



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 16, 2016 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 Speaker having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes

There being Quorum at the expiry of the ten minutes, the Speaker called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR:-

The Speaker conveyed the following communication;

FUNDING OF THE COUNTY ASSEMBLY – FINANCIAL CASH FLOWS

“Honorable Members, as you are aware, Section 129 (3) of the Public Finance Management Act, 2012, provides that the County Assembly Service Board (CASB) shall prepare, through the Clerk of the County Assembly, the budget estimates for the County Assembly and submit to the County Assembly for approval.

As such, and in line with the budget process, the 2015/2016 Budget for the Nairobi City County was passed on Thursday, 25th June, 2015, and the County Assembly was allocated the sum of Kshs1.696 billion; made up of Kshs1.224 billion recurrent expenditure, transfers to County

Assembly cash at Ksh316 million and capital and development expenditure at Kshs144 million.

Hon. Members, the Speaker wishes to bring to the attention of the Assembly the issue of erratic funding of the County Assembly by the Executive. The National Treasury through Circular No. 14 of 2015 provided for modalities for funding of County Governments and disbursements of funds to County Government entities.

On Wednesday 5th August, 2015, the Clerk of the County Assembly held a meeting with the County Executive Committee Member (CECM) for Finance and Economic Planning during which a framework for cash flow disbursements for the FY 2015/16 was deliberated and agreed upon.

Hon. Members, the same was communicated to the Assembly vide a letter dated 5th August, 2015. Additionally, Hon. Members, at the beginning of this year, a consultative meeting was held between the County Treasury and representatives of the County Assembly regarding the said modalities for financing.

Further, an agreement was reached that the CECM Finance and Economic Planning remit the sum of Kshs150 million per month to cater for the Assembly's recurrent costs.

Hon. Members, the disbursements for the months of January, February and March 2016 were to be increased, in light of the rise in collections usually experienced during the first quarter of the Calendar year. Hon. Members, the County Treasury has honored the said arrangement all along, until recently.

Hon. Members, in line with the arrangement, the County Assembly requested the County treasury to increase the remitted amounts for February and March, purposely to cater for development expenditure and gratuity for Members. The County Assembly forwarded a request vide a letter dated Wednesday 24th February, 2016, for the sum of Kshs250

million as budgeted for Members' gratuity and chamber works, which was however reduced by the County Treasury by Kshs112 million. The foregoing reduction was communicated vide a letter dated Wednesday 9th March, 2016.

Hon. Members, no assurances were given on when the amounts will be paid. The matter was subsequently discussed by the CASB during its sitting of Thursday 10th March, 2016. The product of the said sitting were instructions to the Speaker to write to the Governor purposely to seek his intervention, with a view to securing funding for gratuity for Members, which the Commission on Revenue Allocation (CRA) had provided that it be paid in advance to Members when leaving the Assembly for the coming General Elections.

The Speaker subsequently wrote to the Governor for his intervention vide a letter dated Friday 11th March, 2015.

Hon. Members, no response has been received from the governor or County Treasury on the fate of the cash.

Hon. Members, you will recall that for three years now, the County Assembly has experienced erratic cash disbursements by the County Treasury. This has often times forced the Assembly to scale down its operations and developments, to its great detriment.

Hon. Members, it is time this matter is settled once and for all, and the best way to achieve this is through honest discussion on the County Treasury's willingness to finance the County Assembly or not.

Hon. Members, as we await response from the Governor or County Treasury, I direct that all business from the County Treasury not to be transacted until all cash flow dues to the County Assembly are paid and written undertaking by the CECM Finance and Economic Planning to stop treating the County Assembly's cash flow requirements in such erratic manner given.

Therefore, Hon. Members, deliberations by all Committees on the County Fiscal Strategy Paper, 2016 (CFSP) are forthwith suspended until this matter is settled.

It is so directed.

Thank you.

4. NOTICES OF MOTION - (Hon. Peter Imwatok)

THAT, aware that Article 43 (1) of the Constitution provides that every person has the right, to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; deeply concerned that the attainment of the foregoing objective remains a challenge given the dire shortage of health workers within the County; noting that the County has adequate trained health professionals who are currently out of employment and whose services can help fill the gap in provision of healthcare; this Assembly urges the County Executive to –

- i. Set aside a specific budget on the annual 2016/2017 Budget for the recruitment on temporary basis of additional healthcare professionals; and
- ii. Work in partnership with relevant medical training institutions such as the KMTC and the University of Nairobi to identify healthcare graduates who are currently out of employment for the said recruitment.

5. NOTICES OF MOTION - (Hon. Peter Imwatok)

THAT, aware that youth employment remains a major challenge for both the National and County Governments; deeply concerned that Nairobi City County has the highest number of unemployed urban youth, leading to a rise in insecurity and other vices from the lack of economic opportunities for the youth; noting that the city has the potential to provide employment opportunities for the youth in the environmental and garbage management sectors if well leveraged; recognizing that unplanned waste dumping and blockage of drainage systems can be cured by providing a formalized, well-structured causal labor employment opportunities for thousands of youth across the city within their areas of habitation for purposes of waste collection and disposal; observing that the foregoing arrangement has the potential to provide a clean living environment for all residents as well as create sustainable livelihoods for the youth; this Assembly urges the County Executive to

explore modalities for creating a framework for the employment of a 1000 strong casual laborers positions spread across all wards for the purpose of collection and proper disposal of garbage across the City.

6. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(c)

Pursuant to Standing Order 41 (2) (c) the following Members requested for Statements:-

- i. Hon. Shadrack Juma requested for a statement from Chairperson of the Sectoral Committee on Water and Sanitation regarding the delay in connection of sewer trunks and water pipes in Mikigeini and Laundry Estate in Babadogo Ward; and
- ii. Hon. George Ochola requested for a statement from Chairperson of the Sectoral Committee on Labour and Social Services regarding the shortage of ambulance drivers within the County.

Pursuant to the provisions of Standing Order 41 (2) (c) the following response to Statement was given:-

- a) The Vice-Chairperson of the Sectoral Committee on Planning and Housing gave a response to statement requested by Hon. Rachel Kamweru regarding the renewal of leases issued by the defunct Nairobi City Council;

4. MOTION - TRANSFERRING OF EMPLOYEES IN THE REVENUE COLLECTION CHAIN WHO HAVE STAYED AT A POSTING FOR AT LEAST THREE YEARS

Motion made and question proposed;

THAT, aware that the Nairobi City County has the potential to collect revenue upwards of Kshs 4 billion per month as demonstrated by the Governor during a recent breakfast meeting with Members of the County Assembly; noting that the Nairobi County e-payment system, the first cash-light system for a county government in Kenya, is yet to make significant impact due to man-made leakages at collection points; deeply concerned that the continued revenue leakage at various collection points is mostly through theft or inaction by County Employees charged with overseeing collection at those points; recognizing that some employees within the revenue collection chain have overstayed their deployment at specific postings, thus possibly building cartel like networks that protect and promote the leakage and wastage; this Assembly urges the County Executive to transfer with immediate effect employees in the revenue collection chain who have stayed at a posting for at least three years and adopt such practice going forward to prevent

the formation of cartel like revenue leakage avenues by County employees.

(Hon. Alex Otieno, MCA)

Debate ensued;

QUORUM OF THE ASSEMBLY

Rising in his place on a Point of Order, Hon. Peter Warutere drew the attention of the Speaker to the fact that there was no Quorum in the Assembly;

And the Speaker having confirmed that there was no Quorum caused the Division Bell to be rung;

And there being Quorum after expiry of ten minutes;

Debate interrupted resumed;

QUORUM OF THE ASSEMBLY

Rising in her place on a Point of Order, Hon. Leah Mumo drew the attention of the Speaker to the fact that there was no Quorum in the Assembly;

And the Speaker having confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of eight minutes;

And the time being Four O'clock, the Speaker interrupted the proceedings and adjourned the Assembly without Question put pursuant to the Standing Orders.

6. ASSEMBLY ROSE - At Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, March 17, 2016 at 2.30p.m

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