura put it, they have to be declared to the Controller of Budget, which has been done. With that now, you are allowed to appropriate it again. I was answering Mheshimiwa Imwatoke together with Mheshimiwa Chege Mwaura on the issue of the PFM Act 2012, Sub Section 136.

Mr. Speaker, I also want to indicate that on the issue of WDF--- Mr. Speaker, protect me from Mheshimiwa Warutere and Mheshimiwa Majority Leader. On the issue of WDF, we want to request that this office is relocated as it is because this is a fund which has its regulations direct under Public Works. That is the ideal position. With that, Members, then it shall be very easy to be able to have our projects done at the ward level.

Mr. Speaker, there were concerns about us working. I want to implore on your offices, the Hon. Majority Leader and Hon. Minority Leader, to establish a liaison desk between us and the NMS which would help ease the communication between us and the NMS and even the issue of oversight. That would kill a lot of those complaints. Some members will have more time and some have seats there to go and sit.

Mr. Speaker, on the issue of where Mheshimiwa Chege Mwaura said that we need to indicate here on this document a communication and directions on how funds should be transferred to from the CRF to the NMS, that has brought a lot protracted issues for a very long time. I want to indicate that that has been addressed. Today the President signed the County Allocation Revenue Act (CARA). It is now in place.

Section 7 (3) clearly indicates that we can transfer funds from the CRF to the National Government. So, that is well catered and taken care of. Whoever now refuses, there is law that can even punish. We will also be meeting the NMS and the County Treasury to agree on how they will be disbursing those funds. Will be at a pro rata rate or whichever? We need to know that so that we don't have the issues that we had between the Assembly and the Executive for a while until a law was established.

Mr. Speaker, I was surprised, I think I heard Mheshimiwa Chege Mwaura indicating that he had an amendment. I don't know if I heard well or not but one of the very experienced people in this House is Mheshimiwa Chege Mwaura. He has served as a Speaker, as an ordinary Member, as a Chair Budget, as a Chief Whip, and he is serving his second term. I want to jog our memories, we had an issue when we were passing the Finance Bill, Mheshimiwa Ogada and the Members can remember. He was the Speaker then. Hon. Moseiya brought amendments to the Finance Bill. We challenged it and he ruled in our favour. A money Bill can never be amended on the floor of this House. So, when I heard that he was to bring some amendments, I don't know whether I heard it well or not, but with his experience, I hope he was to bring it to our Committee, we determine it, have a sitting with the CEC Member and then report it in this report. I hope that was the route he was to take.

Hon. Speaker, I also want to answer to the concerns of Mheshimiwa Mbugua Kabiro. He has been very insightful but I will forgive him for that. As *Mheshimiwa* Ogada put it, we were very rational in determining what should go where. We have not punished anybody. On Education, on the issues of projects especially the development, we have had a challenge at this point. Allocating any funds at this point, and we have the challenge that the entire Public Works is in the NMS and we have not even raised the bills of quantities for projects and we are in the second quarter of this financial year, so, projects might not be very physical, which have not started or have not been factored and again are on this side of the Executive. So, that is why we thought that because we don't have much in our resource envelope, that is an area that we can pinch some money and put it elsewhere. But as we progress, if we see that they have a project that can be finished within the time. We can do that.

On afforestation also, we respect the environment. We thought that with the able Chair of Agriculture and able Members like Hon. Chair of Chairs, Hon. Mbugua Kabiro, and Hon. Robert Mbatia, we can go round and lobby for funds elsewhere because we have organizations that are able to fund environmental issues. That is why we thought that we can take that avenue and be able to do afforestation program.

Mr. Speaker, I want to end there. I have just remembered the Hon. Member; it is Hon. Eve Malenya. I want to welcome her back in the House. We love her as a House. Thank you Mr. Speaker, I beg to reply.

(Question put and agreed to)


BILL

Second Reading

THE NAIROBI CITY COUNTY APPROPRIATION BILL (ASSEMBLY BILL NO. 6 OF 2020)

(The Bill was read a Second Time and committed to a

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Committee of the whole House by the leave of the House)

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Speaker left Chair)

IN THE COMMITTEE

[Hon. Chairperson (Mr. John Kamangu) took the Chair]

THE NAIROBI CITY COUNTY APPROPRIATION BILL (ASSEMBLY BILL NO. 6 OF 2020)

Hon. Chairperson: We are in the Committee of the Whole Assembly to consider the Nairobi City County Appropriation Bill, 2020 (Assembly Bill No. 6 of 2020). We will start with Clause 2.

Clause 2

(Question that Clause 2 be part of the Bill)

(Question put and agreed to)

Clause 3

(Question that Clause 3 be part of the Bill)

(Question put and agreed to)

First Schedule

(Question that the First Schedule be part of the Bill)

Hon. Chairperson: Mover?

Hon. Robert Mbatia: Mr. Chairman, I propose that the First Schedule as amended be part of the Bill.

(Question put and agreed to)

Second Schedule

(Question that the Second Schedule be part of the Bill)

Hon. Chairperson: Mover?

Hon. Robert Mbatia: Mr. Chairman, I propose that the Second Schedule as amended be part of the Bill.

(Question put and agreed to)

Title

(Question that Title be part of the Bill)

(Question put and agreed to)

Clause 1

(Question that Clause 1 part of the Bill)

(Question put and agreed to)

Hon. Chairperson: Hon. Leader of Majority, please consult in low tone, Hon. Chege, please take your position. The Mover?

Hon. Robert Mbatia: Mr. Chairman, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Appropriation Bill, 2020 (Assembly Bill No. 6 of 2020) and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

NAIROBI CITY COUNTY APPROPRIATION BILL (ASSEMBLY BILL NO. 6 OF 2020)

Hon. John Kamangu: Hon. Speaker, I beg to report that the Committee of the Whole House has considered the Nairobi City County Appropriation Bill, 2020 (Assembly Bill No. 6 of 2020) and approved the same with amendments.

Hon. Robert Mbatia: Mr. 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: Third Reading. Mover?

Hon. Robert Mbatia: Sorry, Mr. Speaker. you know I was thrown under the bus and I forgot the procedures. So, I have to be inducted again, I hope there are funds for that.

Mr. Speaker. I beg to move that the Nairobi City County Appropriation Bill, 2020 (Assembly Bill No. 6 of 2020) be read a third time.

As I move, I want to thank the entire Assembly once again. I also want to thank His Excellency the President. Through his wisdom, he thought that it would be wise to have transferred functions under the NMS. So far, in the few days since March we have seen tremendous changes in Nairobi. I want to commend the team and I urge that we support them as the Assembly. I urge the Nairobi County Government to support them. They should also liaise with us as we continue to work together because as I said earlier, development plans and all these bills have to be passed in this Assembly. So, this is an integral part in this motion. We need to be alive to the fact that as the deed indicates, we still have our role as the oversight arm of the government. I beg to move. Thank you

(Question proposed)

(Question put and agreed to)

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

Hon. Speaker: I now take this opportunity to welcome the Hon. Member, Eve Malenya back to the Assembly.

(Applause)

I believe the Assembly has been yearning for your input. From the information, I understand you bond very well with them. Hopefully, I will be able to see you one of these fine days. Pop in my office if there is anything that you need for my facilitation, be assured I will do the needful.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no any other business, the Assembly stands adjourned to Tuesday 13th October 2020 at 9:30 a.m.

The House rose at 5.25 p.m.