



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Wednesday 19th October 2022

OFFICIAL OPENING

The House met at 2.30 p.m.

ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

[His Excellency the Governor (Hon. Johnson Arthur Sakaja) entered the Chamber escorted by the Speaker of the Assembly (Hon. Kennedy N'gondi)]

(His Excellency the Governor took the Chair)

(The National Anthem of Kenya and the Anthem of the East African Community were played)

Hon. Speaker: Thank you. Your Excellency, the Governor, Hon. Members and invited guests, at this juncture, allow me to invite our spiritual leaders to lead us in prayers.

(Prayers were said by the following spiritual leaders: Rev. Ignatius Malimo, Sheikh Mohamed Adan Hassan and Father Edwin Hunja)

COMMUNICATION FROM THE CHAIR

CONVENING OF THE COUNTY ASSEMBLY FOR THE GOVERNOR'S ADDRESS

Hon. Speaker: Your Excellency, Hon. Members, invited guests, you may now take your seats.

Your Excellency, Hon. Sakaja Johnson Arthur, the Governor of Nairobi City County, Hon. Members of the County Assembly and distinguished guests, Standing Order No.24 of the Nairobi City County Assembly Standing Orders requires the Governor to address the opening of each newly elected County Assembly.

In this regard, Hon. Members, His Excellency the Governor notified my office on his intention to address the newly elected Assembly on Wednesday 19th October, 2022 at 2.30 p.m.

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Accordingly, pursuant to Standing Order No. 24, I gave notice of this First Sitting to all Hon. Members and the general public. Hon. Members, this First Sitting is therefore properly convened. Thank you.

Hon. Members, you may allow me to recognize our invited guests. Your Excellency, it is also the custom of this Assembly to recognize invited guests seated at the Speaker's Gallery. I, therefore, wish to recognize the guests who are seated in the Speaker Gallery. Hon. Members, the list of the invited guests was never provided for, but hopefully, I know the leadership of our great County, the Hon. Members from the National Assembly and the Senate, are with us at the gallery. Kindly may you arise.

I recognize Hon. Moses Kajwang of Homa Bay County, Hon. Benjamin Gathiru, Embakasi Central MP, Hon. Mark Mwenje, Embakasi West MP and Hon. Rachael Shebesh, Chief Administrative Secretary, Ministry of Public Service, Gender, Senior Citizens Affairs & Special Programmes.

(Applause)

We also have our stakeholders represented. Feel most welcome.

(Applause)

His Excellency the Governor, Hon. Members, distinguished guests, ladies and gentlemen, it is now my singular honour and privilege to invite His Excellency the Governor of Nairobi City County to address this First Sitting of the Third Assembly. Let us all be upstanding!

*(All persons in the Chamber remained upstanding as
His Excellency the Governor rose to Speak)*

Your Excellency, please, proceed to address the First Sitting of the Third Assembly. Thank you.

GOVERNOR'S ADDRESS

EXPOSITION OF PUBLIC POLICY

His Excellency the Governor: Thank you very much, let us be seated.

Mr. Speaker Sir, Hon. Members, I apologize, I have a bit of flu, but you will bear with me. I thank God for His goodness, for the gift of life, for the people of Nairobi and for the peace that prevails upon our land. I stand before you, deeply humbled by the privilege and rare responsibility of addressing you. Tremendously grateful for the wave of support, good will and encouragement that I have received from you and the people of Nairobi for the last 55 days we have been in office, and greatly awed by the significance this day symbolizes.

A day such as this, steeped in tradition and pageantry, gives us the historic perspective of the magnitude of the roles that the people of Nairobi have bestowed upon us all seated here today. Allow me, therefore, to officially congratulate you all, Hon. Members on your successful election to this House to represent the people of Nairobi.

(Applause)

I take this opportunity to congratulate you, Hon. Speaker, Hon. Kennedy Ng'ondi, and your Deputy on your election and acknowledge the great task that lies ahead as you preside over this great Assembly of the people of Nairobi, the second biggest Assembly in the Republic of Kenya, after the National Assembly. Mr. Speaker, remain assured of my support and comradeship as you play this most important role in our governance structure.

Allow me also to give my heartfelt congratulations to my brother, our Senator, Edwin Sifuna on his election. I sat on that Chair you are sitting. It is a nice Chair to sit on.

(Applause and laughter)

I also congratulate our Members of the National Assembly who are in the Assembly currently and Women Representative, Esther Passaris, who is out of the country and spoke with her yesterday. Congratulations to us all.

(Applause)

The confidence demonstrated by Nairobian, who in their wisdom chose us from a great cocktail of different shades, hues and political affiliations, must inspire us to do our best every day in the interest of the people. We all went through a rigorous election throughout the 85 wards and 17 constituencies of Nairobi, campaigning as Members of different parties and coalitions. Today, however, we come together with a common agenda and a single purpose to promote the welfare of our people, to defend their rights and to give voice to the many and varied interests of the five million people of Nairobi. This is why at the very outset, I have committed to work with all the elected leaders of Nairobi, regardless of party affiliation in the interest of the people we serve. We shall work with all of you, elected through universal suffrage and elected through party list.

When I look round this Assembly, I can see that the people of Nairobi chose and they chose very well. From the longest serving member, Hon. Kados Paul Muiruri Kiguathi of Mihango, who joined this House in 1997 when I was in class seven---

(Laughter)

---to the youngest elected members, Hon. Anthony Maragu and Mark Thiga at 27 years. I don't know if there is a younger Member. That span represents what our city looks like. The voice of the people was heard, as it was resounding. I wish to specially mention the female members who made it in this election, Hon. Susan Makungu, Rose Masitsa, Waithera Chege and Scolastica Mande.

(Applause)

Congratulations for making it and fighting amongst men. Your election gives hope to our daughters and sisters, that they are not limited in any way. As I have said before, I acknowledge those who have been elected by party list because it is also not easy to get to nomination list of a political party.

(Applause)

Hon. Speaker Sir, having been a legislator for the last 10 years, in the National Assembly and then at the Senate, I understand the important role of oversight, legislation and representation that this Assembly must play. Count on my support in strengthening the Assembly to play these roles efficiently. A strong County Assembly produces a strong County Government. I expect this House to provide efficient and objective oversight over the County Government of Nairobi.

Mr. Speaker Sir, I was born and raised exactly 2.1 km from where I stand right now, just down here. I was not born in the house; 3 kms from the hospital and 2.1 kms from the house. I remember a city that had a semblance of order. A clean city and a green city. I remember efficient public transport, regular water in our taps, security in our neighborhoods and a working city. Nairobi has been there before and we can get it back there only if we all work together.

Our County, Nairobi, has the potential to reclaim its glory as the green city in the sun and to stand tall as Africa's true economic and financial capital. A capital city where things work, where there is order, where we all know the rules and abide by them and a place where everyone has an opportunity to thrive. A city where there is clean running water in our homes; a city of dignified living. A city of hope and opportunities. Hon. Members, it is possible.

Again, when I look across this Assembly, I am reminded of the people we represent. I see them in you all. I see the young man in Mukuru Kwa Njenga who is jobless yet educated, the lady in Marikiti who overcomes so many hurdles to get a slot at the market to sell vegetables to feed her children, the father pacing up and down at Pumwani Hospital wondering whether his wife will safely deliver their baby. I also see the business man stuck in traffic about to lose a business opportunity due to lateness, I see that child in Kiambu who is in class but cannot concentrate because she is hungry. But despite that, I also see opportunity and hope because I see you, the leaders who these people have chosen to represent them. You are the embodiment of the hopes of millions. We cannot afford to let them down.

The challenges our city face, though numerous, are not insurmountable. As my Deputy likes to say, we cannot boil the ocean, but we shall make tangible and meaningful progress towards the dream of a better Nairobi. I commit, together with my Executive, to wake up every single day, fully dedicated to the program outlined in our manifesto that seeks to create a city of order and dignity, hope and opportunity for all.

Mr. Speaker, Hon. Members, the County Executive and the County Assembly each have a respective role to play. I urge both arms of the County Government to work together for the betterment of our city. The Executive of Nairobi City County Government, right from my office to all other offices, are instructed to support all County Assembly Members equally to play their legislative and oversight roles. On the other hand, the County Assembly should play this role in a manner that advances the welfare of those that have been put under our charge, as the Assembly prayer says.

Mr. Speaker, Hon. Members, for a more structured engagement between the Executive and the County Assembly, I am setting up a Liaison Office, under the Office of the Governor. Through this organ, all requests from Hon. Members will be received, processed, and channeled to relevant officers, with solutions provided to address the issues. This Liaison Office will also play the role of facilitating all sectors to keep track of Bills passed by the House, and ensuring that they are implemented. Its main partner will be the Liaison Committee of the County Assembly, to ensure a smooth working relationship between the two arms that make the County Government of Nairobi. My office will also work to facilitate all members to deliver their own individual manifesto promises that are in line with the County Government's development objectives.

The Ward Based Development Projects that aims to devolve projects to the ward level is an important plank of our plan. I pledge my full support to these projects as they shall ensure that no part of our great county is left behind in development.

(Applause)

This program is going to be better managed going forward than it has been done before. Funds appropriated for the wards will be paid on time, and wards will receive what is rightfully theirs. I urge Members to uphold the principles of Article 10 of our Constitution of public participation as we involve the public in prioritizing these programs.

(Applause)

Mr. Speaker, from the outset of the development of the Bill that ended in the Senate, I supported it while I was in the Senate in this House through members.

One of the most important responsibilities of the Nairobi City County Government is to support bright but needy students through bursaries. Over the years, the bursaries have put thousands of children through school and given them a better chance in life. This noble endeavor will continue under my administration. Going forward, bursary cheques, both for the Executive and the Assembly, will be issued at the start of every term. *(Applause)* We have taken the step and made financial arrangements to ensure that bursaries will be issued on time every time. As we increase our revenues in the coming financial years, we shall also review the amounts allocated to each ward.

(Applause)

Mr. Speaker, Hon. Members, there are initiatives close to my heart that I require your support. I will speak of just a few.

One is the school feeding programme where we seek to provide a meal for all the children in our public primary schools as a beginning. Many of our children come from homes that can hardly afford one meal a day. Urban poverty as you all know, bites much harder than rural poverty, and we know that children cannot learn on empty stomachs. It is embarrassing that there are more children out of school per capital in Nairobi due to poverty and hunger than in several counties that has been faced with drought in the North. We are thus rolling out a programme to construct central kitchens in every sub-county where food will be cooked and distributed to nearby schools. This model, as established by Food for Education, is already working in Dagoretti South. I encourage members to visit Mukarara Primary School to witness its implementation. I want to thank the Members of National Assembly who have already offered to work with us through the National Government Constituency Development Fund in constructing some of the kitchens required. I will urge the rest to follow.

My administration, Hon. Members, will also be pushing aggressive steps to fix Nairobi's waste management challenges. I am of the firm belief and very honestly, that if we don't do something now regarding the state of Nairobi, the city will slide into anarchy and lawlessness that will be difficult to salvage. I am therefore seeking your partnership sincerely to get Nairobi moving, and to ensure a clean and green environment.

Work is ongoing every day. In the last month in office, for instance for the 55 days I have been in office, more than 80,000 tonnes of garbage have been collected from various parts of the city and I am sure you have noticed in your wards that garbage collection has begun in earnest. A lot of this is uncollected waste from the past. We are currently working towards collecting a total of over 3000 tonnes daily. More importantly, we are working to curb illegal dumping across the city, new collection points will be gazetted and we will have a public awareness campaign. Those found dumping illegally will be punished because we must keep our city clean. They shall face the full force of the law under the Environmental Management and Co-Ordination Act. I urge Members, please, do not protect anyone found dumping illegally in Nairobi. Your pleas will fall on deaf ears. We are implementing a circular on Waste Management Formula where we are establishing Material Recovery Facilities (MRF) first in our sub-counties and then we move to our wards. I can see Hon.

Wairobi from Mowlem, he knows what we have set up there. Another one is in Muthurwa. We expect to have more so that our young people can be engaged in keeping our city clean.

To bring order and opportunities to the CBD, MCA Kwenya, we have called on informal traders and other stakeholders for a public participation forum to discuss a solution for hawkers. We are working to identify streets and alleys where they can continue to do their business in an orderly way. We are a pro-business administration and we intend to position Nairobi as Africa's economic and entrepreneurship hub. As part of the measures towards easing the cost and convenience of doing business, we have made progress towards creating a unified single business permit so that traders and SMEs do not have multiple licenses for them to trade. Members, allow me to reiterate the earlier point, there is enough for everyone in this city. Our informal traders should not be seen as criminals or thugs; they are trying to eke out a living. Once we organize them they will know their spaces to trade and the time to do that. In the weekends we will be opening up the city for trade and parking to be free that is; Saturday and Sunday. As I have said, we want to have one unified single permit for our traders.

I am glad to report to you, Mr. Speaker, that so far we have made 70% progress and soon we will be launching it together with you and the Assembly so that all businessmen in Nairobi do not have to spend time complying instead of doing business. Ours is to encourage and promote business not to stifle and hamper entrepreneurship.

In this same vein, I urge the National Government to also unify the multiple licenses and fees levied by National institutions and statutory bodies like MCSK, PRISK etc. into one. These multiple licenses are avenues for rent seeking. You cannot have a businessman who has entire frame of more than 12 certificates on his door and expect him to be profitable.

I am also lobbying my colleague Governors through the Council of Governors to come up with a solution to the multiple licensing, advertisement fees and cess payments that our traders have to pay when crossing counties. One lorry for instance, moving from Nyeri to Mombasa is stopped more than ten times to pay the same cess and licenses in each county by our diverse counties. This is hampering trade. I am confident that we will be able to find a solution creatively with my colleague Governors.

Hon. Members as you know, we have been dealing with incessant fires in many of our wards and infamously at the Gikomba Market. One of the major causes of the fires at Gikomba has been land speculators and grabbers who intend to push out the traders. There was a fire recently, I visited the area together with the Senator, Hon. Yusuf and Hon. Paul Irungu of Pumwani. We reiterated that the land on which Gikomba Market sits, belongs to the County Government, and we have begun the process of surveying the land so as to process the title deed. We have seen the cadasters and the original D-plans, it is our land. If anybody believes that they have its title deed, they should find something else to do with that piece of paper but not to push out our traders.

(Applause)

We also intend, and we have already identified space to construct a fire station at Gikomba Market. We will service the boreholes and hydrants and ensure access throughout the market. As I am speaking, a surveyor is on site. We are keen on revamping our Disaster Response and Management teams and will be coming to the Assembly for support.

Indeed, we also intend to and have begun a process of reclaiming grabbed public spaces across the County.

(Applause)

I am sure Members you have noticed that we have already fenced the grabbed City Market land right next to us. On it, we will construct a market to expand the market which is congested, as soon as funds allow. We also have a robust program, working with the National Government and security agencies, to ensure that public land, our social halls, our children's fields remain just that; public land.

My administration will also construct 20 markets in our sub counties to provide spaces for trade for our citizens. Already, we have made progress in the finished markets that were yet to be commissioned due to several bottlenecks that we are proud to say that we have unlocked. We shall begin with the commissioning of the New Wakulima Market along Kangundo Road followed by Mwariro and Karandini (Dagoretti South) Markets.

Hon. Speaker, Hon. Members, the Youth of our county are the trustees of our posterity. We will put the required focus on sports and the creative economy as that is a frontier for economic development. In Nairobi, we have resolved the disputes that arose on the construction of Dandora Stadium and I am glad to say that contractor will soon be expected back on the site. We expect the stadium to be handed to us in a matter of weeks if not one or two months. Other stadia that will follow include, Kihumbuini in Kangemi, Woodely in Kibra, Umeme Grounds in Ziwani and the historical City Stadium. I want to thank this Assembly because in the last Assembly, you listened to our pleas and renamed the stadium to Joe Kadenge Stadium. We shall look at other areas in the next financial year where we need stadia including Kayole Calvary Grounds among others.

We have lifted all permits and levies on freelance photographers and filmmakers who were previously harassed for filming within the county. Mr. Speaker sir, a lot of our laws are archaic and colonial. There is no harm if one takes a photo outside the Office of the Governor. There is no harm if someone want to shoot videos to post on Instagram. Indeed, many people earn by posting videos or photos on social media. I want to remind the County Executive that ours is to encourage the creativity of our young people. We intend in the coming financial years to put up studios for music in all sub-counties and may be later in some of our wards so that our young people can go and showcase their talents and for us to provide facilities for theatre for our people to act.

Hon. Members, as you are all too aware - and I know our Senator is passionate about this because we had disused with him - the state of healthcare in Nairobi is wanting. Too many of our citizens resort to private facilities because of the state of many of our public hospitals. For those who cannot afford, they have to contend with understaffed facilities, sharing beds, lack of medicine and the basic equipment that a facility should have. Mr. Speaker, some of the hospitals that were constructed by the defunct NMS are existing as structures but have nothing inside them.

One of my first executive actions was to set up a health reforms taskforce whose terms of reference are to engage our county staff, members of the public and stakeholders on access to quality health services, the status of our health facilities, the supply chain management of pharma and non-pharma products, the status of health information management and to assess the human resource capacity gaps in our facilities. I

look forward to engaging with the Health Committee of the Assembly to make sure that the recommendations of the taskforce, once concluded are implemented. I urge our nurses, who are the backbone of our health system, our doctors and medical personnel to make their representations to the taskforce. Our community health volunteers, who play an important role in primary healthcare, I am glad to report to this Assembly that they have already started receiving their monthly stipends as promised and will be supported every month going forward.

(Applause)

Mr. Speaker, we are also keen on lighting up our city. So far, close to 5,000 lights have been restored and 225 new ones installed. Roads maintenance is ongoing, including patchwork in various main roads, alleys and lanes across the city. Work is ongoing Members, and this is only the beginning.

Many studies have already been done, including the NIUPLAN, that addresses transport and solid waste management challenges as well as special planning. The recommendations of these studies just need to be implemented, and I am committed to get the job done. Some of these studies were done during the time of the City Council which cost us hundreds of millions and has been wasting away in office shelves.

Hon. Speaker, Hon. Members, Senator of Nairobi, to do this, we need to push the boundaries on revenue collection. We are now collecting Ksh9 billion a year in Own Source Revenue, which is extremely low. We have collected Kshs. 12 billion before and studies, including a recent one by the Commission on Revenue Allocation, have shown that we can hit Ksh67 billion if we do what is right. We all know that a myriad of reasons has led to revenue leakages in the past, including non-digitization of revenue streams, manual collection (and stealing) of cash as well as multiple platforms for payment of rates and other fees.

In the last month, Hon. Members, I am glad to inform you that we have burnt the midnight oil almost every day in addressing this and will be launching a new revamped system of revenue administration next week. Please let it be known by all Nairobians that no money for any services in Nairobi will be received or demanded for in cash. We must reign in all our revenue, and on this, I shall not compromise. We are going fully digital. Each and every revenue stream of Nairobi has been digitized.

(Applause)

Mr. Speaker, Hon. Members, Nairobi is a rich county that has chosen to be poor, and we must turn this around quickly. We will have to address our debt problem, where our pending bills have now hit KSh99 billion from the County Government and Kshs.16 billion from the outgoing Nairobi Metropolitan Services. Senator, you will help me audit on how they got to Kshs.16 billion pending bills in two years. We must put and place measures to prevent further escalation of these pending bills. Fiscal discipline is a must. We must be prepared to tighten our belts as we get our books right. We shall be presenting our Fiscal and Debt Management Strategy Paper to this Assembly early next year. I truly look forward to your partnership in this endeavor.

We shall further devolve services to the proposed five boroughs and the 17 sub-counties as we automate all the County Government services. Most importantly, Mr. Speaker, the great people of Nairobi are going to be consulted on the County Government's plan through genuine and meaningful public participation and not participation for the sake of it, the voice of Wanjiku and Akinyi really matters and their aspirations are incorporated in all we do.

In the coming days, Hon. Speaker, Hon. Members, I will be unveiling my proposed cabinet nominees, probably it might be sooner for vetting and approval by this Assembly. I assure the House that I will only propose competent, capable and committed Nairobians to these positions. We will also be bringing the supplementary budget to the House for your approval so that we can fund these programs for the benefit of the great people of Nairobi.

Hon. Members, as I conclude, let me reiterate that the responsibility for our County's future rests on our shoulders, all of us here. We must rise to the occasion. I am honored that I am addressing the leaders who will go down in history as the agents of the transformation of Nairobi. Leaders who are pre-occupied with the future, not caught up on the past. Leaders who are concerned with taking action, not just using empty rhetoric. Leaders who are capable of ushering in a new era of governance in our city; where the vibrancy and dynamism of our youth people carry the day. I am convinced that we will do it. I am confident, not because the road ahead will be easy but because we will walk together. Members, many of the things that we must do will not be popular but they must be done for sanity reign, for us to make sure that our children can sleep at home and there is no blaring music in our neighborhoods from discos which are operating at the wrong places. Tough decisions will be made and I count on your support.

(Applause)

Today, and in the months and years to come, we must make a commitment to align our actions with our faith in the promise of a new Nairobi. Whenever we take any action, pass any bill, make any vote in this House, I urge you, let us always remember the millions of people who depend on the sobriety and fairness of our actions.

Members, I wish you all the best as you begin this new session of the Nairobi City County Assembly. May God bless you, May God bless Kenya and May God bless Nairobi.

(Applause)

(The Governor handed over the speech to the Speaker)

PAPER

Hon. Speaker: Your Excellency, the Governor, Hon. Members, Standing Order No. 27 (4) provides, and I quote:

“27 (4) Whenever the Governor delivers an Address, a Member may as soon as practicable, thereafter, lay the Address on the Table of the County Assembly following the reading of such Address”.

I, therefore, now call upon the Hon. Deputy Speaker, the Hon. Paul Kiguathi Kados to lay the Address by H.E. the Governor on the Table of the County Assembly and issue the Notice of Motion contemplated in Standing Order No. 27 (5).

Clerk, kindly facilitate the Hon. Deputy Speaker.

Hon. Paul Kados: Thank you, Hon. Speaker. Pursuant to Standing Order No. 27 (4), I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 19th October 2022:

The Address of the Governor at the opening of the Nairobi County Assembly, today. Thank you, Mr. Speaker.

(The Paper was laid on the Table)

(Applause)

Hon. Speaker: Hon. Members, now that the Paper has been laid and the Standing Orders dictates that we need to interrogate the speech of the Governor and to debate, this informed the decision of the Speaker. Kindly, Hon. Kados, give the Notice.

NOTICE OF THE MOTION

GOVERNOR'S ADDRESS

Hon. Paul Kados: Hon. Speaker, I beg to give Notice of the following Motion:

THAT, the thanks of the Nairobi County Assembly be recorded for the exposition of the Public Policy contained in the Address of the Governor, laid on the Table of this Assembly, today, Wednesday 19th October 2022.

Thank you, Mr. Speaker.

(Applause)

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, now that the Paper has been laid on the communication of the Address of the Governor, this informed decision of the Speaker to come to the closure of the earlier communication regarding the House leadership, which I beg to communicate.

ASSEMBLY LEADERSHIP

Hon. Speaker: Hon. Members, I have the following Communication to convey regarding the Assembly leadership:

Hon. Members, you will recall that on Thursday, 29th September 2022, I issued a Communication regarding the House leadership and went further to communicate the names of Hon. Members who had been designated by the Azimio la Umoja-One Kenya Coalition to various leadership positions in this House. I also encouraged the Kenya Kwanza Coalition to designate and communicate its leadership in the Assembly.

Thereafter, Hon. Members, on Friday, 30th September 2022, I issued a Memo to all Hon. Members suspending the said communication on grounds stated therein. In the said Memo, I also indicated that I would consult the concerned coalition and issue further communication/clarification on the matter. The House should however note that whenever the Chair issues communication on any matter, the same can only be formally recalled by way of another communication on the floor.

Nevertheless, Hon. Members, I consulted the said coalition and in my Memo to all Hon. Members dated 11th October 2022, I informed you that I had received a letter dated 11th October 2022 from the Azimio la Umoja-One Kenya Coalition designating its leadership in the House as follows:

1. Hon. Jateso Peter Imwatok - Majority Party Leader

(Applause)

2. Hon. John Ndile Musila - Deputy Majority Party Leader
(Applause)
3. Hon. Moses Ogeto - Majority Party Whip
(Applause)
4. Hon. Stazo Omung'ala - Deputy Majority Party Whip
(Applause)
5. Hon. Catherine Apiyo Okoth - Majority CASB Member
(Applause)

Equally, Hon. Members, I am in receipt of a letter dated 12th October 2022 from the Secretary General of the UDA party which is a constituent party of the Kenya Kwanza Coalition designating and communicating its leadership in the County Assembly as follows:

1. Hon. Anthony Kiragu - Majority Party Leader
(Applause)
2. Hon. Waithera Chege - Deputy Majority Leader
(Applause)
3. Hon. Mark Ronaldo Mugambi - Majority Whip
(Applause)
4. Hon. Joyce Muthoni Kamau - Deputy Majority Whip
(Applause)
5. Hon. Susan Makungu - Majority CASB Member
(Applause)

Hon. Members, you will note that from the two letters both coalitions are claiming to be on the majority side. However, our Standing Orders do not anticipate a situation where we can have two (2) majority parties or coalitions in this House. Let it also be known that the Chair is not merely a conveyor belt of documents submitted to this House. The Chair must apply his mind on every Paper that is to be tabled or communicated to the House and in doing so the Chair is guided by the Constitution, the relevant laws, the Standing Orders and established practices, customs, traditions and precedents in order to enhance parliamentary democracy and the rule of law.

Hon. Members, the decision as to who are the majority and minority sides in a legislature is determined at the ballot by the voters. The role of the Speaker and indeed all concerned parties is to simply count the numbers, apply the Standing Orders and the Law, and declare the two formations.

(Applause)

Hon. Members, as you may be aware, the matter beforehand is not foreign to this country, indeed, a few weeks ago, the National Assembly was faced with a similar question when these two coalitions claimed to be the majority in the National Assembly. In determining this matter, the Hon. Speaker of the National

Assembly, Hon. Moses Wetang'ula, EGH, MP, relied on the Standing Orders as they apply to the leadership of the National Assembly.

The applicable provisions of the Political Parties Act as amended in 2022 by Parliament, the existing coalition agreements as confirmed by the Registrar of Political Parties, the provisions of Article 36 of the Constitution on the freedom of association and Article 38 of the Constitution on political rights and finally the numbers of both coalitions and whether there had been on record any hemorrhage in membership of any of the two coalitions since the declaration of election results following the elections held on 9th of August, 2022.

(Applause)

Hon. Members, I do not intend to largely depart from the ruling by my senior, the Hon. Speaker of the National Assembly, on this matter especially on the substantive issues of determination. However, may I, first of all, inform the House that regarding the County Assembly leadership, Standing Order 22 provides that the Largest Party or Coalition of Parties in the County Assembly shall designate Members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority, Deputy Majority Party Leader, Majority Party Whip, and Deputy Majority Whip.

On the other hand, Standing Order 23 provides that the Second Largest Party or Coalition of Parties in the County Assembly shall designate members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party, Deputy Minority Party Leader, Minority Party Whip, and Deputy Minority Whip.

In designating the said Members, the parties or coalition of parties are required to take into account any existing coalition agreement entered into pursuant to the Political Parties Act, 2011 and the need for gender balance. In addition,

Hon. Members, Section 12 (3) of the County Governments Act, 2012 provides that political parties represented in the county assembly shall nominate two members of the county assembly to the County Assembly Service Board according to their proportion of members in the county assembly.

Hon. Members, given the above, I have framed the following issues for determination: -

- (i) Which are the coalitions represented in the Nairobi City County Assembly and composition in terms of numbers following the general elections held on 9th of August, 2022;
- (ii) Whether any of the Coalitions represented in the County Assembly have lost any of their Members by way of defection or otherwise since the elections held on the 9th of August, 2022; and
- (iii) In view of the above two (2) issues, which is the majority or minority coalition in the Nairobi City County Assembly?

Hon. Members, regarding the first issue, my attention has been brought to both the coalition agreements of the two contesting coalitions and communication by the Registrar of Political Parties vide a letter Ref. RPP/ELE/10 VOL.III (67) dated 7th September 2022 detailing that the two coalitions comprise of the following constituent parties: -

- (a) Azimio la Umoja One Kenya Coalition Party comprising of the following political parties; Jubilee Party, ODM, Wiper Democratic Movement, KANU, NARC, NARC-Kenya, Muungano Party, Maendeleo Chap Chap, DAP Kenya, Devolution Empowerment, United Party of Independent Alliance and United Democratic Movement.

- (b) Kenya Kwanza Alliance comprising of UDA, ANC, FORD-Kenya, Chama Cha Kazi, Communist Party of Kenya, The Service Party, Tujibebe wakenya Party, Farmers Party, Devolution Party of Kenya, Economic Freedom Party, Umoja na Maendeleo Party, DP, National Agenda Party of Kenya, Grand Dream Development Party and Chama Cha Mashinani.

Hon. Members, arising from the two authorities, I, therefore, find that following the general elections held on 9th August 2022 and as declared by the IEBC in Gazette Notice No. 9952 dated 24th August 2022 and Gazette Notice No. 10712 dated 9th September 2022, the Coalitions represented in this House are as follows: -

(a) Azimio la Umoja- One Kenya Coalition Party: -

No.	Constituent Political Parties	Membership
1.	ODM	52
2.	Jubilee	9
3.	Wiper	6
	Total	67

(Applause)

(b) Kenya Kwanza Alliance

No.	Constituent Political Parties	Total Members
1.	UDA	52
2.	Chama Cha Kazi (CCK)	1
	Total	53

(Applause)

Hon. Members, in making the above finding, I am further persuaded that the amendments effected to the Political Parties Act by Parliament in 2022 permitted a coalition political party to elect to assume the character of either a party or a coalition. In this case, Azimio la Umoja- One Kenya can be regarded either as a Coalition or a Party.

Hon. Members, on the second issue, no Hon. Member has indicated to me either verbally or in writing to have left any of the Coalition. In addition, the Almighty God has been gracious enough to keep us all alive. I am therefore persuaded and find that both the two coalitions are still intact in terms of numbers in this House. I must also at this juncture mention that we have three independent Members in the House.

In view of the above findings, Hon. Members, it follows therefore that the Azimio la Umoja- One Kenya Coalition is the Majority Coalition with 67 Members while the Kenya Kwanza is the Minority Coalition with 53 Members. This, therefore, settles issue number three (3) as framed by the Chair.

(Applause)

Accordingly, with the question of numbers having been settled, I make the following determination and ruling on this matter:

1. That, notwithstanding the two letters by the two coalitions, the Azimio la Umoja One Kenya Coalition is entitled to appoint the Leader of the Majority Party while the Kenya Kwanza Alliance is entitled to appoint the Leader of the Minority Party.
(Applause)
2. That, with regard to the Majority Coalition:
 - (a) Hon. Jateso Peter Imwatok is the Majority Party Leader.
(Applause)
 - (b) Hon. John Ndile Musila is the Deputy Majority Party Leader.
(Applause)
 - (c) Hon. Moses Ogeto is the Majority Party Whip.
(Applause)
 - (d) Hon. Stazo Omung'ala is the Deputy Majority Party Whip.
(Applause)
 - (e) Hon. Catherine Apiyo Okoth is the County Assembly Service Board Member representing the Majority Coalition.
(Applause)
3. That, with regard to the Minority Coalition:
 - (a) Hon. Anthony Kiragu is the Minority Party Leader.
(Applause)
 - (b) Hon. Waitheera Chege is the Deputy Minority Leader.
(Applause)
 - (c) Hon. Mark Ronaldo Mugambi, MCA is Minority Whip.
(Applause)
 - (d) Hon. Joyce Muthoni Kamau, MCA is the Deputy Minority Whip.
(Applause)
 - (e) Hon. Susan Makungu is the Member County Assembly Service Board Member representing the Minority Coalition.
(Applause)
4. That, with respect to the composition of the Assembly Business Committee, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.
5. That, with respect to the composition of the Committee on Selection, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.

6. That, with respect to the composition of the Committee on Appointments, the Majority Party and the Minority Party are to nominate and submit their respective Members as prescribed in the Standing Orders to my office, latest by 11.30 a.m. on Monday, 24th October 2022.
7. That, upon receipt of the names of Members of the Assembly Business Committee, the Clerk is hereby directed to cause the list to be published in the Order Paper on Tuesday, 25th October 2022. The Clerk is also directed to ensure that the names of the Members to serve in the Committee on Selection and the Committee on Appointments are presented to the Assembly Business Committee when the Committee sits on Tuesday, 25th October 2022 at 2.30 p.m.
8. That, with respect to the three (3) Independent Members, as your Speaker I will endeavour to ensure that they are assigned to Committees in accordance with the Standing Orders. I will not accept or approve any list of committee membership that does not take into account the interest of Independent Members.
9. That, pursuant to Standing Order No. 253, the marked seats in the front row of the Chamber to my right and my left are reserved for the persons occupying the offices of the leadership of the Majority Party and leadership of the Minority Party, respectively.
10. That, the Clerk is hereby directed to take necessary measures to facilitate the leadership of the Assembly that has been appointed to move into their respective offices and access all other entitlements relating to their offices as has been approved by the Salaries and Remuneration Commission (SRC) and the County Assembly Service Board.

Hon. Members, as I conclude, may I caution the Assembly that without the House leadership, we cannot proceed with any business in this Assembly. Therefore, our development agenda will not proceed and our constituency will judge us harshly. We cannot, therefore, afford as a House to prolong this matter. The House is so guided and this communication settles this matter with finality.

I thank you, Hon. Members.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, please, be upstanding.

Your Excellency the Governor, Hon. Members, we have come to the conclusion of the business of the day and it is now time to adjourn.

However, Your Excellency and Hon. Members, before we adjourn, I take this opportunity to invite you and our guests to a reception at the Members Lounge and Assembly courtyard. I also request all Hon. Members and our guests to remain standing in silence and in your places until the procession of His Excellency the Governor, the Speaker and the spiritual leaders leave the House. The High tea will be presided by our Hon Senator as well graced by him.

The Assembly now stands adjourned until Tuesday, 25th October 2022, at 2.30 p.m. I thank you, Hon. Members.

The House rose at 3.47 p.m.