



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FIFTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MAY 20TH, 2021 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 presiding Chairperson (Hon. John Kamangu, MCA) having confirmed that there was Quorum called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR

SPECIAL SITTING

The Speaker conveyed the following communication-

“Hon. Members, May I take this opportunity to welcome you all to today’s special sitting which has been convened at a time when the Assembly is on recess. I sincerely thank you for honoring the invitation despite the short notice.

Hon. Members, Pursuant to Standing Order No. 30, I received a letter dated **19th May, 2021** from the Leader of the Majority Party requesting that I convene a special sitting today **20th May, 2020** commencing at **2.30 pm**. Accordingly, having reviewed the business proposed in the request and determined its urgency, I agreed to the said request and convened the sitting. Consequently, today’s special sitting was published in the Kenya Gazette dated 20th May, 2021 under the Gazette **Notice No. 4706** for the following purposes:-

- i) *Consideration of the Nairobi City County Supplementary Budget Estimates (II) for the Financial Year 2020/21;*
- ii) *Consideration of the Nairobi City County Valuation Roll; and*
- iii) *Tabling and consideration of the Report of the Select Committee on Ward Development Fund (WDF) on the vetting of nominees to the Nairobi County Ward Development Fund Management Committee.*

CHANGES IN THE LEADERSHIP OF THE MINORITY PARTY

The Speaker conveyed the following communication:-

“ Hon. Members, the Office of the Speaker is in receipt of a letter from the Minority Party in the House, in line with Standing Order No.21 of the Nairobi City County Assembly. The letter regards the communication of changes in the leadership of the Minority Party, pursuant to Standing Order No.21. The letter is in respect of the Office of the Minority Whip.

Hon. Members, before I convey the contents of the letter, some context is necessary. The removal of the Whip of the Minority Party is not detailed under Standing Order No.21. The Standing Orders and the relevant laws only speaks of the designated leadership of the parties. However, a practice has emerged in the House by which the House has handled similar matters before.

I will refer the various communications from the Chair on this matter, but more specifically Communication from the Chair dated **Tuesday 11th June 2020**, in which the Hon. Beatrice K Elachi provided a ruling regarding the process and procedure of removal of leadership, including of Whips and requirements thereto. In effect, the then Speaker guided that the process for the removal of the Majority or Minority Leaders could be applied to removal of Whips with necessary notification. Hon. Members, by the direction, changes from the Jubilee Majority Party Caucus were effected forthwith, and a letter from the Party designating various leaders was rejected on the basis of the Secretary General being a stranger in the House in terms of the Standing Order 21. By this direction and specifically the Majority Whip, the Hon. Waithera Chege, MCA, was

replaced by Hon. June Ndegwa, MCA, on a basis of the letter from the new duly elected Whip, minutes of the proceedings, and the signatures of those present in the said meeting, constituting a quorum as required by Standing Orders 21.

Hon. Members, while this practice has since not been confined, it is nonetheless a practice of the House and therefore appropriate in circumstances. Accordingly, Hon. Members, Standing Order No.21 (7), with notification and above directions, demands that a Member designated as a Whip, may be removed by the party or coalition of parties that designated him or her by two thirds of the votes of all the Members of the largest party or coalition of parties in the County Assembly. Further, under Standing Order No.21 (8), the Whip of the second largest party or coalition of parties in the County Assembly, shall forthwith upon a decision being made under the Standing Order communicate to the Speaker in writing, a decision together with the minutes of meeting of which the decision was made.

Hon. Members, the Office of the Speaker is indeed in receipt of minutes and attendance list in compliance with provisions of Standing Order No. 21 (7) and (8), accompanying the said letter. I therefore wish to communicate that the Minority Party has made the following changes to their leadership:

1. The Hon. Peter Imwatok, MCA, be removed from the Office of the Minority Whip
2. The Hon. Nicholas Okumu, MCA, be duly elected as the Minority Whip.

Hon. Members, the duly elected as the Minority Whip has also requested the Chair to allow the Party time to consult with its officials on their designations of some party whip for the Minority Party.

Hon. Members, as directed by Hon. Elachi in the quoted ruling on the affairs of the party, it is not prerogative of the House and the Speaker to bind to those affairs, whether duly elected or who is interim fact, it is settled as far as House is concerned. The removal complies with the rules and practice of the House as such as it is. It is so directed. According to the changes, I hereby communicate and effect today 20th May 2021.)

Accordingly, Hon. Members, the Assembly is duly notified of these changes. Thank you”

4. PAPERS LAID:-

The following paper was laid on the Table of the Assembly;

- i) **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON ITS CONSIDERATION OF THE NAIROBI CITY COUNTY EXECUTIVE AND THE NAIROBI COUNTY ASSEMBLY SERVICE BOARD SUPPLEMENTARY ESTIMATES II FOR THE FINANCIAL YEAR 2020/2021.**

(The Leader of Majority Party)

- ii) **THE DRAFT VALUATION ROLL, 2019**

(The Leader of Majority Party)

- iii) **NAIROBI CITY COUNTY EXECUTIVE AND ASSEMBLY SUPPLEMENTARY BUDGET ESTIMATES (II) FOR THE FINANCIAL YEAR 2020/2021;**

(The Leader of Majority Party)

- iv) **THE REPORT ON THE SELECT COMMITTEE ON WARD DEVELOPMENT FUND ON VETTING OF NOMINEES FOR APPOINTMENT TO THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND MANAGEMENT COMMITTEE.**

(The Chairperson, Select Committee no Ward Development Fund)

- v) **PAPERS FROM BUNGE LA MWANANCHI.**

(Hon. Joseph Komu, MCA)

5. NOTICES OF MOTION

The following Notices of Motion were given:

- a) **THAT** this Assembly approves **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON ITS CONSIDERATION OF THE NAIROBI CITY COUNTY EXECUTIVE AND NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD SUPPLEMENTARY BUDGET ESTIMATES (II) FOR THE FINANCIAL YEAR 2020/2021**, laid on the Table of the Assembly on Thursday, 20th May 2021.

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

b) **THAT** this Assembly approves **THE REPORT OF THE SELECT COMMITTEE ON WARD DEVELOPMENT FUND ON THE VETTING OF THE FOLLOWING NOMINEES FOR APPOINTMENT TO THE NAIROBI CITY COUNTY WARDS DEVELOPMENT FUND MANAGEMENT COMMITTEE**, laid on the Table of the Assembly on Thursday, 20th May 2021.

- 1) Mr. Nuh Muhamed Ibrahim;
- 2) Mr. Wilfred Karani;
- 3) Ms. Beatrice Karwitha Kiragu; and
- 4) Mr. Evans Sindiga Ogwaka.

(The Chairperson, Select Committee no Ward Development Fund)

6. MOTION – ADOPTION OF THE REPORT ON THE SUPPLEMENTARY ESTIMATES II FOR THE FINANCIAL YEAR 2020/2021

Motion Made and Question proposed

THAT this Assembly approves **THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON COSIDERATION OF THE NAIROBI CITY COUNTY EXECUTIVE AND NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD SUPPLEMENTARY BUDGET ESTIMATES (II) FOR THE FINANCIAL YEAR 2020/2021**, laid on the Table of the Assembly on Thursday, 20th May 2021.

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

Debate ensued

Mover replied

Question put and approved.

7. MOTION – ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES TO THE COUNTY WARD DEVELOPMENT FUND MANAGEMENT COMMITTEE

Motion Made and Question proposed

THAT this Assembly approves **THE REPORT OF THE SELECT COMMITTEE ON WARD DEVELOPMENT FUND ON THE VETTING OF THE FOLLOWING NOMINEES FOR APPOINTMENT TO THE NAIROBI CITY COUNTY WARDS DEVELOPMENT FUND MANAGEMENT COMMITTEE**, laid on the Table of the Assembly on Thursday, 20th May 2021.

- 1) Mr. Nuh Muhamed Ibrahim;

- 2) Mr. Wilfred Karani;
- 3) Ms. Beatrice Karwitha Kiragu; and
- 4) Mr. Evans Sindiga Ogwaka.

(Chairperson, Select Committee on Ward Development Fund)

Debate ensued
Mover replied
Question put and approved.

8. PROCEDURAL MOTION – (REDUCTION OF PUBLICATION PERIOD)

Motion Made and Question proposed

THAT notwithstanding the provisions of Standing Order 127, this Assembly resolves to reduce the publication period for the Nairobi City County Supplementary Appropriations Bill, 2021 (Assembly Bill No. 2 of 2021) from Seven (7) days to one (1) day.

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

Debate ensued
Mover replied
Question put and passed.

9. BILL - THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2021 (ASSEMBLY BILL NO. 2 OF 2021)

Order for First Reading read;

Bill read a First Time

10. THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2021 (ASSEMBLY BILL NO. 2 OF 2021)

Order for Second Reading read;

Motion made and question proposed-

THAT, The Nairobi City County Supplementary Appropriation Bill, 2021 (Assembly Bill No. 2 of 2021) be now read a Second Time.

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

Debated ensued;
Seconded
Mover replied;
Question put and Agreed to.

11. COMMITTEE OF THE WHOLE ASSEMBLY

Order for Committee of the Whole Assembly read;

IN THE COMMITTEE

(Chairperson of Committees – Hon. John Kamangu in the Chair)

The Nairobi City County Supplementary Appropriation Bill (Assembly Bill No. 2 of 2020)Clause 2

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

Clause 3

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

First Schedule

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

Title:

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

Clause 1:

Clause 1 be part of the Bill proposed, put and agreed to;
Bill to be reported without amendments.

12. ASSEMBLY RESUMED: -**The Nairobi City County Supplementary Appropriation Bill, 2021 (Assembly Bill No.2 of 2021)**

Bill reported without amendments

Motion made and Question proposed: -

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

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

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Supplementary Appropriation Bill, 2021

(Assembly Bill No.2 of 2021) be now read a Third Time.

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

Debate ensued;
Question put and agreed to.

Bill read a Third Time and **passed**.

There being no other business and the time being Ten minutes to Six O'clock, the Presiding Chairperson adjourned the Assembly without Question put pursuant to the Standing Orders.

ASSEMBLY ROSE - at Ten minutes to Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on a date that
the Chair Shall Communicate

--x-