



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FOURTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 30, 2020 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 COUNTY ASSEMBLY-

The Hon. Deputy Speaker (Hon. John Kamangu, MCA) having confirmed that there was Quorum proceeded.

3. COMMUNICATION FROM THE CHAIR

SECONDMENT OF STAFF FROM THE COUNTY GOVERNMENT TO THE NATIONAL GOVERNMENT

Hon. Members, I have the following communications to convey:

“Hon Members, my attention has been drawn to a ruling delivered on 25th June 2020 by Hon Lady Justice Hellen Wasilwa in the Employment and Labor Relations Court, Petition No. 65 of 2020 [Okiya Omtatah Okoiti Vs Nairobi Metropolitan Service & 3 Others; Mohamed Abdala Badi & 9 Others (Interested Parties)]. In the said ruling, the Hon Judge partly found that the County Assembly did not approve the secondment of the County Government Staff to the National Government.

Hon. Members, you will recall that during our Special Sitting held on 2nd April 2020, this County Assembly adopted a Motion moved by the Leader of the Majority Party, the Hon Charles Thuo, MCA, whose effect was approval/concurrence with the secondment of County Government staff to the National Government. The said Motion read in part as follows and I quote: “Cognizant of the fact, that, the affected County Staff have already been handed over to the Nairobi Metropolitan Services which is

the implementing entity of the transferred functions, this Assembly consents with the secondment of County Staff to the National Government and further agrees with the codification, realignment and ranking of the seconded staff by the Nairobi Metropolitan Services and the Public Service Commission”. With the foregoing, Hon. Members, I wish to advise all parties interested in this matter on the aforementioned actions already taken by the County Assembly.

I also wish to reiterate the County Assembly’s support of the Nairobi Metropolitan Services initiative and re-assure His Excellency the President, Uhuru Kenyatta, that the County Assembly shall pass all the legislations required to ensure the success of the NMS. In that regard, Hon. Members, I now direct that the Office of the Clerk forwards the said Motion together with the Hansard Report and the Votes and Proceedings of the said sitting to all concerned parties. It so guided. I thank you Hon Members. Hon. Members, please be seated and observe silence.

DISBANDMENT OF THE SPEAKER’S PANEL

Honorable Members, I have the following Communication to convey: –

“Honorable Members, Standing Order 17 of our Standing Orders provides for the establishment of a Chairperson’s Panel. The panel comprises of four Members to be known, respectively, as the First, Second, Third and Fourth Chairperson of Committees and who shall be entitled to exercise all the powers vested in the Chairperson of Committees.

Honorable Members, the House expects Members of the Panel to execute their duties impartially and must be of highest moral grounds. However, Hon. Members, events of the recent days have raised credibility issues against some of the Members of the panel, which the Speaker cannot condone. In that regard, Hon. Members, while Standing Order 18 provides for the procedure for discharging a Member from the panel. In the current exceptional circumstances, I hereby disband the entire panel with immediate effect to safeguard the integrity of the House. Consequently, Hon. Members, I further direct that the House Leadership to consult with my Office and nominate new Members to the panel pursuant to Standing Order 17.

- i) In regards to Secondment of staff from the County Government to the National Government

“Honorable Members, my attention has been drawn to a ruling delivered on 25th June 2020 by Honourable Lady Justice Hellen Wasilwa in the Employment and Labor Relations Court, Petition No. 65 of 2020 [(*Okiya Omtatah Okoiti Vs Nairobi Metropolitan Service & 3 Others; Mohamed Abdala Badi & 9 Others (Interested Parties)*)]. In the said ruling, the Honourable Judge partly found that the County Assembly did not approve the secondment of County Government Staff to the National Government.

Hon. Members, you will recall that during our Special Sitting held on April 2nd, 2020, this County Assembly adopted a Motion moved by the Leader of the Majority Party, the Honourable Charles Thuo, MCA, whose effect was approval/concurrence with the secondment of County Government staff to the National Government. The said Motion read in part as follows and I quote:-

“Cognizant of the fact, that, the affected County Staff have already been handed over to the Nairobi Metropolitan Services which is the implementing entity of the transferred functions, this Assembly consents with the secondment of County Staff to the National Government and further agrees with the codification, realignment and ranking of the seconded staff by the Nairobi Metropolitan Services and the Public Service Commission”.

With the forgoing Hon. Members, I wish to advise all parties interested in this matter on the aforementioned actions already taken by the County Assembly. I also wish to reiterate the County Assembly’s support of the Nairobi Metropolitan Services initiative and re-assure H.E. the President, Uhuru Kenyatta, that the County Assembly shall pass all the legislations required to ensure the success of NMS.

In that regard, Hon. Members, I now direct that the Office of the Clerk forwards the said Motion together with the Hansard Report and the Votes and Proceedings of the said sitting to all concerned parties.”

4. PAPERS

The following papers were laid on the Table of the Assembly;

- i) **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE NAIROBI CITY COUNTY EXECUTIVE AND ASSEMBLY BUDGET ESTIMATES FY 2020/2021**

(Chairperson, Select Committee on County Finance, Budget and Appropriations)

- ii) **VOTE ON ACCOUNT SCHEDULE**

(Chairperson, Select Committee on County Finance, Budget and Appropriations)

5. NOTICE OF MOTION – (CHAIRPERSON, SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS)

- i) **THAT** pursuant to Standing Order 222 (7)(a) this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE NAIROBI CITY COUNTY EXECUTIVE AND ASSEMBLY BUDGET ESTIMATES FY 2020/2021**, laid on the Table of the Assembly today Tuesday, 30th June, 2020.

- ii) **VOTE ON ACCOUNT SCHEDULE**

6. MOTION:- ADOPTION OF REPORT

Motion moved and question proposed -

THAT, Assembly adopts this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE NAIROBI CITY COUNTY EXECUTIVE AND ASSEMBLY BUDGET ESTIMATES FY 2020/2021**, laid on the Table of the Assembly today Tuesday, 30th June, 2020.

Debate ensued

Mover replied

Question put and Adopted

7. MOTION:- VOTE ON ACCOUNT

Motion moved and question proposed -

THAT, pursuant to the provisions of Section 134 of the Public Finance Management Act, 2012 and Standing Order 227, the withdrawal from the County Revenue Fund of the sum of Kshs. 12,501,822,598 made

up in the manner set out in the Vote of Account Schedule laid before the County Assembly, be authorized for purpose of meeting expenditure necessary to carry on the services of the Nairobi City County Government during the financial year ending on the 30th June, 2021 until such a time as the Appropriations Act for the Financial year 2020-21 comes into operation.

Debate ensued
Mover replied
Question put and Adopted

There being no other business and the time being Twenty two minutes past Four O'clock, the Temporary Speaker adjourned the Assembly without Question put pursuant to the Standing Orders

ASSEMBLY ROSE - Twenty-Two minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, July 2nd, 2019 at 2.30 p.m.

--x--