



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 5, 2016

1. The House assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair:-

ISSUANCE OF WATER TANKS

“Honourable Members, I have the following communication to make –
Hon. Members, you will recall that the County Executive proposed the sum of Kshs.3 million for Water-related projects ranging from boreholes, water tanks, water Kiosks/points, sewage lines and water materials (such as pipes) for each County Ward. Subsequently, Hon. Members, I am pleased to inform you that the first batch of Water Tanks will be rolled out today 5th July, 2016.

Hon. Members, this is therefore to inform Members who had selected tanks as their preferred water related project to prepare a list of beneficiaries and forward the same to the Chairperson of the Sectoral Committee on Water and Sanitation for endorsement and onward transmission to Mr. Mario Kainga, Director of Water and Sanitation whose office is at City Hall Annexe, 4th Floor.

It is so directed.

Thank you.

**CLARIFICATIONS ON FUNDING OF THE COUNTY ASSEMBLY –
FINANCIAL CASH FLOWS**

Honorable Members, on the 16th of March, 2016, the Chair gave a communication in which he decried the erratic disbursement of funds by the County Treasury to the County Assembly, and its effect on the roll out of Assembly programs.

Hon. Members, the Chair had then directed that in order to solve the problem once and for all, all business emanating from the County Treasury be suspended until a commitment is received from the County Treasury on modalities for disbursement of monies owed to the Assembly, namely gratuity and other expenditure sums.”

Hon. Members, consequently, the CFSP and Supplementary Budget Estimates were not tabled as directed until the stalemate is conclusively resolved. An earlier letter dated 11th March, 2016 was written to the Governor communicating the challenges of erratic disbursement of funds for the month of February, 2016, where the County Assembly had requested for the sum of Kshs250 million, being monies for recurrent expenditure, development expenditure, gratuity, transfers and mortgages.

Hon. Members, the said letter indicated that the County Treasury had paid the sum of Kshs113 million creating a shortfall of Kshs137 million. It was on the basis of the foregoing deficit that the Chair had earlier suspended the consideration of any business from the County Treasury.

Hon. Members, subsequently, the County Executive Committee (CEC) member for Finance and Economic planning, Mr. Wainana and Mr. Gatimu were invited for a meeting at the Assembly Precincts, during which an undertaking was made by the County Treasury to give the Assembly Kshs50 million for gratuity, and the balance of Kshs62.4 million to be disbursed by end of April 2016. The foregoing was communicated by the CEC finance in a letter dated 17th March, 2016 and payments to that effect of Kshs50 million made, with a balance of 62.4 million outstanding.

Hon. Members, it's on the basis of the foregoing commitment that the Chair subsequently lifted the suspension imposed on business from the County Treasury. Since then however, the Assembly has not received the outstanding balance from the County Treasury.

Hon. Members, in a letter by the Clerk of the County Assembly dated 27th June, 2016, the County Assembly tabulated all outstanding amounts owed up to end of June, 2016 to Kshs299 million, which included Kshs78 million recurrent expenditure, 62.4 million gratuity, Kshs40 million Car Loan Scheme and Kshs118 million development expenditure.

Hon. Members, the owed amount has since been reconciled and as of today, the County Treasury has not remitted the sum of Kshs238 million as outstanding disbursements, of which Kshs62.4 million is for gratuity, Kshs78 million for recurrent expenditure and Kshs53 million for development. The foregoing explains the delays in payment of salaries.

Hon. Members, as the Chair of the County Assembly Service Board (CASB), I am deeply disturbed by misleading information emanating from the CEC Finance and Economic Planning that monies for gratuity were remitted in 2014 to the County Assembly, yet the said CEC Member in a letter dated 29th April, 2016 undertakes to remit arrears of gratuity at Kshs62.4 million by end of the budget cycle.

Hon. Members, this misinformation by officers who have willfully refused to fulfill their obligations and fund the Assembly is highly regrettable and irregular.

Hon. Members, it should therefore be noted for clarity that at the end of the 2015/2016 Financial year, the County Treasury owed the County Assembly the sum of Kshs238 million in pending disbursements for various line items as highlighted variously, elsewhere in this communication. As such, I leave it to Honourable Members to decide the next best course of action with regard to these matters. Hon. Members, the Chair can only do so much.

It is so communicated.

Thank you.”

4. PAPERS LAID:-

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

- i) The report of the Select Committee on Budget and Appropriations on the Budget Estimates for the Nairobi city county government and County Assembly for the FY 2016/2017.

(Chairperson, Select Committee on Budget & Appropriations)

- ii) The report of the sectoral committee on Labour and Social Welfare on Nairobi City County Public Service Board Report on promotion of national values and principles of governance in public service for the year 2014.

(Hon. Elizabeth Manyala, MCA)

- iii) The Report of the Sectoral Committee on Children, Early Childhood and vocational Training on the fact finding and inspection of the purchased equipment for Kwanja Youth Polytechnic of Nairobi City County.

(Hon. Ngaruiya Chege, MCA).

- iv) The Report of the Sectoral Committee on Planning and Housing on the consideration of the Sessional Paper No. 2 of 2016 on the Nairobi Integrated Urban Development Master Plan.

(Vice-Chairperson, Sectoral Committee on Planning and Housing).

- v) The report of the Sectoral Committee on Planning and Housing on the petition by Githurai ward on the on the site visit to Maringo/Hamza ward to ascertain the status of land LR no. 209/4401/R.

(Vice-Chairperson, Sectoral Committee on Planning and Housing).

- vi) The report of the Sectoral Committee on Planning and Housing on the petition by Githurai ward on the grabbing of the public social hall, football pitch and land meant for a dispensary.

(Vice-Chairperson, Sectoral Committee on Planning and Housing).

- vii) The report of the Sectoral Committee on Planning and Housing on the petition by Kenya County Government Workers Union regarding land grabbing within Nairobi City County.

(Hon. Magdalene Mbogori, MCA).

5. NOTICE OF MOTION – (Vice-Chairperson, Sectoral Committee on Planning and Housing)

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON THE CONSIDERATION OF THE SESSIONAL PAPER NO.2 OF 2016 ON THE NAIROBI INTEGRATED URBAN DEVELOPMENT MASTER PLAN, laid on the Table of the Assembly today, Tuesday 5th July, 2016.

6. NOTICE OF MOTION – (Chairperson, Committee on Budget & Appropriations)

THAT, this Assembly adopts THE REPORT OF THE SELECT COMMITTEE ON BUDGET AND APPROPRIATIONS ON THE BUDGET ESTIMATES FOR THE NAIROBI CITY COUNTY GOVERNMENT AND COUNTY ASSEMBLY FOR THE FY 2016/2017, laid on the Table of the Assembly today, Tuesday 5th July, 2016.

7. NOTICE MOTION – (Hon. Ngaruiya Chege, MCA).

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE FACT FINDING AND INSPECTION OF THE PURCHASED EQUIPMENT FOR KIWANJA YOUTH POLYTECHNIC OF NAIROBI CITY COUNTY laid on the Table of the Assembly today, Tuesday 5th July, 2016.

8. NOTICE OF MOTION – (Vice-Chairperson, Sectoral Committee on Planning and Housing)

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON THE SITE VISIT TO MARINGO/HAMZA WARD TO ASCERTAIN THE STATUS OF LAND LR NO. 209/4401/R, laid on the Table of the Assembly today, Tuesday 5th July, 2016.

9. NOTICE OF MOTION – (Hon. Elizabeth Manyala, MCA)

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE NAIROBI CITY COUNTY PUBLIC SERVICE BOARD REPORT ON PROMOTION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE IN PUBLIC SERVICE FOR THE YEAR 2014, laid on the Table of the Assembly today, Tuesday 5th July, 2016.

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

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

- i) Hon. Tabitha Ndigirigi, MCA requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing, regarding the alleged illegal construction of kiosks in Lang'ata Sub-County.
- ii) Hon. Samuel Kagiri, MCA requested for a statement from the Chairperson of the Sectoral Committee on Transport, roads and Public Works regarding the contract to rehabilitate Kimondo Road in Pipeline Ward.

11. PROCEDURAL MOTION – SITTING TO BE HELD ON WEDNESDAY 6TH JULY, 2016 AT 10.00 AM

Motion moved and question proposed:-

THAT, pursuant to the provisions of Standing Order 27(3) (c), this Assembly resolves to sit on Wednesday 6th July, 2016 at 10.00am

Debate arising;

Mover Replied;

Question put and agreed to.

12. THE NAIROBI CITY COUNTY PLASTIC CONTROL BILL, 2016 (ASSEMBLY BILL NO. 1 OF 2016).

Order for the Second Reading read;

Motion made and Question proposed –

THAT, the Nairobi City County Plastic Control Bill, 2016 (Assembly Bill No. 1 of 2016) be now read a Second Time.

(Chairperson, Sectoral Committee on Agriculture, Environment & Natural Resources)

Debate arising

Debate interrupted

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

13. ASSEMBLY ROSE -Ten minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, July 6, 2016 at 10.00 a.m.

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