



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – First Session

Thursday 29<sup>th</sup> September 2022

#### First Sitting

*(Convened vide Legal Notice No. 11276 of 22<sup>nd</sup> September 2022)*

The House met at 9.00 a.m.

*[The Clerk of the County Assembly (Mr. Edward Gichana) in the Chair]*

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

##### WELCOME ADDRESS BY THE CLERK

**The Clerk of the County Assembly:** Hon. Members, let us get seated. On behalf of the staff of the Nairobi City County Assembly and on my own behalf, I wish to sincerely congratulate all of you on your election as Members of this August House.

I further wish to welcome you to this First Sitting of the Third Assembly of Nairobi City County Assembly, and take this special opportunity to welcome back all Members who served in the Second and previous Assemblies and have been re-elected. I also extend a special welcome to Members joining us for the very first time.

Hon. Members, before we proceed with the business ahead of us, may I inform the House that for your convenience during this sitting, the rest rooms are located on the ground floor on your right side as you enter from the main gate. The other one is located in the Speaker's holding room area accessible from the door on my right up on the podium.

Further, in terms of sitting arrangement, for purposes of this First Sitting, Hon. Members are free to sit on any available seat and on any side of the Chamber. However, as you will realize going forward, once the Assembly shall be fully constituted, there shall be seats designated for the Deputy Speaker, the Majority Leader, the Minority Leader and the Chief Whips, as provided for in Standing Order No. 253.

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Hon. Members, also note that the County Assembly and its Committees has now fully resumed its physical sittings following the removal of COVID-19 restrictions that had been imposed during the term of the Second Assembly.

Hon. Members, today's sitting is the outcome of several activities that preceded our gathering here for this historic occasion. First and foremost, Section 3 of the County Governments (Amendment) Act, No. 11 of 2020 as read together with Standing Order No.4 of the Nairobi City County Assembly Standing Orders provides that:

*"Whenever a new County Assembly is elected, the Governor, by notice in the Kenya Gazette and/or the County Gazette, shall appoint the place and date of the First Sitting of the new County Assembly, which date shall not be later than thirty days on which the County Assembly shall be fully constituted as provided for under Section 7 of the County Governments Act, No. 17 of 2012",*

Accordingly, His Excellency the Governor of the Nairobi City County notified this First Sitting of the Third Assembly of Nairobi City County Assembly vide Legal Notice No.11276 of 2022 dated 22<sup>nd</sup> September, 2022.

Hon. Members, Standing Order No. 4 (2) (a) provides that:

*"On the first sitting of a new County Assembly after a general election, the Clerk shall read the notification convening the First County Assembly as published in the Kenya Gazette and the County Gazette."*

Hon. Members May I now read the notification by the Governor:

*"Notice is given to the general public and all elected and nominated Members of the County Assembly of Nairobi City that pursuant to Section 7(B) of the County Governments(Amendment) Act, 2020 and Standing Order 4(1) of the Nairobi City County Assembly Standing Orders, I, Sakaja Arthur Johnson, Governor of the County of Nairobi City, appoint that the First Sitting of the 3<sup>rd</sup> Nairobi City County Assembly shall be held at the Nairobi City County Assembly Chambers, Nairobi City, on Thursday 29<sup>th</sup> September, 2022 at 9.00 am."*

Hon. Members, having laid out the basis for today's sitting, we shall now proceed to the next Order.

## PAPERS LAID

### LIST OF GAZETTED MEMBERS OF THE COUNTY ASSEMBLY

**The Clerk of the County Assembly:** Hon. Members, Standing Order No. 4 (2) (a) provides that:

*"On the First Sitting of a County Assembly after a general election, the Clerk shall read the notification of the convening of the County Assembly as published in the Kenya Gazette and/or the County Gazette."*

Hon. Members, this has now been done.

Further, Standing Order 4(2) (b) provides that:

*"On the first sitting of a new County Assembly after a general election, the Clerk shall lay a list of the names of the persons elected as Members on the Table of the County Assembly."*

Hon. Members, by elected, it means, Members elected from the 85 Wards in Nairobi City County, and the equivalent number of nominated Members of County Assembly who have been nominated pursuant to the provisions of Article 177(1) (b) and (c) of the Constitution. Indeed, I confirm that I have prepared a list containing the names of all persons elected as Members of the County Assembly save for the Member for Utawala Ward, where elections were not held in that Ward in the last general elections.

Hon. Members, the elected Members of the Nairobi City County Assembly were formally declared vide Gazette Notice No. 9952 dated 24<sup>th</sup> August, 2022 and Gazette Notice No. 10712 dated 9<sup>th</sup> September, 2022.

I, therefore, direct the Clerk at the Table to lay the list of elected Members of the County Assembly on the Table of the Assembly pursuant to Standing Order 4(2) (b).

*(Loud consultations at the public gallery)*

I would like to kindly request members of public at the gallery to kindly observe silence as we continue with the proceedings.

Hon. Members, having dispensed with the requirements of Standing Order 4(2) (b), we will now proceed to the next Order.

*(The Paper was laid on the Table of the Assembly)*

### COMMUNICATION FROM THE CHAIR

#### PROCEDURE TO BE FOLLOWED IN ADMINISTRATION OF OATH OR AFFIRMATION OF OFFICE

**The Clerk of the County Assembly:** Hon. Members, the Constitution of Kenya under Article 74 provides that:

*“Before assuming a state office, acting in a state office, or performing any functions of a state office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”*

As you are aware, Hon. Members, the Office of a Member of County Assembly is among those defined as a state office under Article 260 of the Constitution. The said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Further, Hon. Members, Standing Order No. 4 (2) (c) requires that on the First Sitting of a new County Assembly, pursuant to the Governor’s notification under Standing Order 27 of the County Assembly Standing Orders, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule to the County Governments Act, 2012 to all Members present in the Assembly in the order set out in Standing Order No. 4 (3).

Specifically, Standing Order No. 4 (3) provides that:

*“The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence:*

- a) Members living with disabilities;*
- b) Members with the longest cumulative period of service in the County Assembly;*
- c) Members with the longest cumulative period of service in any local authority existing prior to the final announcement of all the results of County Assembly as contemplated under Section 2 of the Sixth Schedule to the Constitution*

d) *All Members.*”

Further, Standing Order 4(5) further provides that:

*“When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the County Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.”*

Hon. Members, I wish to inform that unless a person elected to this Assembly takes and subscribes to the oath prescribed by the First Schedule to the County Governments Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly, including the election of the Speaker and Deputy Speaker for the purposes of today’s sitting.

Accordingly, Hon. Members, in order to comply with the provisions of the Constitution and the County Governments Act, 2012, as well as our own Standing Orders, the first substantive business of a new County Assembly is the swearing in of Members of County Assembly.

Hon. Members, for the convenience of the County Assembly, we will administer the Oath beginning with Members with disabilities who, for any reason or the other, may not be able to approach the Chair, and thereafter proceed with the list which has been distributed to members as annexure to the Order Paper.

I wish to remind Members that this is a sitting of the County Assembly and, therefore, Members are expected to be orderly in their conduct and follow the rules of procedure as per our Standing Orders established precedent, customs, procedures and traditions of the Assembly.

Hon. Members, the swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), as earlier highlighted. The Clerks-at-the-Table, shall call the names of Members for purposes of swearing - in in the order outlined.

The Member so called shall proceed to the lectern, marked as Station One on the diagram annexed to the Order Paper, to take and ascribe to the Oath or Affirmation.

Hon. Members, once sworn in, a Member shall then proceed to Station Two, located directly in front of the dispatch box, for signing of Oath Book, Oath Certificate and the Integrity Code, after which he/she shall resume his/her seat.

Hon. Members, having laid out the procedure to be followed in this exercise, I now proceed to swear in Members with disability. Do we have any Member living with disability? Please come in front.

It seems that we do not have a Member living with disability, lets proceed as per the Order Paper.

### ADMINISTRATION OF OATH

The Oath/Affirmation of Office was administered to the following Members:

- |                                |                            |
|--------------------------------|----------------------------|
| 1. Kados Paul Muiruri Kiguathi | 7. Clarence Munga          |
| 2. Robert Mbatia               | 8. Fredrick Njogu Njoroge  |
| 3. Catherine Opiyo             | 9. Imwatok Peter Jateso    |
| 4. Alvin Olando Palapala       | 10. Jane Muasya            |
| 5. Anthony Kiragu Karanja      | 11. Moses Ogeto Nyangaresi |
| 6. Chege Mwaura                |                            |

*(Loud consultations at the public gallery)*

**The Clerk of the County Assembly:** Please our visitors at the gallery, observe silence. Sergeant-at-Arms, ensure orderliness at the gallery. Proceed.

The Oath/Affirmation of Office was administered to the following Members:

- |                              |                                  |
|------------------------------|----------------------------------|
| 12. Peter Wahinya Njau       | 22. Antony Kimemia Gathumbi      |
| 13. Wilfred Oluoch Odalo     | 23. Antony Mburu Jasho Ngaruiyah |
| 14. Geophrey Odhiambo Majiwa | 24. Asli Muhamud Mohamed         |
| 15. Athman Hashim Kamau      | 25. Esther Chege Waithera        |
| 16. Emily Ondeje Oduor       | 26. Fuad Hussein Mohamed         |
| 17. Daniel Oria Odhiambo     | 27. Jared Akama Ondieki          |
| 18. Kamau Thuo FiuNifiu      | 28. Jeremiah Karani Themendu     |
| 19. Nancy Mwaura Nyambura    | 29. Kennedy Odhiambo Oyugi       |
| 20. Oscar Otieno Lore        | 30. Lawrence Otieno Odhiambo     |
| 21. Peter Owera Oluoch       | 31. Mark Mugambi Macharia Kevin  |

**The Clerk of the County Assembly:** Hon. Members, as you come forward to take the oath, kindly use the names that are on the Gazette Notice.

The Oath of Office was administered to the following Member:

32. Maurice Ochieng Onyango

**The Clerk of the County Assembly:** Hon. Paul Irungu Ndung'u, if you are present, come forward to take oath of office.

The Oath/Affirmation of Office was administered to the following Members:

- |                                    |                                 |
|------------------------------------|---------------------------------|
| 33. Redson Otieno Onyango          | 79. James Kariuki Karis Karanja |
| 34. Rosemary Masitsa Shitote       | 80. Jane Wanjiru                |
| 35. Samora Mwaura Wacira           | 81. Jeckoniah Junga Onyango     |
| 36. Silas Matara Ongwae            | 82. Samson Ochieng' Jera Ooko   |
| 37. Stazo Elijah Omung'ala Ang'ila | 83. Joel Munuve Kimanzi         |
| 38. Susan Makungu Kavaya           | 84. John Mwaniki Kwenya         |
| 39. Cyrus Mugo Mubea               | 85. John Ndile Musila           |
| 40. Paul Irungu Ndung'u            | 86. John Rex Omolleh            |
| 41. Aaron Kang'ara Wangare         | 87. Joseph Karanja Ndung'u      |
| 42. Abass Ibrahim Khalif           | 88. Joyce Jamosa Lugonzo        |
| 43. Abel Osumba Atito              | 89. Jane Waruguru Kanyi         |
| 44. Absalom Odhiambo Onyango       | 90. Kennedy Swaka               |
| 45. Agnes Wambui Njeri             | 91. Lily Akoth Kidenda          |

- |                                      |                               |
|--------------------------------------|-------------------------------|
| 46. Allan Maina Gathuku              | 92. Shadrack Machanje Namunyu |
| 47. Ami Peres Auma Ambala            | 93. Maina Rachel Wanjiru      |
| 48. Antony Maragu Muthoni            | 94. Malyun Ali Abdi           |
| 49. Beatrice Wandai Khungwa          | 95. Scolastica Muthoni Mande  |
| 50. Benter Juma Obiero               | 96. Mark Thiga Ruyi           |
| 51. Billy Nyantika Ricardo           | 97. Martin Mbugua Mwangi      |
| 52. Bosire Naomi Kerubo              | 98. Martin Waithaka Wairobi   |
| 53. Carrington Gichunji Heho         | 99. Moses Mutinda Kitema      |
| 54. Mary Wanjiru Kariuki             | 100. Mungai Grace Kaheti      |
| 55. Kamau Joyce Muthoni              | 101. Perpetua Mponjiwa        |
| 56. Chris Wanjohi Githinji Mutumishi | 102. Musango Maithya          |
| 57. Clement Ng'ang'a Kamaru          | 103. Muthoni Agnes Njeri      |
| 58. Colins Omondi Ogenga             | 104. Diana Katile Mwangangi   |
| 59. Dabar AhmedQadar Mohamed         | 105. Joy Muthoni Mwangi       |
| 60. Davidson DNG Ngibuini            | 106. Nasra Shehan Nanda       |
| 61. David Magoba Odhiambo            | 107. Ndavua Brian Itenya      |
| 62. Deonysias Mwangi Waithera        | 108. Nicholas Okwacho Juma    |
| 63. Doreen Mugambi                   | 109. Ciciliah Wairimu Njathi  |
| 64. Emmy Khatemeshi Isalambo         | 110. Victor Omondi Ochola     |
| 65. Eric Kiogora Murigu              | 111. Kame Adano Omuro         |
| 66. Eutyclus Mukiri Muriuki          | 112. Otieno Lydia Akoth       |
| 67. Evans Okaru Nyangicha            | 113. Patrick Mwangi Macharia  |
| 68. Farhiya Daud Aden                | 114. Paul Mathu Njambi        |
| 69. Fathiya Abdilahi Mohamed         | 115. Paul Wachira Kariuki     |
| 70. Fatuma Abdiwahid Abey            | 116. Peter Maina Mwangi       |
| 71. Francis Kiragu Kimondo           | 117. Robert Alai Onyango      |
| 72. Gerald Irungu Mukuru             | 118. Samuel Kanyi Kago        |
| 73. Stephen Gitau Ndegwa             | 119. Simon Maina Mugo         |
| 74. Hamisi Suleiman Maleya           | 120. Stephen Mugo Kimani      |
| 75. Hannah Wanjiru Muriuki           | 121. Sospeter Gathahu Mumbi   |
| 76. Hellen Awuor Okello              | 122. Trizer Jeptoo Ayabei     |
| 77. James Koria Karanja              | 123. Virginia Waitherero      |
| 78. Jane Musangi Muthembwa           |                               |

**The Clerk of the County Assembly:** Hon Members, we are through with the Administration of Oath. For avoidance of doubt, is there a Member who is present and has not voted?

Sorry, Hon. Members, I want to ask once again, Hon. Members, is there a Member who is present and has not taken an oath? Then it appears that all Members present have taken and subscribed to the oaths of office.

Hon. Members, the Chair wishes to recognize the presence of our guests and dignitaries who are here with us, both at the Speaker's gallery and the public gallery. In particular, Hon. Members, I wish to recognize the presence of the following members seated at the Speaker's gallery:

- |                              |  |
|------------------------------|--|
| 1. Hon. Edwin Sifuna         | Senator, Nairobi City County             |
| 2. Hon. Esther Passaris      | Woman Representative Nairobi City County |
| 3. Hon. Felix Oduor Jalang'o | Member of Parliament, Langata            |
| 4. Hon. Yussuf Hassan        | Member of Parliament Kamukunji           |
| 5. Hon. Peter Orero          | Member of Parliament Kibra               |
| 6. Hon. Tom Kajwang'         | Member of Parliament Ruaraka             |
| 7. Hon. Amos Mwago           | Member of Parliament Starehe             |
| 8. Hon. Reuben Ndolo         |  |
| 9. Judy Oduma                | CEO County Assemblies Forum              |
| 10. Regina Mutheu            | CEO SOCATT                               |

*(Applause)*

Hon. Members, the next Order is the election of the Speaker. However, before we embark on the Order---

*(Loud consultations)*

Hon. Members, Order!

I direct that the Serjeant-at-Arms ring the bell for ten minutes to allow Members who may have walked out to join us.

*(The bell was rung for ten minutes)*

*(The Chair called the House to Order and asked Members to go back to their seats)*

Welcome back, Hon. Members. We are now supposed to proceed to the next Order. Let me ask the Clerk-at-the-Table to call the Order.

*(Hon. Member raised a point of Order)*

**The Clerk of the County Assembly:** Order, Hon. Member. I want to remind you, once the Chair is---

**Hon. Geophrey Majiwa:** We have not started, what point of Order?

*(Loud consultations)*

**The Clerk of the County Assembly:** Hon. Members, silence!

**Hon. Mark Mugambi:** We have Members outside, Hon. Clerk.

*(Loud Consultations)*

**Hon. Mark Mugambi:** Our people have been locked outside by the Sergeants.

**The Clerk of the County Assembly:** Order, Members! Let me make a communication.

*(Loud Consultations)*

Hon. Members, I have directed the Serjeant-at-Arms to ring the bell for five more minutes.

*(Bell was rung)*

*(Loud Consultations)*

Order, Hon. Members! I now direct the Serjeant-at-Arms to close the door.

*(Loud Consultations)*

Order, Hon. Members! Before we proceed, allow me to say that any Member, if for any reasons is out there, will be allowed to come in. So, with that, we proceed.

### COMMUNICATION FROM THE CHAIR

#### PROCEDURE ON ELECTION OF THE SPEAKER

**The Clerk of the County Assembly:** Hon. Members, I have a communication to make regarding the procedure to be followed in the election of the Speaker of the County Assembly. However, before we proceed I will first confirm whether we have the requisite quorum in the House.

*(Clerk-at-the-Table confirmed there was Quorum)*

Hon. Members, I wish to confirm that the Assembly is properly constituted in terms of Standing Order No. 35, which provides that a quorum of the County Assembly or of a Committee of the Whole County Assembly shall be a third of its members, which number is 41 members. From my counting and looking at the membership seated in the Assembly, I can confirm that the Assembly is properly seated, having attained the 41 members' requirement.

Hon. Members, may I point out that this Communication is always issued to guide Members even in a normal process when we have an activity to carry out in the Assembly. So, allow me to read this Communication. Kindly follow it keenly so that it makes our work easier when it comes to electing the Speaker.

Hon. Members, His Excellency the Governor of the Nairobi City County notified of this first sitting of the 3<sup>rd</sup> Assembly of the Nairobi City County Assembly vide Legal Notice No.11277 of 2022 dated 22<sup>nd</sup> September 2022.

Hon. Members, Article 178(1) of the Constitution provides that each County Assembly shall have a Speaker elected by the County Assembly from among persons who are not members of the Assembly. In furtherance of the foregoing, Standing Order No. 5(1) of the Nairobi City County Assembly Standing Orders provides thus:

*"A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present."*

Accordingly, the Office of the Speaker became vacant at the commencement of this sitting today in the morning, being the First Sitting of a new County Assembly after an election.

Hon. Members, pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each activity and the manner in which we have complied with the Standing Orders.

First, Standing Order No. 6(1) provides:

*"Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order No. 4, the Clerk shall by notice in the Gazette notify*



*that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.”*

In exercise of the powers conferred by Standing Order No.6 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via Gazette Notice No. 11495 of 2022 dated 23<sup>rd</sup> September 2022. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation.

Hon. Members, in the notice and advert, I invited interested persons who qualify to be elected as Members of County Assembly, but are not such Members to submit their nomination papers for election as Speaker of the County Assembly.

The following twenty-four (24) persons collected nomination papers from my Office as at the close of the period prescribed for collecting the nomination papers which was Monday, 26<sup>th</sup> September 2022 at 5.00 pm:

- |                                |                            |
|--------------------------------|----------------------------|
| 1. Ahmed Dubon Subanea         | 13. Leonard Ng’etich       |
| 2. Hon. Kennedy Okeyo Ng’ondi  | 14. Aldrin Vundi Kasyoya   |
| 3. John Kibet Keino            | 15. Brian M. Mutie         |
| 4. Kennedy Otieno Odindo       | 16. Alex Mwenda Miriti     |
| 5. Amimo Austine Ooko Okello   | 17. Masaki Samwel Mokua    |
| 6. Hon. Anthony Kiragu Karanja | 18. Peris Wanjiru Karanja  |
| 7. Hon. Benson Mutura          | 19. Michael Memusi         |
| 8. Richard Bosire              | 20. Alex Ouda Otieno       |
| 9. Arthur Ndung’u Ngugi        | 21. Jane Mugure Njau       |
| 10. Hassan Robow Mohamed       | 22. Sylvian Josphine Njeri |
| 11. Charles Kiyo Muratha       | 23. Donesia Njeri Njagi    |
| 12. Anyanga Paul               | 24. Rimshot Vigira Jackson |

Hon. Members, as per the Gazette Notice and advertisement, a person who collected nomination papers was required to submit the completed papers together with his or her curriculum vitae and relevant supporting documents as detailed under the First Schedule to the Standing Orders to my Office not later than 9.00 a.m. on Tuesday, 27<sup>th</sup> September 2022.

This is in line with the provisions of Standing Order 6 (2) of our Standing Orders which requires that nomination papers should be returned to the Office of the Clerk at least forty-eight (48) hours before the County Assembly assembles for the purposes of the First Sitting.

Accordingly, Hon. Members, at the close of the nomination period, the following nine (9) persons had returned their nomination papers:

- |                               |                         |
|-------------------------------|-------------------------|
| 1. Hon. Kennedy Okeyo Ng’ondi | 6. Hassan Robow Mohamed |
| 2. Hon. Benson Kangara Mutura | 7. Charles Kiyo Muratha |
| 3. Ahmed Dubon Subanea        | 8. Brian M. Mutie       |
| 4. Amimo Austine Ooko Okello  | 9. Masaki Samwel Mokua  |
| 5. Arthur Ndung’u Ngugi       |                         |

Hon. Members, pursuant to the provisions of Article, 178 (1) and 193 of the Constitution, Section 21 (1) of the Elections Act, 2011, and Section 7 of the County Governments Act, 2012, out of the nine (9) persons who returned their nomination papers, only the following two (2) persons qualified as candidates for election as the Speaker of the County Assembly:

1. Hon. Kennedy Okeyo Ng'ondi; and
2. Mr. Hassan Robow Mohammed.

Hon. Members, Standing Order No. 6(5) requires that: -

*“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.”*

I hereby confirm that a register has been maintained in accordance with the requirements of this Standing Order. In addition, Hon. Members, Standing Order No. 6 (6) requires that:

*“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-*

- (a) publicize and make available to all Members, a list showing all qualified candidates; and*
- (b) Make available to all Members, copies of the curriculum vitae of the qualified candidates”.*

Hon. Members, I hereby confirm that in my communication to all Members dated 27<sup>th</sup> September 2022, a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members a list with extracts of the curriculum vitae of the qualified candidates. I further gave reasons for disqualifying the other seven (7) applicants.

Hon. Members, where more than one candidate qualifies to stand for election to the Office of the Speaker, as it is in the current circumstance, Standing Order No. 7 provides that the election of the Speaker shall be by secret ballot. Specifically, Standing Order 7 (2) provides that:

*“The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot”.*

Hon. Members, with the help of my officers, I will do that shortly.

Further, Hon. Members, Standing Order No. 7(3) provides that:

*“The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box”.*

To facilitate this process, the name of each Member shall be called out; following which the Member shall come to the Table Station 3, directly in front of the Clerks-at-the-Table and obtain a ballot paper.

Hon. Members, each Member shall then proceed to either of the two (2) polling booths which are clearly displayed, and while there, mark the ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for and fold it. The Member shall then leave the booth and place the marked ballot paper in the ballot box at the dispatch area. The polling booths are on my extreme left and right as displayed appended on today's Order Paper.

Hon. Members, Standing Order No. 7(4) provides that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned. For clarity, the first one shall be marked "cancelled" and "destroyed". Therefore, Hon. Members, once you go to the booth and make a wrong mark, do not proceed with the vote.

Hon. Members, when it appears to the Clerk, the returning officer, that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoiled, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Standing Order No. 7(7) as read together with Standing Order No. 7(8) provides that:

*"A ballot paper is spoiled, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Member voting". "The Clerk shall declare a ballot paper to be invalid under paragraph 7 in the presence of and after inspection by the Members representing each of the candidates in the election".*

Hon. Members, the counting of the ballots shall take place in the presence of all members and members appointed as agents or representatives by the candidates. So, I will shortly ask for the agents of the candidates to come forward.

Hon. Members, in line with the requirement of Standing Order No.8(1), a person shall not be elected as Speaker unless he or she is supported in a ballot by the votes of two-thirds of all Members. The Assembly is reminded that this two-thirds threshold is not a constitutional requirement. It is a procedural step to ease the election of a Speaker on the first round of ballot. In fact, if your votes will result in attainment of two-thirds in the first round, we will not proceed to the subsequent ballot.

Accordingly, Hon. Members, if no candidate shall not be supported by the votes constituting two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot. At the end, the candidate who shall receive the highest number of votes in the further ballot shall be elected Speaker, and I will declare so.

Hon. Members, I wish to remind the Assembly that the voting exercise we are about to undertake is by secret ballot as earlier communicated.

Accordingly, Members are not allowed to display their marked ballot papers to the Assembly, the galleries or to any other person. Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that:

*“Wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.”*

Hon. Members, we have arranged the two voting booths on my extreme left and right. For convenience of the Assembly, Members on my right side will cast their ballots in the voting booth to my right and vice-versa. We are now ready to commence the voting process. But before we start, may the agents or representatives for the candidates please come forth? Agent for –

1. Hon. Kennedy Okeyo Ng’ondi; and
2. Mr. Hassan Robow Mohammed

Having explained the voting procedure, I now direct the Sergeant-at-Arms to open the ballot box and display it to the Assembly.

*(Point of order)*

**Hon. Antony Karanja:** Hon. Clerk, I feel the voting--- *(off-the record)* ---apart from the person who is casting the vote. Together with that, Hon. Speaker, it is illegal in the commonwealth parliament and in every parliament, for us to use our phones at the voting booths. Hon. Speaker, I would like you to consider that we make sure that all Members do not carry their phones---

*(Loud consultations)*

---pushing the booths away from any other Member apart from the one who is casting the vote. Thank you.

**Hon. Chege Mwaura:** Mr. Clerk, I think Standing Order No. 4(5) gives you the right to listen to what we have to raise and make a determination. Standing order No. 4(5), if you allow me, Mr. Clerk, states that:

*“When the Clerk is administering the oath of affirmation, or before the clerk has administered the oath and affirmation of office to the Speaker and questions arising to the County Assembly shall be determined by the Clerk, who shall during that period exercise the powers of the Speaker.”*

So, Mr. Clerk, you are now the Speaker and you are supposed to look at what we are raising and agree or not agree with the request. First, so let us raise the issues and then you will make a determination.

Thank you for giving us the leeway to allow Members who are new, who had not complied with coming in with the quorum bell, and I thank you for making that very good ruling.

Mr. Clerk, for purposes of fairness and procedure, you’ve also directed how the secret ballot shall go, and am happy Hon. Kiragu has also raised that issue. Mr. Clerk, again on Standing Order No. 7(3), I raise the issue because it says:

*“The Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to*

*vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.”*

Mr. Clerk, you are on record saying that the ballot booths are at the extreme ends, and the Standing Order says, located next to and reasonable distance. So, if you look at where the booths are, they are at the furthest end, so what we are proposing from you, Hon. Clerk, is that the booths be placed reasonably next to the ballot paper or somewhere, where you feel---

*(Loud consultations)*

**The Clerk of the County Assembly:** Order, Hon. Members! We are going to allow Members to give their views on this. Let the Hon. Member finish then I will come to you.

**Hon. Chege Mwaura:** Thank you for protecting me, Mr. Clerk. So, I was saying that we need a proper interpretation of Standing Order 7(3) with regards to positioning of the ballot box and a proper definition of what a secret ballot entails, including taking of photos.

Finally, Mr. Clerk, you also raised the issue of two-thirds, and you said it is not constitutional. I wish that you would have--- *(inaudible)* ---understand what is the total number and what constitutes two-thirds so that when we say two-thirds, it needs to be given a number so that the agents who are there also benefit from knowing what is the cutoff number they are looking for. I think whoever becomes Speaker will be the Speaker of all of us, so, it's not an acrimonious procedure, we are not looking for, you know, the issue of canvassing has ended, all we want is a procedural booth that gives us a speaker who gets the threshold and satisfies the requirements as per the Standing Orders. Thank you, Mr. Clerk.

**Hon. Peter Imwatok:** Allow me from the onset to quote Standing Order No. 91. It's good my brothers Hon. Chege Mwaura and Hon. Bishop are older Members in this County Assembly who have been here for long.

Standing Order No. 91 stipulates that whatever a Member stands before this floor, he must quote the Standing Orders from the onset. It does not work retrogressively. Hon. Bishop stood on a point of Order but did not quote the Standing Order. Hon. Chege has however reinforced it with other Standing Orders.

Hon. Clerk, this Assembly is a House of procedure, the procedures are well laid out as stipulated by Standing Order No. 7(4). The Clerk has authority and his staff, unless the UDA side are questioning the professionalism of the Clerk's staff on interpretation of these Standing Orders. We believe as Azimio that these are diversionary tactics to delay us from this activity. Let us proceed, Hon. Clerk.

*(Applause)*

**Hon. Geophrey Majiwa:** It is clear that our colleagues are not interested in this election because parliamentary practice is normally repeated. These booths, where they are, have always been there in elections that have taken place in this Assembly all the years. And the Members who are raising issues have voted from the same positions. The law says a reasonable distance; it does not say you locate it where they want. It is for you in your wisdom to decide where you want to place it reasonably. So, they are not going to guide us.

*(Applause)*

**Hon. Mark Mugambi:** Mr. Clerk, I tend to dispute what Hon the former Mayor is saying. The booths are clearly near the seats of our fellow members, and therefore we feel there is a breach of secrecy.

*(Loud consultations)*

**The Clerk of County Assembly:** Hon. Members, Order! Allow the Member to finish making his contributions.

**Hon. Mark Mugambi:** Thank you for your protection, Mr. Clerk. How I wish we Hon. Members can carry ourselves with decorum rather than just heckling around. Let us raise our point of concerns, then you can raise and dispute in a more decorum way, and this mostly to the senior members. Let us be an example to the newly elected and nominated Members.

Mr. Clerk, I feel where the booths are located are breaching the secrecy of the vote, and therefore, Mr. Clerk, I would wish the booths should be pushed slightly a few distance---

*(Loud consultations)*

**The Clerk of County Assembly:** I want to believe you have made your point of Order.

*(Loud consultations)*

*(Hon. Mark Mugambi spoke off the record)*

**Hon. Mark Mugambi:** I also request the Clerk not allow any Member to carry any material at the voting booth, even their phones. Thank you.

*(Applause)*

**The Clerk of County Assembly:** Order, Members! We have one Member on the floor, Hon. Ogeto.

**Hon. Moses Ogeto:** Mr. Clerk, the matters that have been raised are not procedural matters, these are administrative issues. Can you give under the same Standing Order, the same guideline so that we can proceed because this is a tactic of buying time and wastage; our sugar levels have gone down and we need to ensure our sugar levels are up so that Members can reason on the same.

**Hon. Silas Matara:** Mr. Clerk, rising on the same Standing Order 7(3), what we are seeing here today is the question of the distance. I believe we as the Members of the Assembly do not participate in setting the distance of the ballot boxes or the voting booths. So, Mr. Clerk, if it is a question of distance, if they feel it is close it is going to add an additional number to their end, it is quite unfortunate.

In the interest of time, Mr. Clerk, let's continue voting from that booth because it is this Assembly, under your direction that has placed it over there. So, we cannot dictate to you how to position these booths, Mr. Clerk. Thank you.

**Hon. Robert Mbatia:** Mr. Clerk, I want from the onset to congratulate every Member for being elected into this House.

Mr. Clerk, I would like to react to what Mheshimwa Chege Mwaura has said on the same Standing Order. Firstly, it could have been a dispute if the booths were on one side, but in this case the booths are on either side. So, they are teaching us that we can even show the Members. Just look at the proximity of Hon. Member Lawi here and the proximity of the booth and of that Hon. Member. Probably it is their booth. If they wish that booth be moved, this one is very far from the Hon. Member seated here.

The other issue, Mr. Clerk, is about taking pictures. I do not know if we started voting so that Hon. Chege Mwaura already knows that pictures will be taken, that is preempting debate and it is already put in

the Standing Order that we cannot preempt a debate or even an act in this Assembly. Also, Mr. Clerk, you cannot deny me by all the rules that are here to carry anything that I have. According to the Standing Order, there is a depository at the entrance and what we leave there are the firearms. So, I am allowed to carry other things to this Assembly.

*(Applause)*

Mr. Clerk, we need your wisdom in this so that as the sugar levels go down, we proceed and finish this business. Thank you.

*(Loud consultations)*

**The Clerk of County Assembly:** Hon. Members, get back to your seats!

Hon. Members, having listened to your views and contributions to this issue, I now proceed to make a determination. Standing Order No. 7 (1) provides that:

*“The election of the Speaker shall be by secret ballot.”*

Therefore, Members are not allowed to display the ballot papers to the Assembly, the galleries or other persons.

Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that:

*“Wide-angle shots of the Chamber shall be used during voting and division and no shot shall be taken to show how a member has voted in the secret ballot.”*

As regard to the threshold, for the Members who wanted absolute figures, two-third is 81 Members who are present. As regards to the position of where the booths are, there is a precedent in this particular House that the boxes, where they are currently placed, that is how they have always been placed. The House is so guided.

*(Applause)*

Having explained the voting procedure, I now direct the Sergeant-at-Arms to open the ballot box and display it to the Assembly.

*(The Serjeant-at-Arms opened and displayed the empty ballot box to Hon. Members)*

Hon. Members, you have all witnessed for yourselves that the ballot box is empty, in which case, I now direct the Sergeant-at-Arms to close and seal it.

*(The Serjeant-at Arms sealed the ballot box)*

*(Loud consultations)*

**The Clerk of County Assembly:** Order, Members! Hon. Members we are now ready to vote. I now direct the Clerks-at-the-table to call out the names of the Members, starting with the Members with disability, and then proceed with the order as it appears in the Order Paper.

However, in the interest of accountability and convenience during the process, we shall have respective agents cast their votes before then. Kindly, note that the agents will remain at the dispatch area throughout the process after casting their votes. I, therefore, call upon the agents to proceed and vote.

Agent for Hon. Kennedy Okeyo Ng’ondi, proceeds and vote.

Agent for Hassan Robow Mohammed, proceed and vote.

*(Agents were issued with ballot papers and proceeded to vote)*

*(Voting in progress)*

**The Clerk of County Assembly:** The Clerk-at-the-table, call out the names.

*(Members were issued with ballot papers and proceeded to vote)*

*(Voting in progress)*

*(Loud consultations)*

**The Clerk of County Assembly:** Hon. Members, I order you to take your seats! Order, Members! Hon. Members, can you get seated, I want to make a communication.

*(Hon. Members resumed their seats)*

Hon. Members, I want to reiterate that this is a House of order, and for us to conduct business we must observe silence and be orderly. Now, Hon. Members, I am on the floor, maintain silence. I want to direct the Sergeant-at-Arms to ensure that the booths are properly positioned and properly aligned.

*(Loud consultations)*

Hon. Members, silence! Get seated so that we proceed. Hon. Members, I had decided--- Order Members!

*(Loud consultations)*

*(Hon. Members resumed their seats)*

Members of the fourth estate, I determined that under rule 3(c) of Assembly Broadcasting Rules, which provides that:

*“Wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken to show how a Member has voted in any secret ballot.”*

Therefore, please observe that directive. Proceed!

*(Voting in progress)*

*(Loud consultations)*

**The Clerk of County Assembly:** Hon. Members, please get seated. Order Members! Silence. We are voting and I direct order in the House. Proceed!

*(Hon. Members resumed their seats)*

*(Voting in progress)*

**The Clerk of County Assembly:** Hon. Members, order! For the convenience of the House, we have two booths.

*(Loud consultations)*

*(Voting in progress)*

**The Clerk of County Assembly:** Order, Hon. Members! Unless you are voting, the rest of the other members should get seated. Emily Oduor and Mwaura Chege, get seated. Proceed.

*(Hon. Members resumed their seats)*

*(Voting in progress)*

**The Clerk of County Assembly:** Order, Hon. Members! Please, get seated. For the Hon. Member who requested to be assisted, I direct my officers to assist him.



*(Clerks-at-the-Table assisted the Hon. Member to vote)*

*(Voting in progress)*

**The Clerk of County Assembly:** Hon. Members, I declare this ballot paper as cancelled and proceed to tear it. I declare that the Hon. Member is given another vote.

*(The Clerk tore the spoilt ballot)*

*(Voting in progress)*

**The Clerk of County Assembly:** Hon. Members, I have been informed that the voting is over. If there is any Hon. Member who is present and has not voted for any reason, please come forward and vote. It appears that all Hon. Members have voted.

Hon. Members, it appears that all the Members who wish to vote have already done so. Hon. Members, Standing Order 7(6) provides that:

*“When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoilt, report the results on the ballot and no Members who have not already recorded his/her vote shall be entitled to do so after the Clerk has unlocked the ballot box”.*

Therefore, in accordance with this Standing Order, Hon. Members, I direct the Sergeant-at-Arms to unlock the ballot box in the presence of the agents and the ballot papers be examined and once they ascertain whether there are some which are unmarked or spoilt, we shall start counting the votes.

*(The Serjeant-at-Arms unlocked the ballot box and emptied)*

Now my officers, the Clerks-at-the Table, are going to go through the votes and sort them out and they will be calling them as we proceed and then we have the results.

*(Sorting was done)*

Proceed, officers. Hon. Members, apart from the two agents, all the other members should go back to their seats.

*(The Clerk-at-the-Table proceeded to count the votes)*

*(Loud consultations)*

**The Clerk of County Assembly:** Order, Hon. Members! Please get seated. Sergeant-at-Arms, kindly ensure that all Hon. Members are seated.

Hon. Members, I wish to announce the results of the first ballot as follows:

### RESULTS

Name	Votes
Hon. Hassan Robow Mohammed	52
Hon. Kennedy Okeyo Ng'ondi	71
Spoilt votes	0
Total votes cast	123

*(Applause)*

**The Clerk of County Assembly:** Proceed and seal the results. Order, Hon. Members! Clearly, from the results, no candidate has attained the threshold of being elected the Speaker.

Hon. Members, Standing Order 8(1) requires that for a person to be elected Speaker of the County Assembly, he/she must garner two-thirds of the total membership of the County Assembly. Two-Thirds of 124 Members is 81 Members. Therefore, as per the results I have just announced, none of the candidates has reached the threshold. Therefore, I will invoke Standing Order 8 (2) which qualifies Standing Order No. 8(1)

Hon. Members, the said Standing Order 8(2) provides and I quote:

*“If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes, shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker”.*

Accordingly, Hon. Members, these two candidates, namely, Hon. Kennedy Ng’ondi and Mohammed Robow will proceed for the second ballot. Members will proceed for a further ballot, but because I am aware some Members may have taken leave, I am asking the Sergeant-at-Arms to ring the Bell for 15 minutes to ask them to come in so that we can go for a second ballot. In the meantime, I direct my officers to prepare ballot papers and other necessary measures for this second ballot.

*(The bell was rung)*

Order, Hon. Members! Kindly get seated. We are now ready to take the second ballot.

Welcome back, Hon. Members. We are now ready to take the second ballot. May I remind the Assembly that the election we are about to undertake is by secret ballot and the rules that guided the first ballot shall largely apply in this round. Once again, the booths are appropriately located on my extreme right and left, hence, for the convenience of the Assembly, Members seated on the left shall vote on the left side booth and vice versa.

Order, Hon. Members! Hon. Members, the procedure during the first ballot will apply where the Clerk at the Table will call out the names and the Members so called shall proceed to collect a ballot papers at the dispatch box. The Member shall then proceed to mark his or her ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for. May I remind the Assembly that there are only two candidates involved in this further ballot, that is, Hon. Kennedy Ngondi and Mohammed Robow.

Hon. Members, I will now direct the Sergeant-at-arms to open the ballot box and display it to the Assembly.

*(The Sergeant-at-Arms opened and displayed the empty ballot box to Hon. Members)*

Hon. Members, as you may see, the ballot box is empty. Therefore, my officers will now lock the box and seal it.

*(The Serjeant-at Arms sealed the ballot box)*  
*(Loud consultations)*

Hon. Members, I am giving guidelines.

Hon. Members, we are now ready to vote and we shall begin with the Members living with disabilities, then proceed with Members in order as it appears on the Order Paper. I presume the same agents will stand in for the candidates, may I call upon the agents to come forward and cast their votes first:

1. Agent for Hon. Kennedy Ngondi
2. Agent for Hon. Mohammed Robow

Hon. Members, there is a request by Hon. Mohammed Robow to replace the agent. Kindly note that the agents will remain at the dispatch area throughout the process.

*(Agents proceeded to vote)*

I now call upon the Clerks at the Table to call out the first name.

*(Members were issued with ballot papers and proceeded to vote)*

*(Voting in progress)*

**Hon. Peter Owera:** There is a confusion in the list as some Members have not been called.

**Clerk of the County Assembly:** Hon. Members, having examined this ballot paper, I declare it rejected. Officers, proceed to give another ballot paper to the Hon. Member.

*(The Clerk tore the spoilt ballot)*

*(Loud consultations)*

Order, Hon. Members! If you are not an agent, please be seated. I have already made a determination on the issue of voting booths. Proceed.

*(Voting in progress)*

Hon. Members, let us get seated. For avoidance of doubt, is there any member present who has not voted? I wish to repeat, is there is any member present that has not voted for any reason? It appears that all members who wish to vote have already done so.

Standing Order No. 7 (6) provides that:

*“When it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoilt, report the results on the ballot and no Members who have not already recorded his/her vote shall be entitled to do so after the Clerk has unlocked the ballot box”.*

Therefore, in accordance with this Standing Order, Hon. Members, I direct the Serjeant-at-Arms to unlock the ballot box in the presence of the agents and the ballot papers be examined and once they ascertain whether there are some which are unmarked or spoilt, we shall start counting the votes.

*(The Serjeant-at-Arms unlocked the ballot boxes and emptied)*

Now my officers, the Clerks-at-the Table, are going to go through the votes and sort them out and they will be calling them as we proceed and then we have the results.

Proceed, officers.

*(Sorting was done)*

Hon. Members, apart from the two agents, all the other members should go back to their seats.

*(Vote counting in progress)*

*(Applause)*

**The Clerk of County Assembly:** Honorable Members, let us get seated. I want to reiterate that this is a House of order, and as members you are expected to maintain that. Officers, proceed.

*(Loud consultations)*

Order, Hon. Members! Maintain silence. We are done with the ballot and the results are as follows:

## RESULTS

Name	Votes
Hon. Kennedy Okeyo Ng'ondi	68
Hon. Hassan Robow Mohammed	55
Spoilt votes	0
Total votes – 123	

Hon. Members, I reiterate the provisions of Standing Order 8 (2) which provides;

*“If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker”*

Therefore, Hon. Members, noting that Hon. Kennedy Okeyo Ng'ondi has received the highest number of votes in the second round, and pursuant to Standing Order No.8(2), the said Hon. Kennedy Okeyo Ng'ondi stands elected as the Speaker of the Nairobi City County Assembly.

*(Applause)*

Hon. Members, Standing Order No. 11 provides that immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed. I therefore direct my officers to pack and seal the ballots papers.

*(Used ballot papers packed and sealed)*

Hon. Members, Standing Order No. 13 provides that immediately following the election of the Speaker, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

The said Oath of Office for the Speaker derives from the Constitution under Article 74, which provides that:

*“Before assuming a state office, acting in a state office, or performing any functions of a state office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”*

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Therefore, I direct the Serjeant-at-Arms to search and find the said Hon. Kennedy Okeyo Ng'ondi and present him/her before the Assembly forthwith for Swearing-in.

*(Applause)*

*(Hon. Kennedy Okeyo Ng'ondi presented to the Clerk)*

*(Applause)*

**The Clerk of the County Assembly:** Hon. Members, get seated as the Hon. Speaker takes an oath of office.

*(The Clerk administered oath of office to Speaker-elect)*

*(Applause)*

Maintain silence, Hon. Members. Having been duly elected as the Speaker and declared as such and taken the oath of office, the Hon. Kennedy Okeyo Ng'ondi has proceeded to robe, that is to put on the official regalia for the office. Accordingly, I have the following communication to convey regarding order in the County Assembly.

Hon Members, the Assembly having been properly constituted in terms of Standing Order No. 35, which provides that quorum of the County Assembly shall be a third of its members and the membership of the county Assembly having participated in the election and duly elected the Hon. Kennedy Okeyo Ng'ondi as the Speaker of the Assembly, it is prudent for the Assembly to understand and appreciate that order shall be maintained in the County Assembly at all times.

Hon. Members, as you will appreciate in the coming days the County Assembly is an Assembly of rules and procedures. Particularly, whenever the Speaker leaves or enters the Assembly, he/she shall always have a procession. In accordance with Standing Order 3, the Mace shall form part of the procession of the Speaker. Hon. Members, you are reminded that at all times when the Speaker's procession is making its way to the Assembly, you shall remain standing until such a time the Speaker takes his/her seat.

Hon. Members, you are also reminded that once the Mace is positioned at its designated place in the chamber, in accordance with Standing Order No. 109, you shall bow to the Chair when coming to the chamber, when passing to or from your seat or across the Floor of the County Assembly.

Lastly, Hon. Members, you are further reminded that under Standing Order No. 108, whenever the Speaker rises from his/her seat, you shall remain silent and any Member then speaking or offering to speak shall resume his or her seat and all members are expected to be seated and be silent so that the Speaker is heard without interruption.

Therefore, I now direct that we maintain order as the Speaker's procession will be entering the County Assembly in the coming minutes. Thank you.

*(Applause)*

*[The Speaker (Hon. Kennedy Ngondi) took the Chair]*

**Hon. Speaker:** Good evening, Hon. Members. You may be seated. Thank you.

*(Applause)*

**The Clerk of the County Assembly:** Hon. Speaker, this is your House. Take charge.

### COMMUNICATION FROM THE CHAIR

#### ACCEPTANCE SPEECH TO THE OFFICE OF THE SPEAKER OF THE COUNTY ASSEMBLY

**Hon. Speaker:** Hon. Members, kindly give me an audience so that I may exercise the powers bestowed upon me by the House of the Speaker. These are going to be my remarks and the foundation upon which I lay my leadership.

Hon. Members of the County Assembly, Clerk and all distinguished guests present at the gallery, I greet you all. Good afternoon. Thank you, Hon. Members, I humbly submit to the will of the House.

Firstly, is to thank God almighty for the opportunity accorded to me by this House to serve as your Speaker. Permit me also to express with great humility and deep sense of honor my gratitude for the trust you have placed on me to assume as the Speaker of the 3<sup>rd</sup> County Assembly of Nairobi County Assembly. It is indeed an honor; I accept to be able to return as your Speaker, having served as your Deputy Speaker in the first term of the County Assembly. I thank you most sincerely, Hon. Members.

I also wish to thank most sincerely the leadership of the Azimio coalition, led by his Excellency the immediate former President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta, the right Honorable Prime Minister Hon. Raila Amollo Odinga and the Hon. Stephen Kalonzo Musyoka, not leaving our current president of the Republic of Kenya, His Excellency William Ruto for bestowing upon me the trust with your support to take up the leadership of this House. I thank you and salute you.

Hon. Members, equally permit me to express my very heartfelt congratulations to all of you on your swearing in today and to wish you the very best as you formaly start serving the great people of Nairobi City County. This gives me great pleasure to welcome you all very humbly to this third Assembly of this august House.

To the Clerk of the County Assembly and your staff and all those who have continued to make today's exercise a success, I thank you for the marvelous job.

Hon. Members, you have placed upon me great responsibility to steer this august House at a time when the County is yearning for good leadership. Like yourself, Hon. Members, my commitment to serve you and fairly will be unwavering. I will carry out my duties as Speaker in a manner that honors God almighty, befits your trust, the letter and spirit of the Constitution, the Standing Orders, all enabling legislatures and the principles of good leadership, as written in the Holy book. I harden to the world of God in Mathew 24:45-51

*“For I am but your faithful servant for whom he has bestowed upon the great responsibility of servant leadership through you”*

Hon. Members, as your servant, your confidence in my leadership will manifest in corporation, collaboration and unity of purpose necessary for us together to build a better and more coherent institution that delivers on its mandate for the people of Nairobi. Hon. Members, it is not lost on me that we come in at a time when this very young institution demands of us a great responsibility and commitment. I am fully aware of the challenges we must address if the Assembly is to live to its full potential. From resource constraints, whether capital, human and otherwise to organizational inadequacies. May I call upon all of us to join hands and overcome these barriers if we are to realize our full potential. As we all take office today, may I request that we firmly commit to the work ahead of us that needs to be done to ensure that we begin on the right

footing. Careful to build upon that which has been established by those who have served us before. I believe that by working together, we can achieve tremendous outcomes for this august House.

I therefore look forward to a cordial working relationship with all stakeholders, public and private for a successful Third Term of not just the County Assembly but of the County Government of Nairobi. Be assured, Hon. Members, that your trust in me gives me the strength to embark upon the responsibilities of this office with vigor and fortitude, assured that your continued support will embark on realizing that which is expected of this House by the great people of Nairobi City.

As I conclude, I wish you all successful third term of the County Assembly and give the leadership you deserve to the best of my ability as we give full cooperation to one, Governor Sakaja. I thank you for your kind attention. Thank you very much and God Bless You.

*(Applause)*

Hon. Members, before I call on the Clerk to take us through the next order, permit me to recognize and appreciate all members of the public. Some of whom are your immediate family members that have come to witness this occasion which only happens once in five years. God bless you all and God bless this great County.

Hon. Members, with your permission, nay I allow the Clerk to move to the next Order.

*(Point of order)*

**Hon. Speaker:** Permission granted to the Honorable Member on the floor.

**Hon. Samora Mwaura:** Thank you, Mr. Speaker for the opportunity. First and foremost, let me take this chance to congratulate you on your election as the Speaker. I believe that you will lead the House with the wisdom that you have. Secondly, I wish to state that as candidate for the opposition for the position of Deputy Speaker, I tender my resignation.

*(Applause)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Kindly be seated as there is a member who is on his feet.

**Hon. Samora Mwaura:** I take this opportunity to thank my colleagues for supporting my bid. Your efforts were not in vain. As leaders, there comes a time when the interest of the House becomes bigger than your personal interests.

*(Applause)*

I believe that this was not a matter of do or die, I fully support my senior Hon. Kados and I believe that you both will lead this House to the right direction. Thank you and God bless you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Member for the teamwork spirit. Your withdrawal is in good faith and has been received with a lot of respect.

### COMMUNICATION FROM THE CLERK

#### PROCEDURE TO BE FOLLOWED IN ELECTING THE DEPUTY SPEAKER

**The Clerk of the County Assembly:** Hon. Speaker, I have a report to make regarding the procedure to be followed in the election of the Deputy Speaker. If it pleases the Assembly, for purposes of the said Election, I am the Returning Officer.

Hon. Speaker, Hon. Members, Article 178(1) of the Constitution provides that:

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*“Each County Assembly shall have a Speaker elected by the County Assembly from among persons who are not members of the Assembly “*

Further, Article 178(2) (b) provides that:

*“In the absence of the Speaker, another Member of the Assembly elected by the Assembly shall preside over a sitting of the County Assembly”.*

In furtherance of the foregoing, Section 9A (1) of the County Governments Act, 2012, provides for the Office of the Deputy Speaker in reference to the “Member” cited in Article 178(2) (b) of the Constitution.

In addition, Hon. Speaker, Hon. Members, the said Office of Deputy Speaker is provided for under Part IV of the Nairobi City County Assembly Standing Orders.

Hon. Speaker, Hon. Members, the Office of the Deputy Speaker became vacant on 9th August, 2022 when the term of the Second Assembly lapsed. Standing Order No.17 (1) provides as follows regarding the election of the Deputy Speaker –

*“As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected in accordance with Article 178(2) (b) of the Constitution and as referred to in Section 9(A)(2) of the County Governments) Act, 2012”*

Further, Hon. Speaker, Hon. Members, Standing Order No. 17 (3) provides that the Speaker shall preside over the election of the Deputy Speaker. Specifically, Standing Order No.17 (4) provides that the procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. This means that we shall be making reference to Standing Orders No. 5 to 13.

Accordingly, Hon. Speaker, Hon. Members, in exercise of the power conferred by Standing Order No. 6, nomination of candidates, I notified the membership of a vacancy in the Office of the Deputy Speaker of the Nairobi City County Assembly through Gazette Notice No. 11496 of 2022 dated 23rd September, 2022. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation. In the notice and adverts, I invited interested persons who qualify to be elected as Deputy Speaker of the Nairobi County Assembly in accordance with the Constitution to submit their nomination papers for elections as the Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, the following candidates collected nomination papers from the office of the Clerk of the Nairobi City County Assembly, namely:

1. Hon. Kiguathi Kados Paul Muiruri
2. Hon. Athman Hashim Kamau
3. Hon. Samora Mwaura

Hon. Members, as per the Notice, the Members who collected nomination papers were required to submit the completed nomination papers together with their Curriculum Vitae (CV) to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on 27th September, 2022.

Hon. Speaker, Hon. Members, at the close of the nomination period, the said Hon. Members had returned their nomination papers for election. Upon scrutiny, all the Members qualified for election to the Office of the Deputy Speaker in terms of Article 178 (2)(b) of the Constitution, Section 21 (3) of the Elections Acts, 2011 and Section 6 of the County Governments (Amendment) Act, 2020 and Standing Order 17.



However, before the commencement of today's sitting, I received a letter from Hon. Hashim Kamau withdrawing his candidacy. I have therefore struck out his nomination from the ballot papers.

Hon. Members, in this sitting Hon. Samora has withdrawn, and therefore, Hon. Members, with only Hon. Paul Kados remaining as the only candidate, I declare Hon. Paul Kados Kiguathi as the duly elected Deputy Speaker.

*(Applause)*

**Hon. Speaker:** Order, Hon. Members! This is a declaration and swearing in of the Deputy Speaker-elect. Hon. Members, the Clerk having declared that the said Hon. Paul Kados Kiguathi, duly elected as the Deputy Speaker of Nairobi City County Assembly in the 3<sup>rd</sup> Assembly, I now direct that the said Hon. Paul Kaguathi be searched and brought to the Assembly for swearing in.

*(Hon. Paul Kados escorted to the Chair)*

*(The Speaker administered Oath of Office to Deputy Speaker-elect)*

**Hon. Speaker:** Hon. Members, may you allow me to introduce the newly elected Deputy Speaker for this House. Proceed to make a personal remark.

*(Applause)*

**Hon. Deputy Speaker (Mr. Paul Kados):** Thank you, Hon. Speaker. May I first of all be the first to congratulate you on your election as the Speaker of this honorable Assembly. I know that you are equal to the task ahead of you. Secondly, I wish to express my sincere appreciation to all honorable Members for electing me as Deputy Speaker. I promise to carry out my duties of the Deputy Speaker with at most dedication, fidelity to the law and partiality. I know my roles are well elaborated in the Statute and Standing Orders, but as your deputy, I promise to fully support you as you lead and give direction to this honorable House. Once again, Honorable Members, I am humbled and thankful for believing in me. God bless you all.

*(Applause)*

**Hon. Speaker:** Thank you Deputy Speaker for accepting the role of the office of the Deputy Speaker, I will accord you the necessary support you will need. Thank you and welcome.

Hon. Members, you are aware that amidst us, there are special guests and the Speaker is blind until such a time when he is notified of any business in the House. For that reason, Hon. Members, in a very special way, I want to introduce our very able honorable Members of the National Assembly and our Senator for Nairobi Hon. Sifuna and women representative Nairobi Esther Passaris. To the members of the Parliament who are present today, kindly let me get your attention. We have Hon. Orero for Kibra, Senator, Hon. George Aladwa for Makadara, Hon. Reuben Ndolo and Hon. Dangote. Welcome

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, a communication has been brought to my attention from the office of the Clerk on the adjournment of the Assembly.

Hon. Members, Standing Order No.14 (1) states:

*“Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order No. 13 (Swearing-in of the Speaker), the Speaker shall notify the Members of the*

*place, date and time of the opening of County Assembly.” Further, Standing Order No.14 (2) provides that, “following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County Assembly.”*

Separately, Hon. Members, Standing Order No. 22 provides that:

*“The Governor shall address the opening of each newly elected County Assembly.”*

Consequently, I wish to notify you that I shall communicate the place, date and time of the official opening of the County Assembly in due course after consulting the leadership of the Assembly and his Excellency the Governor.

In this regard, Hon. Members, Standing Order No. 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 No. 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.

In view of the above, I am in receipt of a communication from the Azimio la Umoja-One Kenya Coalition, a coalition comprising of ODM, Jubilee and Wiper Political Parties and which is the outright Majority Coalition in the Assembly with sixty-seven (67) members, designating the following Hon. Members to the following leadership positions: -

- |    |                            |                                      |
|----|----------------------------|--------------------------------------|
| 1. | Hon. Jateso Peter Imwatok  | Majority Party Leader                |
| 2. | Hon. John Ndile Musila     | Deputy Majority Party Leader         |
| 3. | Hon. Moses Ogeto           | Majority Party Whip                  |
| 4. | Hon. Stazo Omung’ala       | Deputy Majority Party Whip           |
| 5. | Hon. Catherine Apiyo Okoth | County Assembly Service Board Member |

Accordingly, I wish to congratulate the said Hon. Members on their designation and inform that they shall assume their respective leadership positions with immediate effect.

In the same spirit, I will be expecting the Kenya Kwanza coalition, comprising of UDA and Chama cha Kazi Political Parties and which is the second largest coalition in the Assembly with fifty-three (53) Members, to designate and communicate its leadership in the House so that we can commence our legislative agenda as soon as possible.

Hon. Members, before we adjourn, allow me to invite you for high tea and other hospitality services organized by the Assembly in celebration of the occasion of this First sitting at Charter Hall, just adjacent to this Chamber.

Hon. Members, with that, the Assembly will now stand adjourned and will resume on a date to be communicated.

Thank you.

*The House rose at 5:48 p.m.*