



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 26th June 2024

The House met at 9.30 a.m.

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

PRAYER

Hon. Speaker: Hon. Members, you may be seated. Clerk, let us proceed.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I will have an elaborate communication in the afternoon in regards to the state of our Assembly and the position of the Members of the County Assembly who were involved in an accident, and any other further communication. Thank you.

Clerk, call out the Order.

NOTICE OF MOTION

REPORT ON CONSIDERATION OF REVENUE AND EXPENDITURE ESTIMATES FOR NAIROBI CITY COUNTY GOVERNMENT AND COUNTY ASSEMBLY FOR FY 2024/2025

Hon. Wilfred Odalo: Sorry, Hon. Members, there was a small oversight. I beg to give notice of the following Motion:

THAT, this Assembly adopts the Report of the Select Committee on County Finance, Budget and Appropriations on the consideration of the Revenue and Expenditure Estimates for the Nairobi City County Government and County Assembly for the financial year 2024/2025, laid on the Table of the Assembly on Tuesday, 25th June, 2024.

STATEMENT

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Hon. Peter Imwatok: Hon. Speaker, I know that this is not the right time but as the leader of the House, I would first of all like to apologize to our fellow Hon. Members on what happened yesterday.

Hon. Speaker: Majority Leader, the chair has communicated that we will have a sitting at 2:30 p.m. to speak further on the issues.

Hon. Peter Imwatok: Hon. Speaker, I wanted to apologize for my absence yesterday because as the second father of this House, I should have been there to rescue our mothers like Hon. Lugonzo, who called me crying; I am sorry my mothers. I had a duty to help the release of some prisoners in Western. If I was present yesterday, I could have been another Regi. On that note, allow me to applaud Hon. Regi for the good work he did yesterday in this Assembly. Thank you.

(Applause)

Hon. Speaker: Thank you, Majority Leader.

MOTION

ADOPTION OF REPORT ON REVENUE AND EXPENDITURE
ESTIMATES FOR NAIROBI CITY COUNTY GOVERNMENT
AND COUNTY ASSEMBLY FOR FY 2024/2025

Hon. Wilfred Odalo: Hon. Speaker, thank you. I also want to thank all Members for coming and making the quorum happen. Having said that, I will be a bit brief on moving today's Budget Estimates.

Hon. Speaker, I beg to move:

THAT, this Assembly adopts the 18th report of the Select Committee of County Finance, Budget and Appropriations on the Revenue and Expenditure Estimates for the Nairobi City County Government and the County Assembly for the financial year 2024/2025.

I hope everybody has the estimates in their hands. Hon. Speaker, kindly direct because it is a requirement that you have the estimates so that you support what you are aware of. You have the report?

Hon. Members: Yes!

Hon. Wilfred Odalo: That's it. The Estimates were tabled some time back. If you have the report, it advises what the Estimates were all about. Thank you for understanding. Kindly distribute the report to the Members.

I will go directly to the summary of the recommendations by the able Select Committee of County Finance, Budget and Appropriations, where people talk to each other, you don't throw words.

Hon. Speaker, the Committee has scrutinized the submitted budget estimates and is contented that by and large most of the allocations as proposed were...

Point of Order

Hon. Speaker: Hon. Member, what is the Point of Order? Under which Standing Order?

Hon. Patrick Karani: Mr. Speaker, I am requesting that we be provided with the final estimates that are included in this report that we are being taken through by the Chair.

Hon. Speaker: That is what is being circulated.

Hon. Patrick Karani: We have the report but we do not have the final estimates.

Hon. Wilfred Odalo: Hon. Speaker, the final estimates are in the portal.

Hon. Speaker: The Chair of Budget Committee has confirmed that the estimates are in the Assembly's portal. But you can borrow mine.

Hon. Wilfred Odalo: As I had indicated before, I will go directly to the Committee's recommendations due to time and the situation of the Nairobi County.

Hon. Speaker, the Budget Committee has scrutinized the submitted budget estimates and is contented that by and large most of the allocations as proposed were well intentioned and aligned to over anchoring them of making Nairobi County work. However, the Committee shall be proposing amendments in areas where it was convinced that the fiscal rope required a little tightening to make the budget address the dynamic needs of the Nairobi County Government. As you are aware, we are the representatives of the people.

Hon. Speaker, the objective of devolution is to decentralize power and resources to the smallest unit of governance so that the people at the level can be able to take charge and decide on their destiny. During the consideration of the estimates, the Committee has ensured various changes especially the Ward Development Programme with each ward anticipated to get Kshs. 23 million, an amount that as a Committee we have ensured that it is included in the budget that is before us.

The Committee has also proposed an additional allocation of Kshs.200 million for WDF rollover projects in a bid to settle the pending bills. Hon. Speaker, you are aware that a number of the WDF projects were not actualized, so as a Committee we have allocated an additional of Kshs. 20 million to cater for the roll over.

Hon. Speaker, the face of the city relies on how well we shall be able to manage our garbage and take care of our environment. The increasing day population in Nairobi demand that we think on how to take care of our waste. There is direct link between waste management and environment preservation, hence any effort in solid waste management contribute directly to the global effort on tackling climate change.

The Committee has taken the first step by allocating additional Kshs. 500 million for the garbage related activities, and we hope this will go a long way in making our streets cleaner and our people healthier. Hon. Speaker, you are aware that we employed a number of staff that are taking care of our streets and drainages, that allocation will cater for their wellbeing and also managing solid waste.

Hon. Speaker, during the deliberation of the County Fiscal Strategy Paper (CFSP) 2024, the Budget Committee informed this House that the role of women leaders in bridging the gender in a critical time of decision making cannot be ignored. The Committee acknowledges the hardship that women who undergo through gender based violence in the society as well as the challenges

facing school going girls within the City. In regards to this, the Committee has set aside Kshs. 50 million for the purchase of sanitary pads, purchase of assistive device for persons living with disabilities, as well to start the settling of safe house for victims of gender based violence.

(Applause)

Hon. Speaker, the Committee informed this House during the consideration of the CFSP that as a County, we must converge the pending bills tabled to develop a workable road map that ensures that the County improves her issues of tackling the pending bills. The committee has allocated additional of Kshs. 100 million to tackle various pending bills.

Hon. Speaker, on the specifics of sectoral allocations, the Committee appreciates role played by the Health Sector in provision of quality health services during the hour of need. As you are aware, most of us are even hospitalized as we talk. The Committee has enhanced the development allocation for Health Sector by Kshs. 595 million, this is additional to Kshs. 7.8 billion set aside for recurrent expenses, to among others, enable purchase of medical drugs and non-pharmaceuticals.

At the areas that the Committee has considered critical towards realizing the transformation of the agenda by His Excellency the Governor Sakaja, include additional allocation of Kshs.10 million for construction and renovation of markets – I have one in Mathare – so, we have allocated additional of Kshs. 210 million.

Hon. Speaker, we have allocated additional Kshs.100 million for settlement of legal pending bills; additional Kshs. 50 million for stage and lightening of events, and purchase of roadshow trucks to facilitate efficient public participation. Hon. Speaker, this House passed an entity to borrow some money but it was not knocked out because of public participation. So, the Committee has actually looked at that and we have borrowed a truck so that nobody can say there was no public participation.

Based on the above, Mr. Speaker, and having reviewed the budget statement for the financial year 2024/2025, the Committee recommends that the policy recommendation contained in the tabled report be approved. That the recommendation of policy issues, budget classification, budget rationalization, revenue framework, budget reduction, and budget increased be approved.

Hon. Speaker, in conclusion, and pursuant to provisions of Section 131 of Public Finance Management Act, 2012 and Standing Order No. 228, the Select Committee on County Finance, Budget and Appropriations recommends that; this Assembly adopts the 18th report of the Select Committee on County Finance, Budget and Appropriations on budget estimates for the Nairobi City County Government and County Assembly for the financial year 2024/2025.

Hon. Speaker, in addition, our Committee allocated some money for the development purposes of this Assembly. The issue of insurance has been a thorn in the flesh. Some people usually say a number of things, but it has now come to pass; that this Assembly will now rely on the insurance issue for this Assembly to come back to its normal.

I call upon my able Member and Minority Leader to second the Motion.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I would like to second and also congratulate our Members for attending today's session, under very difficult circumstances. I second.

(Question proposed)

Hon. Anthony Karanja: Hon. Members. My screen is clear, an indication that there is no Member ... we have one member, Hon. Member for Utawala.

Hon. Patrick Karani: Thank you, Hon. Speaker for catching my eye. Hon. Speaker, I stand on my feet to oppose...

Hon. Speaker: Kindly be audible enough, approach your microphone.

Hon. Patrick Karani: Hon. Speaker, as I have indicated, when we were starting...

Hon. Speaker: Chairman, kindly concentrate, we have a Member on the floor who is opposing the estimates.

Hon. Patrick Karani: As indicated when we are starting the session regarding this particular issue on this Motion, I have raised an issue concerning the actual estimates that have been contained in this. The Chairman said it is in the portal, I have gone to the portal and nothing has been uploaded there.

Hon. Speaker, I am opposing because these estimates were subjected to various sectoral committees and there were serious deliberations at the committee level, and various Members representing those committees are not aware whether the inputs that they submitted were included in this. It would have been kind enough if the Chairman would have provided the estimates. For instance, Mr. Speaker, we had an issue with the insurance and we deliberated that we wanted that amount to be factored on actuals. We do not understand the medical insurance particularly for Nairobi County Assembly Executive. We have been in this House, and I was in the Budget Committee in the last Assembly. It started at Kshs. 870 million; Hon. Imwatok is in this House and he can remember. The fight we had with AAR Insurance by attempt of the Former Governor Sonko trying to raise the premiums. It went to Kshs. 1.2 billion, then to Kshs.1.5 billion, and now it is Kshs. 2.2 billion. Mr. Speaker, there is budgeted corruption here.

As I speak, Mr. Speaker, Utawala Ward is the only Ward in this County of Nairobi where we do not have any projects apart from the Ward Development Programme. For the last financial year, we submitted but nothing was factored. This financial year, we submitted but nothing has been factored also, and the Chair of Budget wants me to support this.

Mr. Speaker, we have to discuss also the issue of revenue. This budget is Kshs. 41 billion, Kshs. 20 billion is coming from Exchequer as equitable share. Over the years since Kidero's time, there is no time this County has collected more than Kshs.12 billion. It is this year that Governor Sakaja has managed to collect Kshs. 12.5 billion. Now, we are trying to say that in this financial year we are going to collect Kshs. 20 billion to balance; what magic is there that the Committee has seen that Governor Sakaja is going to do to collect the extra Kshs. 7 billion? It is almost impossible.

By allowing this thing, Mr. Speaker, we should be alive to the fact that this country is boiling. Yesterday, this country was at a standstill on matters finance. We are trying again to bring an issue here that can elicit emotions of Nairobians. We are not going to be quiet, we are going to speak. I must go back to my ward and tell people why there is no budget allocations for them. Why do they have zero allocation yet they went for public participation, there was public participation report, and it was brought here?

Mr. Speaker, the generation Z are protesting because leaders have turned deaf to public participation. We give our views and nobody is taking those views. Time has come where fear is no more and people are willing to speak. You can see even they visited here, Mr. Speaker. Let us not entertain this and do things the correct way. We have the time and opportunity. There is even no rush, Mr. Speaker, to pass budget by the end of financial year.

(A Hon. Member raised a Point of Order)

Hon. Speaker: The Member is on a Point of Order. Kindly conclude.

Hon. Patrick Karani: So, Mr. Speaker we have...

Point of Information

Hon. Speaker: Yes, Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I think it would be unfair for the Member to continue telling us things which are not true. He has stated that it is Utawala Ward which had no capital projects in the last financial year. I would also want to add Waithaka Ward to that list. Hon. Speaker, the estimates and the report is on the County Website, he should have gone and looked at it there because it is available. The Standing Orders do not allow us to anticipate debates. When we say that we are going to collect Kshs. 20 billion, it is that way. If this year, which he has clearly stated, we have collected more than Kshs.12 billion, had we gone with what was collected the previous year which was Kshs. 9 billion, it would be shooting below our target.

Hon. Speaker there is no evidence that this House has any intention of approving further taxes on the people of Nairobi. We as the Budget Committee are confident that if we collect all the money that is supposed to be collected in this County, Kshs.20 billion is actually an understatement. So, Hon. Speaker, I would like you to maybe guide him and ask him to either support or not support this report as read by the Chairperson.

Hon. Speaker: Thank you, Hon. Minority Leader. Member, you may be seated please.

Hon. Anthony Karanja: Yeah, the extra debate is not adding any value because...

Hon. Speaker: Please you may be seated, Hon Member.

Hon. Anthony Karanja: It is not even factual as guided by Standing Order No. 99 on statement of facts. It would be unfair if we continue to keep stating things which are not factual.

Hon. Speaker: Hon. Member, I am sorry to say this, just for clarity, let the Clerk confirm to the Hon. House at what point the website was on for Members to log in. When and which documents? Kindly read out. Just use your microphone so that you do not mislead the House.

(The Clerk-at-the-Table confirmed the program budget and the itemized budget were uploaded on the County Assembly Website on 2nd May 2024)

Hon. Speaker: Hon. Member, just be kind enough and withdraw the aspect of misleading the Assembly.

Hon. Patrick Karani: Mr. Speaker, I am talking about the final estimates, those were the estimates submitted by the Executive that culminated to this.

(A Hon. Member raised a Point of Order)

Hon. Speaker: Declined. Hon. Member for Utawala, please stop misleading the Assembly. After we are done with this is when the Assembly shall approve the final documents of estimates to be uploaded in the website.

Hon. Patrick Karani: Mr. Speaker...

Hon. Speaker: Order, Hon. Member! Please don't argue with the Chair! I call the mover of the Motion to reply.

Hon. Wilfred Odalo: Mr. Speaker, if you allow me, I want to add some information to the Member and also to appreciate that today he is in the Assembly and not rushed to court to get orders to block what is before us. It is important to inform the Member that the Exchequer was passed and there is addition of Kshs.1.6 billion. So, it is no longer at Kshs.20 billion. It is also important to inform him that the budget is not only the WDF, even the bursary that he is distributing in his ward is part of the budget. It is also important to inform the Member that yesterday we had an issue in the Assembly where a number of things were vandalised. So, bear with us. Whatever you are alluding to is a practise and not anchored in the law; that the estimates must align to the recommendations of the Committee. In case you have any law supporting that, you can quote it.

Having said that, Hon. Speaker, allow me to thank my Members for being up to task. Everywhere we go, we usually have quorum, and we look at issues keenly. Thanks a lot, Hon. Members of the Budget Committee.

Let me also thank the secretariat for being up to task for the advice purposes. Hon. Speaker, I beg to reply.

Hon. Speaker: Hon. Members, before I put the question on the Motion, by leave of the Chair, I wish to revert to Standing Order No. 43 (2) in order for the Leader of Majority to lay Papers in sequence of the Business in the Order Paper.

(The Motion was interrupted)

PAPERS

NAIROBI CITY COUNTY SUPPLEMENTARY BUDGET

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ESTIMATES (II) FOR FY 2023/2024

Hon. Peter Imwatok: Hon. Speaker, before this Chamber, I have two papers to lay. Allow me to put one aside because it has never gotten proper of my attention and to avoid laying Papers which have no substance before the House. This is a report of the Auditor General report for the Nairobi Water and Sewage Company. I will lay the most appropriate one before this House.

Mr Speaker, pursuant to Section 135 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 25th June 2024:

The Nairobi City County Supplementary Budget Estimates (II) for the financial year 2023/2024.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. The Paper laid is committed to the Budget and Appropriations Committee.

MOTION

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(Resumption of Motion earlier interrupted)

Hon. Speaker: I will now put the Question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: That marks the closure of the Business for this morning session. The Assembly stands adjourned to 2:30 p.m. today. Thank you.

The House rose at 10:40 a.m.