



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 3, 2020 AT 9.30 A.M.

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

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was quorum at the commencement of the Assembly called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following communication: -

“Hon. Members I have the following communication to make. As you may be aware, today we are resuming from a two weeks’ long break following the adjournment of the sitting held on 15th October 2020, pursuant to the County Assembly Calendar. I therefore with great humility, welcome you back to the Assembly and believe you have had a great engagement with the constituents. Hon. Members as representatives of the people and trustee of their interests, we bear the greatest responsibility to provide services to them in line with the triple role of legislation, representation and oversight.

Within the Assembly, we endeavor with the tool that facilitates us to undertake these roles and I want to commend Members for your commitment in utilizing these tools especially asking for information from the Executive through statements and sponsoring of critical motions. Hon. Members, I understand the challenges that the committees are facing in terms of accessing feedback from the Executive and the Nairobi Metropolitan Services (NMS) especially for the transferred functions. However, my office with the Assembly leadership are consulting with the said offices to ensure that

whenever Members request for the information in line with their oversight role, get such information in a timely manner.

Further, Hon. Members, I recognize that there are a number of businesses that are pending before committees including Bills, statements and reports, I direct the office of the Chairperson of Committees in conjunction with the office of the Clerk to table a report on the same and marshal the pending business for expeditious processing and tabling. Welcome back Hon. Members, I thank you.”

4. MESSAGES

The Speaker conveyed the following Message from the Governor: -

REFUSAL TO ASSENT THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2020 (ASSEMBLY BILL NO. 6 OF 2020)

“Hon. Members, I have a message from the Governor. Hon. Members, Standing Order 43(1) relating to the 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”*. In this regard, Hon. Members, I wish to report that I received a Message on Wednesday 15th October, 2020 from the Governor vide a letter of 15th October, 2020. I wish to inform you that on the 15th October 2020 at the rise of the Assembly I received a message from His Excellency the Governor Mike Mbuvi Sonko by the letter reference NCC/GOV/VOL 1/OCT.20/004 dated the same day. Hon. Members, the message regards the refusal to assent the Nairobi City County Appropriation Bill Assembly Bill, (Assembly Bill No.6 of 2020).

Hon. Members, Standing order 43 (2) further provides, and I quote, *“If a message is received from the Governor or the Senator of the County, at a time when the County Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the County Assembly on the day the County Assembly next sits”*. In this regard, I wish to confirm that this message was received while the Assembly was not in session having adjourned for the short recess. However, the electronic version of the message was circulated to all Members on Thursday, 29th October, 2020.

Accordingly, Hon. Members I now wish to convey the following message. Refusal to assent the Nairobi City County Appropriations Bill, 2020, (Assembly Bill No. 6 of 2020) pursuant to section 24 (2) (b) of the County Government Act 2012 and Standing Order 145 (2) (b). Hon. Members, you may recall that on Thursday 8th October, 2020 the County Assembly passed Nairobi City County Appropriations Bill, 2020 (Assembly Bill No. 6 of 2020).

Thereafter, I presented the Bill for assent to His Excellency the Governor on Friday 9th October, 2020. In accordance with the provision of section 24 of the County Government Act 2012 and Standing Order 145. However, on Wednesday 15th October, 2020 His Excellency the Governor, by way of memorandum referred the Bill back to the County Assembly for reconsideration pursuant to provisions of Section 24(2) (b) of the County Government Act, of 2012 and the Standing Order 145 (2) (b). Hon. Members, pursuant to Standing Order No. 146, the memorandum was committee to the Committee on County Finance, Budget and Appropriation for consideration and reporting. The committee is expected to table its report within 21 days with effect from Thursday 29th October 2020. Thereafter, I will issue directions on how the assembly shall proceed with the business. Thank you.”

5. PAPERS

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

- a) **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATION IN CONSIDERATION OF HIS EXCELLENCY THE GOVERNOR’S MEMORANDUM ON REFUSAL TO ASSENT TO THE NAIROBI CITY COUNTY APPROPRIATION BILL 2020, BILL NO. 6 OF 2020.**

(Chairperson, Finance, Budget and Appropriations Committee)

6. MOTION:- A POLICY ON OUTSOURCING OF LEGAL SERVICES

THAT, aware that the County Assembly enacted the Nairobi City County Office of the County Attorney which provides for the establishment of the office of the County Attorney Act to be staffed with competent Legislative drafters, legal personnel and Constitutional experts; **further aware that** the Act provides for the functions of the Office of the County attorney which include drafting of legislations emanating from the County Executive and publication of all legislations passed by the County; **concerned that** the County has lost many cases and resources due to lack of robust legal representation in cases involving the County Government; further concerned that the County legal department has failed to promote and guide the County

resources in a manner to protect property of residents of Nairobi County due to lack of professionalism; noting that the County Assembly has passed several Acts which have not been published as required by the Law; this Assembly urges the County Executive to develop an elaborate policy to provide for outsourcing of legal services to handle complex or time-consuming projects and cases on a more affordable budget.

Hon. Sylvia Museiya, MCA

(Motion Dropped)

And the time being Fifty-Five Minutes Past Four O'clock, the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - _____ at Twenty-Three Minutes Past Ten O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, November 3rd, 2020 at 2.30 p.m.

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