



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 6, 2019 AT 2.30 PM

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Deputy Speaker having confirmed that there was no Quorum at the commencement of the sitting caused the Bell to be rung for Ten minutes.

There being a Quorum at the expiration of the Ten minutes, the Deputy Speaker called the Assembly to order.

3. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(f)

- a) Hon. Jeremiah Themendu, MCA on behalf of the Chairperson of the Sectoral Committee on Environment and Natural Resources gave a Response to Statement requested by Hon. Waithera Chege, MCA regarding the discharge of industrial effluent gas in the County; and
- b) The Chairperson of the Sectoral Committee on Health Services gave a Response to Statement requested by Hon. Kabiro Mbugua, MCA regarding the alleged use of chemicals for preservation of meat in supermarkets in the County; and

4. MOTION – MECHANISMS FOR CARING OF CHILDREN WITH AUTISM IN THE COUNTY

Motion Made and Question Proposed: -

THAT, aware that Article 26 of the Constitution of Kenya (2010) gives the citizen of this Country and residents of Nairobi City County a right to life; further aware that Health Services including County Health facilities and primary health care have been devolved to the County Governments pursuant to paragraph 2 of Part Two of the Fourth Schedule to the Constitution; **acknowledging** that autism is development disorder of neurobiological origin that can have a lifelong effect on social

interaction, ability to communicate ideas and feelings, imagination and establishment of relationships; **recognizing** that autism is one of the categories of special education and is a serious, lifelong and disabling condition and without the right support it can have a profound effect to individuals and families; **concerned** that many children with special needs such as those with autism in the County Early Childhood Education Centres drop out school due to unconducive environment occasioned by lack of equipment and facilities; **observing** that one of the functions of the County Persons with disabilities Board is to provide to the maximum extent possible assistive devices, appliances and other equipment to persons with disabilities; and access to available information and technical assistance to all institutions and organizations concerned with the welfare and rehabilitation of persons with disabilities; this Assembly urges the County Executive to:-

- i. Establish, construct, and equip specific classrooms for children with special needs in order to accommodate autistic learners;
- ii. Provide early and accurate diagnosis of autism; and
- iii. Establish a Committee to address non-compliance and violation with the primary objective being of mastering academic goals to ensure that interventions are accessible and effective so to guarantee the success of include education for learners diagnosed with autism.

(Hon. June Ndegwa, MCA)

Debate ensued;

Mover replied;

Question put and **Agreed to.**

5. COMMITTEE OF THE WHOLE ASSEMBLY

Order for Committee of the Whole Assembly read;

IN THE COMMITTEE

(Hon. Anthony Kimemia, MCA - in the chair)

The Nairobi City County Corporations Bill, 2019 (Assembly Bill No. 3 of 2019)

Clause 3

Question that Clause 3 be part of the Bill proposed, put and agreed to;

Clause 4 amendments proposed –

THAT, Clause 4 of the Bill be amended as follows: -

- (i) In sub clause (1) by inserting the words **“and the County Assembly”** immediately after the word **“Committee”**
- (ii) In sub clause (1) by inserting the expression **“conducting stakeholder engagements and”** immediately after the word **“upon”**.

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 4 as amended be part of the Bill proposed, put and agreed to;

Clause 5 amendments proposed –

THAT, Clause 5 of the Bill be amended as follows: -

- (i) In paragraph (d) by inserting the following new paragraph immediately after paragraph (d) as follows: -

NEW PARAGRAPH

“da” the County Corporation shall be a public corporation with the County Government having the majority share of not less than 75%”

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 5 as amended be part of the Bill proposed, put and agreed to;

Clause 6 amendments proposed –

THAT, Clause 6 of the Bill be amended as follows: -

- (i) In sub clause (4) by inserting the expression **“in accordance with the Public Finance Management Act,2012 and the Regulations thereof”** immediately after the word “Corporation”.

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 6 as amended be part of the Bill proposed, put and agreed to;

Clause 7 amendments proposed –

THAT, Clause 7 of the Bill be amended as follows;

- (i) In sub clause (1), by deleting the words **“for finance”** appearing immediately after the word “Committee” and by inserting the words **“and the County Assembly”** immediately after the word “Committee”.
- (ii) In sub clause (7) by deleting the expression “relevant department in the county” and substituting therefor the following **“responsible County Government entity”**

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 7 as amended be part of the Bill proposed, put and agreed to;

Clause 8

Question that Clause 8 be part of the Bill proposed, put and agreed to;

Clause 9 amendments proposed –

THAT, Clause 9 of the Bill be amended as follows; -

- (i) In sub clause (2) by deleting the expression **“the representative of the County Executive Committee Member responsible for Finance, who is”**
- (ii) In sub clause (2) by inserting a new sub clause immediately after sub clause (2) as follows:
- (iii) In sub clause (5) by inserting the words **“non-executive”** immediately before the word “chairperson”
- (iv) In sub clause (5) by deleting the expression **“the qualifications, skills and experience as advised by the County Public Service Board”** and substituting therefor the expression **“a degree from a university recognized in Kenya”**

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 9 as amended be part of the Bill proposed, put and agreed to;

Clauses 10,11,12,13,14,15 and 16

Question that Clauses 10, 11, 12,13,14,15 and 16 be part of the Bill proposed, put and agreed to;

Clause 17 amendments proposed –

THAT, Clause 17 of the Bill be amended as follows; -

- (i) In sub clause (1) paragraph (b) sub paragraph (iii) by inserting a new sub paragraph immediately after sub paragraph (iii) as follows: -

NEW SUB PARAGRAPH

“iii a” Risk Management

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 17 as amended be part of the Bill proposed, put and agreed to;

Clause 18 amendments proposed –

THAT, Clause 18 of the Bill be amended as follows: -

- (i) By deleting the words “County Public Service Board” wherever it appears and substituting therefor the following expression **“responsible County Executive Committee member”**

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 18 as amended be part of the Bill proposed, put and agreed to;

Clause 19 amendments proposed –

THAT, Clause 19 of the Bill be amended as follows: -

- (i) By deleting the expression **“in consultation with the County Public Service Board and”** in its entirety.

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 19 as amended be part of the Bill proposed, put and agreed to;

Clause 20 amendments proposed –

THAT, Clause 20 of the Bill be amended as follows:

- (i) In sub clause 3 paragraph (c) sub paragraph (i) by deleting the word **“County Corporation”** and substituting therefor the word **“Board”**

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 20 as amended be part of the Bill proposed, put and agreed to;

Clauses 21, 22, 23, 24 and 25

Question that Clauses 21, 22, 23, 24 and 25 be part of the Bill proposed, put and agreed to;

Clause 26 amendments proposed –

THAT, Clause 26 of the Bill be amended as follows;

- (i) In sub-clause (1), by deleting sub clause (1) in its entirety and substituting therefor the following: -

“Every County Corporation shall not later than January in every year, cause to be prepared estimates of the County Corporation’s revenue and expenditure for the following financial year and shall submit to the responsible County Executive Committee Member who, after approving it shall forward to the County Executive Committee Member for finance”

- (ii) In sub clause (3) by inserting the word **“finance”** immediately after the words **“Member for”**

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;
Question put and agreed to;

Question that Clause 26 as amended be part of the Bill proposed, put and agreed to;

Clauses 27 & 28

Question that Clauses 27 & 28 be part of the Bill proposed, put and agreed to;

Clause 26 amendments proposed –

THAT, Clause 29 of the Bill be amended as follows;

- (i) By deleting Clause 29 in its entirety and substituting therefore the following: -

“The assets of a County Corporation may be acquired or disposed of subject to the provisions of the Public Procurement and Asset and Disposal Act, 2015”

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question of the amendment proposed;
Question put and agreed to;

Question that Clause 29 as amended be part of the Bill proposed, put and agreed to;

Clauses 30, 31, 32, 33, 34 and 35

Question that Clauses 30, 31, 32, 33, 34 and 35 be part of the Bill proposed, put and agreed to;

New paragraph 5 (d) A

THAT, Clause 5 of the Bill be amended as follows: -

- (i) In paragraph (d) by inserting the following new paragraph immediately after paragraph (d) as follows: -

NEW PARAGRAPH

“da” the County Corporation shall be a public corporation with the County Government having the majority share of not less than 75%”

Motion made and question proposed;

That New paragraph 5 (d) A be read a Second Time

(Vice-Chairperson, Select Committee on County Finance, Budget & Appropriations)

Question put and agreed to

Question that New paragraph 5 (d) A be part of the Bill proposed, put and agreed to;

New paragraph 17 (b) (iii) A

THAT, Clause 17 of the Bill be amended as follows; -

- (i) In sub clause (1) paragraph (b) sub paragraph (iii) by inserting a new sub paragraph immediately after sub paragraph (iii) as follows: -

“iii a” Risk Management

Motion made and question proposed;

That New paragraph 17 (b) (iii) A be read a Second Time

(Vice-Chairperson, Select Committee on County Finance, Budget & Appropriations)

Question put and agreed to

Question that New paragraph 17 (b) (iii) A be part of the Bill proposed, put and agreed to;

New Sub-Clause 9 (2) A

THAT, Clause 9 of the Bill be amended as follows; -

- (i) In sub clause (2) by inserting a new sub clause immediately after sub clause (2) as follows:

2A “The chief officer of the relevant sector and the chief officer for finance shall be members of the Board”

Motion made and question proposed;

That New Sub-Clause 9 (2) A be read a Second Time

(Vice-Chairperson, Select Committee on County Finance, Budget & Appropriations)

Question put and agreed to

Question that New Sub-Clause 9 (2) A be part of the Bill proposed, put and agreed to;

Clause 2

Question that Clause 2 be part of the Bill proposed, put and agreed to;

The Title

Question that Title be part of the Bill proposed, put and agreed to;

Clause 1

Question that Clause 1 be part of the Bill proposed, put and agreed to;

6. ASSEMBLY RESUMED: -

The Nairobi City County Corporations Bill, 2019 (Assembly Bill No. 3 of 2019)

Bill reported with amendments

Motion made and Question proposed: -

THAT, the Assembly do agree with the Committee of the Whole Assembly in the said report.

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Question put and agreed to.

Motion made and question proposed-

THAT, the Nairobi City County Corporations Bill, 2019 (Assembly Bill No. 3 of 2019) be now read a Third Time;

(Vice-Chairman, Select Committee on County Finance, Budget & Appropriations)

Debate ensued;

Question put and agreed to.

Bill read a Third Time and **passed**

And the time being a quarter past Four O'clock the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - at quarter past Four O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 7th, 2019 at 2.30p.m.

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