

# COUNTY GOVERNMENT OF NAIROBI CITY



SECOND ASSEMBLY

THE NAIROBI CITY COUNTY ASSEMBLY

(THIRD SESSION)

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COMMUNICATION FROM THE CHAIR

*No. 22 of 2019*

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## WELCOMING THE DELEGATION FROM GUATENG PROVINCE, SOUTH AFRICA.

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**Hon. Members,** I have the following Communication to convey:-

WELCOMING THE DELEGATION FROM GUATENG PROVINCE, SOUTH AFRICA

**Honourable Members,** our sitting this afternoon is graced by a visiting delegation from Gauteng Provincial Legislature, South Africa, who are here with us on a benchmarking exercise.

Accordingly, I wish to recognize the presence of;

1. The Hon. Ntombi L.H Mekgwe, - Speaker of Gauteng Provincial Legislature
2. The Hon. Dulton Adams – Member of Gauteng Provincial Legislature
3. The Hon. Refiloe Ntselche – Member of Gauteng Provincial Legislature
4. The Hon. Lesego Makhubela – Member of Gauteng Provincial Legislature

On the Administrative side;

5. Mr. Peter Skosana – Secretary & Clerk of Gauteng Provincial Legislature
6. Mr. Mali Bongwe – Kanjana Executive Director, Leadership and Governance
7. Ms. Lunga Hogan-Msunang – Manager, Parliamentary Exchange Program
8. Ms. Jenny Sign – Principal Procedural Advisor, House Proceedings

**Honorable Members,** the delegation is with us on a Benchmarking exercise and during their stay, they will seek to learn amongst others;

- a) The role of the Speaker in managing the House in the context of multiparty democracy including; instances of contempt of the House;
- b) Models for financing the work of the legislature in an environment where the demands on the public purse are on the increase; and,
- c) Visit to some of the projects and programs at various Wards.

Hon. Members, Nairobi County shares a number of similarities and challenges with Gauteng Province. In a Legislative set up, every experience, good or bad, is an equal learning experience. Similar with the unfortunate incident experienced yesterday, you

will agree with me, that the Speaker is mandated by the Standing Orders to, at all times maintain order in the Assembly or Committee of the Whole.

So for my counterpart Speaker, Hon. Ntombi L.H Mekgwe, - Speaker of Gauteng Provincial Legislature, when we fall, we quickly stand, dust ourselves off and move in a wiser direction. That is why we are able to hold this sitting today, regardless. I know we will be sharing more.

#### ADDRESS OF THE ASSEMBLY BY A VISITING DIGNITARY.

Additionally, Hon. Members the Assembly tomorrow will have the honors and privilege of the address by the Speaker of Gauteng Provincial Legislature, Hon. Ntombi L.H Mekgwe Pursuant to the Provision of Standing Order No. 26 on Address by the Senator or visiting dignitary.

For purpose of clarity Hon. Members, Standing Order No. 26 provides that, and I quote;

*(1) “The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary, to address the County Assembly on such occasions as may be appropriate.”*

*(2) “Standing Order 24 (Governor entering or leaving Chamber) and paragraphs (1), (3) and (4) of Standing Order 25 (Governor’s address to County Assembly) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.”*

Therefore, Hon. Members, the only business for tomorrow, Wednesday, 13<sup>th</sup> November 2019 will be the address by the Hon. Speaker, Hon. Ntombi L.H Mekgwe, Speaker of Gauteng Provincial Legislature. It is our Honor having you here with us.

**Honorable Members**, on behalf of the Nairobi City County Assembly family, I wish to extend a warm welcome to the Gauteng Provincial Legislature’s Speaker’s delegation. May your endeavors benefit the residents of your Province and your Country men and women at large. Feel welcomed and enjoy your experience in Nairobi.

#### ORDER IN THE ASSEMBLY

You will sincerely agree with me **Hon. Members**, that in the recent past, the Nairobi City County Assembly has hit headlines for what might appear to be out of a “dishonorable” behavior from Honorable Members in an Honorable House. Whereas it might not be justifiable, its was necessary for the institutional reform. Sometimes, disorder invites Order.

Hon. Members, in the words of the Minority whip, Hon. Peter Imwatok, *“Injustice Committed yesterday, is an injustice committed today!”* I believe in some instances, the only way out, is way through, hence Hon. Member, whatever reforms you are witnessing, is necessary for the long-term interest of the Assembly.

Hon. Members, the aforesaid notwithstanding, as the Speaker of the Nairobi City County Assembly and the Chairperson of the Assembly Service Board, I would like on behalf of all Members of this Second Assembly, to **APOLOGIES WHOLE-HEARTEDLY** to the great residents of Nairobi City County, our stakeholders, our partners, the Nation at large and our esteemed visitors for the underserving theatrics we subjected you to.

Our commitment and bottom-line as an institution remains; *“to advance economic, social, cultural and political aspirations of the people of Nairobi City County through robust legislation, prudent oversight and responsive representation.”* Hon. Members, in a communication that I issued in this Assembly on Tuesday, 29<sup>th</sup> of October 2019, I assured you that all shall these unrest shall come to pass. Hon. Members, **THE STORM IS OVER!** Walter Breuning, the American supercentenarian, the oldest recognized living man said, and I quote; *“Embrace change, even when the change slaps you in the face.”*

Hon. Members, you will agree with me that sovereign representation of the people heavily relies on Public Trust and so does the Assemblies and Parliaments. As peoples servants our doors remain open. The Office of the Speaker and the Office of the Clerk remains open for any public engagement and submission of Public Petition on issues within your Wards for its subsequent Committal to the relevant Committee.

Hon. Members, the Office of the Speaker **DOES NOT** whatsoever expect or anticipate any disruption of plenary sittings in the Assembly or Committees. While the majority of you remain committed to your mandate, I know a few are not comfortable. The Assembly is a house of Honor and Respect; Rules and Regulations. Hon. Members, I direct that any political dissatisfaction henceforth, be channeled to the respective political parties for arbitration.

It is so directed!

### SERVICE DELIVERY BY THE EXECUTIVE ARM

Hon. Members, you will equally agree with me that, our brother, the Executive is equally facing challenges, Hon. Members, please note that; failure by the Executive to offer service to the residents on Nairobi, is similarly a failure to you all as Legislators. Success by the H.E the Governor in Service Delivery is in an equal measure a success to you as a grassroots leader.

Hon. Member, with Two Years and Eight months to our next general Elections, its never late to do the right thing for the great benefit of your constituents. Lets stand with a purpose for this County is for us all.

## ON THE CONSIDERATION OF THE ANNUAL DEVELOPMENT PLAN FOR THE FY 2020/2021

Hon. Members, you will recall that, the Nairobi City County Annual Development Plan for FY 2020/2021 was tabled in the Assembly on Tuesday, 10<sup>th</sup> September 2019 Pursuant to the provision of Section 126 of the Public Finance Management Act 2012, (amended 2015), which provides that every County Government shall prepare a development plan in accordance with Article 220(2) of the Constitution of Kenya for approval by the County Assembly.

Subsequently, Hon. Members, the Annual Development Plan for FY 2020/2021 committed to the Select Committee on County Finance, Budget and Appropriations for considerations pursuant to the Provision of Standing Order No. 199 (3)(e). Committees are therefore advised to work alongside the Finance, Budget and Appropriations Committee in consideration of the same, through Public Participation, Stakeholder engagement and thereafter table its report with or without amendments therein.

You are so directed!

## CHANGE OF LEADERSHIP IN THE JUBILEE PARTY

Hon. Member, I trust that you recall that on Thursday, 7<sup>th</sup> November 2019, I conveyed changes appointment of the following leaders from the ruling party;

- i) Appointment of Hon. Charles Thuo Wakarindi, MCA & Member for Dandora Area III Ward as the new Leader of the Majority Party;
- ii) Appointment of Hon. Millicent Wambui Mugadi, MCA & Member for Ziwani Kariokor Ward as the new Deputy Leader of the Majority Party;
- iii) Appointment of Hon. June Julliet Ndegwa, MCA as the new Majority Whip; and,
- iv) Appointment of Hon. Hassan Abdikadir Mohamed, MCA & Member for California Ward as the new Deputy Majority Whip; and,

As such Hon. Members, the Jubilee Party, has confirmed and validated the above changes as per the Communication vide letter from the Jubilee Secretary General, Hon. Raphael Tuju, EGH dated 12<sup>th</sup> November 2019 addressed to the Speaker.

Hon. Member, I wish to refer you to the Provisions of Standing Order No. 243 on the sitting Order in the Chamber, which inter alia provides that; *“There shall be reserved seats in the Chamber of the County Assembly for the exclusive use of each of the following;*

- (a) the Chairperson of Committees & Deputy Speaker;*
- (b) the Leader of the Majority Party;*
- (c) Leader of the Minority Party;*
- (d) Members with disabilities.*

This including the Majority Whip.

In that regard, I request the Majority Leader, Majority Whip and their deputies to take their seats forthwith.

*(Action prompted)*

Hon. Members, for the interest of the newly appointed leaders, allow me to refer you to all to the Provision of Standing Order No. 163 (1) providing for the establishment of the Assembly Business Committee with its Membership amongst others; the Leader of the Majority Party and the Majority Party Whip.

Similarly, Hon. Members, Standing Order No. 164 (1) for the establishment of the Committee on Selection, consisting the Leader of the Majority party who shall be the chairperson.

In addition, Hon. Members, Standing Order No. 196 (1) provides for the establishment of the Select Committee on Appointment consisting of the Speaker as a Chairperson and the Leader of the Majority party amongst other Members nominated by the Assembly Business Committee.

Hon. Member, on the forgoing, you will appreciate that all the aforementioned Committees; Assembly Business Committee, Select Committee on Selection and the Select Committee on Appointments, **PRESCRIBE** the Leaders of the Majority Party as a default Member of the said Committees **and does not rely on the Assembly's Approval or otherwise**. Consequently, Hon. Members, I direct that the Membership of the said Committees be effected forthwith.

It is so directed!

#### APPOINTMENT OF THE AN ACTING CLERK OF THE ASSEMBLY;

Hon. Member, you may also recall that the Assembly on Thursday, 7<sup>th</sup> November 2019 passed a motion establishing an ADHOC committee that will look into the procedure used in the appointment of one Jacob Ngwele and tabling of its report.

It is in light of the above that the Nairobi City County Assembly Service Board, pursuant to the provision of Section 11 (1) of the County Assemblies Services Act, 2017 which provides for amongst others; the board to direct and supervise the administration of services and facilities provided by and exercise budgetary control over the Assembly Service; including, to determine and review terms and conditions of services of persons holding or acting in the offices of the service.

In the above regard Hon. Members, the Nairobi City County Assembly Service Board, at its sitting held on Wednesday, 30<sup>th</sup> October 2019 appointed Ms. Monicah Muthami as the acting Clerk of the Assembly. You will recall the said officer was previously working at the Tables and Journals Office as the Principal Clerk Assistant.

Hon. Members, I request that the officer be accorded the necessary support for effective and efficient running of the Assembly.

You are so informed!

**The Hon. Beatrice Elachi, CBS**  
**SPEAKER OF THE NAIROBI CITY COUNTY**

**Tuesday, 12<sup>th</sup> November 2019**