



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Second Session

Tuesday 14<sup>th</sup> February 2023

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]*

#### PRAYER

**Hon. Speaker:** Hon. Members, you may be seated.

#### QUORUM

**Hon. Speaker:** Hon. Members, the attention of the Chair has been drawn to lack of quorum in this Assembly. Under Standing Order No. 137 (2), I direct the Serjeant-at-Arms to ring the bell for ten minutes.

*(Quorum bell was rung)*

Clerk, kindly confirm whether we have quorum.

*(The Clerk-at-the-Table confirmed there was no quorum)*

The Chair has been notified that there is still lack of quorum in the Assembly. I direct the Serjeant-at-Arms to ring the bell for another five minutes.

*(Quorum bell was rung)*

When the bell is ringing, Members are not allowed to move out, only the Whips are allowed to leave the plenary, please. Facilitate Members to come in. Hon. Member, you cannot leave the plenary please, you stand guided.

Hon. Members, we now have quorum and we can proceed.

*(Loud consultations)*

Order, Hon. Members!

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**COMMUNICATION FROM THE CHAIR**

## RESUMPTION FROM LONG RECESS

**Hon. Speaker:** Order, Hon. Members! Hon. Members, I have the following communication to make; Hon. Members, may I take this opportunity to welcome you all to this Second Session of the Third Assembly after the long recess and the festive season. I believe that you had fruitful and fulfilling moments with your constituents and indeed with your respective families. I also wish to take this opportunity to wish you all a Happy Valentines days. Let us share love as we commemorate this beautiful day.

## ASSEMBLY BUSINESS

Hon. Members, as we resume, our in-tray is already full and we must rise to the occasion and respond to the various needs of our people. Indeed, during this Session, we shall be expected to lay the foundation of our development agenda by considering and approving the County Integrated Development Plan (CIDP), which is the development blue print for this County amongst other vital budget related documents. I therefore urge Hon. Members to pay crucial attention to this critical business when it will be tabled before this House.

Equally, Hon. Members, I am aware that there is other pending business before various Select Committees. I encourage all committees led by the committee chairpersons and the secretariat to expedite on the same. My office will be available at all times to address any challenge that you may be facing. In the same vein, I direct the office of the Clerk to compile a report of all pending business and submit the same to my office by close of business, Thursday, 17th February 2023 for my further action.

## OFFICE SPACE WITHIN THE ASSEMBLY PRECINCTS

Hon. Members, the Service Board endeavors to provide office space to all Hon. Members within or in proximity to the precincts of the County Assembly. It is my desire that all Hon. Members be accommodated within the precincts. However, my hands are tied due to lack of enough space here at City Hall. However, all is not lost since in both our approved and the proposed CIDP, acquisition of office space is one of our priorities.

In this regard, we have tried to re-organize and create more offices for Hon. Members beginning with our Leaders. Soon we shall also be re-modelling the space now being used as lounge next to Charter Hall for Hon. Members into a proper modern lounge to temporarily accommodate all other Hon. Members. To this end, the office of the Clerk is directed to expedite and conclude this matter by mid next month. Meanwhile, allocation of offices to the House leadership has been effected as follows:

No.	Leader	Office Number
1.	Speaker	182 and 181
2.	Minority Party Board Member	180
3.	Majority Party Board Member	179
4.	Minority Party Chief Whip	178
5.	Minority Party Leader	176

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6.	Deputy Minority Party Leader	175 B
7.	Deputy Majority Party Leader	175 A
8.	Majority Party Leader	174
9.	Majority Party Whip	173
10.	Deputy Majority Party Whip	172
11.	Deputy Speaker	171
12.	Chair, Public Accounts Committee	Ground Floor/ Former Lounge
13.	Chair, Finance, Budget and Appropriations Committee	Ground Floor/ Former Lounge
14.	Deputy Minority Party Whip	Basement Floor

*(Several Members stood at the bar)*

May I now allow Members to proceed and get seated.

*(Loud consultations)*

Order, Hon. Members! Hon. Members, you cannot gag the Speaker when he is on his feet.

#### MOTOR-VEHICLE RE-IMBURSEMENT BENEFIT

Hon. Members, as you are aware, you are entitled to a Motor-Vehicle Re- imbursement benefit as assigned by the SRC. The County Assembly Service Board together with the Loans Committee has worked around the clock to ensure that you access this benefit. We have had several challenges in delivering this benefit and I am glad for the patient and sobriety you have shown. I am glad that this benefit is now ready and you should be able to access it by tomorrow.

*(Applause)*

I know the Clerk is working on a few administrative issues which are at advanced stage. In this regard, we shall have a Speaker's Kamukunji at the rise of this Assembly today to share and deliberate on some of the administrative issues. I encourage all Members to attend this crucial Kamukunji.

In conclusion, Hon. Members, I encourage you to remain focused and united. Let us handle our issues honorably. I invite you to raise any challenge you may have either directly to my office or through your leaders. I wish you a successful Second Session.

Thank you, Hon. Members.

*(Loud consultations)*

**Hon. Speaker:** I have communicated, it shall be facilitated immediately, as early as tomorrow.

#### MESSAGE

##### NOMINATION OF APPOINTMENT TO THE OFFICE OF THE COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE

**Hon. Speaker:** Hon. Members, under Order No. 3 on messages, I have a communication from the Governor.

Hon. Members, Standing Order 45 (1) relating to 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."*

Further Section 44 (2) (b) of the County Governments Act, 2012 provides:

*"The County Secretary shall be nominated from persons competitively sourced under paragraph (a) by the Governor and, with the approval of the County Assembly, appointed by the Governor."*

In this regard, Hon. Members, I wish to convey the following Message from His Excellency the Governor, regarding the nomination of a person for appointment as the County Secretary.

Hon. Members, in the Message, His Excellency the Governor, conveys that, pursuant to Section 44 (2) (a) of the County Governments Act, 2012, an advertisement was made on 11 January, 2023 by a Selection Panel for the position of the County Secretary and Head of Public Service.

Hon. Members, the said panel shortlisted fourteen (14) applicants who were interviewed on the 31 January, 2023 and thereafter the successful applicants' names were forwarded to H.E. the Governor for consideration and nomination.

Subsequently, Hon. Members, in exercise of the powers conferred to him by Section 44 (2) (b) of the County Governments Act, 2012, H.E. the Governor, conveys that he has nominated Dr. Jairus Musumba, PhD for appointment to the position of County Secretary and Head of Public Service.

Hon. Members, His Excellency the Governor now seeks the approval of the County Assembly on the nominee for appointment to the said position.

Hon. Members, Standing Order No.48 requires that upon receipt of notification of nomination for appointment under Section 44 of the County Governments Act, such nomination shall stand committed to the Select Committee on Appointments. Therefore, Hon. Members, I hereby refer the name of the nominee to the Select Committee on Appointments for vetting and reporting to the House within the statutory timelines and in accordance with the relevant laws and Standing Orders.

Hon. Members, you stand guided.

## PAPERS

**Hon. Speaker:** The Hon. Majority Leader, please.

**Hon. Peter Imwatok:** Petition of the removal of the sixth member of --- Sorry, Speaker.

*(Laughter)*

Hon. Speaker, I have remembered that you had not yet approved that.

## QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE SECOND QUARTER OF FINANCIAL YEAR 2022/2023

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 14<sup>th</sup> February 2023:

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The Nairobi City County Quarterly Report and financial statement for the Second Quarter of financial year 2022/2023. I beg to lay.

*(The Paper was laid on the Table)*

#### REVENUE AND EXPENDITURE REPORT FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER 2022

**Hon. Peter Imwatok:** Pursuant to Section 66 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 14<sup>th</sup> February 2023:

The Nairobi City County Revenue and Expenditure report for the period ended 31<sup>st</sup> December 2022. I beg to lay.

*(The Paper was laid on the Table)*

#### COB ANNUAL COUNTY GOVERNMENT BUDGET IMPLEMENTATION REPORT FOR THE FINANCIAL YEAR 2021/2022

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to Article 228 (6) of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 14<sup>th</sup> February 2023:

The office of the Controller of Budget Annual County Government Budget Implementation Report for the financial year 2021/2022 that approved our car grant and mortgage. I beg to lay.

*(The Paper was laid on the Table)*

### MOTION

#### APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE

**Hon. Peter Imwatok:** Hon. Speaker, THAT, pursuant to the provisions of Standing Orders 167 (1) (g), this Assembly approves the appointment of the following Members to the Select Committee on Assembly Business in addition to those specified under paragraphs(a), (b), (c), (d) (e) and (f):

1. Hon. Stazo Omung'ala, MCA – Deputy Majority Whip
2. Hon. Wilfred Odalo, MCA
3. Hon. Abass Khalif, MCA
4. Hon. Rose Masitsa, MCA
5. Hon. Emily Oduor, MCA
6. Hon. Moses Kitema, MCA
7. Hon. Anthony Kimemia, MCA
8. Hon. Nicholas Juma, MCA
9. Hon. Malyun Abdi Ali, MCA
10. Hon. Dr. Clement Nganga Mwangi, MCA
11. Hon. Doreen Mugambi, MCA
12. Hon. Chege Mwaura, MCA
13. Hon. Hashim Athman Kamau, MCA
14. Hon. Diana Katile Mwangangi, MCA
15. Hon. Sospeter Mumbi, MCA
16. Hon. Lydia Akoth Otieno, MCA

17. Hon. Martin Mbugua, MCA

Hon. Speaker, as you are aware, every beginning of the Session of Parliament, the House Business Committee has to sit. I believe there are no more changes with membership of this Committee. I must congratulate the Whips of both sides and say that we are ready to proceed for this quarter with these members as House business committee members.

As the Speaker has communicated that we will be having a Kamukunji today, I beg to ask my brother, Chege Mwaura to second this so that we rush things.

**Hon. Chege Mwaura:** Thank you, Mr. Speaker. I rise to second the Motion and reiterate that this being a new session, we hope that business will be more forthcoming now that Members are fully inducted in their various committees. I rise to support, thank you.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, plenary. Hon. Hashim Kamau.

**Hon. Hashim Kamau:** Thank you, Mr. Speaker. I rise to support the Motion and inform Members---

**Hon. Speaker:** Hon. Hashim, that is conflict of interest. You may be seated because your name is in the list

**Hon. Hashim Kamau:** Thank you.

**Hon. Speaker:** Now that there are no further requests, I request the mover to reply.

**Hon. Peter Imwatok:** Hon. Speaker, now that there are no Members to speak, allow me to do so in 40 minutes!

**Hon. Speaker:** You are only entitled to a reply.

**Hon. Peter Imwatok:** For ten minutes, Mr. Speaker.

**Hon. Speaker:** No!

**Hon. Peter Imwatok:** Hon. Speaker, I want to say thank you to the Hon. Members and especially to the Majority side. I believe that God has kept us all healthy and we pray for good health as we go through this quarter. I implore onto Members to serve all the Members motions, petitions and everything that comes before you with equality. No Member should feel less of a person when his Motion or statement goes before the House Business Committee.

Lastly, thank you, Mr. Speaker for your communication as today marks a good day for Members who have been on matatus. By tomorrow, will be able to get what is due for them. I believe that we will allow the Speaker to leave and come back for the Kamukunji together with the Accounting Officer to give us a sense of direction. My account is with Cooperative Bank and I hope that in the next few hours, my phone will be heavy. I beg to reply.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, having no other business, the Assembly stands to 2:30p.m. tomorrow. I direct the House Business Committee to sit to consider the business for the week at the rise of the Assembly. Members will remain behind seated as there is going to be a Kamukunji. Thank you Hon. Members.

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The House rose at 3.30 p.m.