



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 4, 2014

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

The Speaker conveyed the following communication of the Chair:-

— **Role Of Members Of The County Assembly**

“Honourable Members, yesterday the Hon. Maurice Otieno Gari, MCA, rose on the floor of the Assembly to deliver a Personal Statement pursuant to Standing Order 80 regarding the role of Special Elect and elected Members of the County Assembly.

The Hon. Gari wished to draw the attention the Chair to simmering conflicts in his Ward between himself and the special elect Member for the said Ward. The Hon. Gari alleged that the special elect Member for his Ward has been interfering with development initiatives in the Ward championed by the elected Member, for example demolishing Kiosks erected in the Ward.

The Chair committed to deliver a communication on the foregoing today, Wednesday, 4th June, 2014.

I wish to guide as follows.

Hon. Members, the Constitution of Kenya and the County Government's Act, 2012, broadly interpreted provide for the roles of MCAs as being representation, oversight and making legislation. The Constitution in particular delineates the role of the elected MCAs as representing people at the Ward level and those of the special elect as representing the marginalized groups.

As such, Hon. Members, the Ward as an elective constituency is jurisdiction of the elected MCAs. The Special elect representatives have no role in development aspects of the Ward, and as such should not interfere with projects being championed by the elected representative.

Honourable Members, the spirit of Article 177 (1)(b)(c) of the Constitution is that the Assembly is inclusive and represents a broader view of the society. The exercise of the Assembly Members' roles is to represent both at the direct elective Ward level, and nominated representative for special interest groups.

Hon. Members, neither of the two levels of representation is ultimately superior to the other. But this equality in representation must be approached with caution and humility. The Chair is aware that elected MCAs are ready and more than willing to work with their special elect representatives. I would want to encourage cooperation rather than competition in executing your roles as representatives of the people.

Honourable Members, I therefore want to urge special elect MCAs to respect their directly elected counterparts and find ways to work together for the benefit of their constituents”.

— **Request For Statements**

“Hon. Members, the Hon. Pius Owino K'Otieno, MCA, during the First part of the second Session, rose on the floor of the Assembly and sought guidance on the scope and parameters for use of Standing Order 80, which provides for Personal Statements.

The Chair committed to give a communication on the same. I wish to guide as follows.

Hon. Members, indeed the provisions of our Standing Orders on Statements are very concise on the nature, methodology and manner of going about that Order of Business in this Assembly. I have noted with great concern that Members are in the habit of abusing the provisions of the Standing Orders on Statements, and especially Standing Order 80, on Personal Statements.

Hon. Members, Standing Order 80 does not, by any direct implication or remote reference, provide for “question time” or the opportunity for debate on matters that are not properly before the Assembly. Standing Order 80 clearly provides that *a Member may explain matters of a personal nature although there is no question before the County Assembly, but such matter may not be debated.*

There has been flagrant abuse of this provision, a matter which the Chair takes seriously and wishes to bring an end to.

Hon. Members, by practice and procedure, any matter intended for deliberation before the Assembly must be properly brought before the Assembly. Procedure, as stipulated in the Standing Orders, must be strictly adhered to, unless otherwise provided for or guided by the Chair pursuant to Standing Order one (1).

Hon. Members, henceforth, all Members seeking to make Personal Standings pursuant to Standing 80 must inform the Chair three (3) hours prior to plenary by way of written notice of their intention to make such Statement. Any Member with difficulty on how to go about the foregoing is at liberty to seek further assistance from the Clerk’s office.

Hon. Members, the Chair shall henceforth not allow Members, by omission or intentionally, to misguide the House and derail its business by abuse of procedure and the intended orderly flow of business.

Any Member who goes against the provisions of our standing Orders to

the detriment of the orderly conduct of business properly before the Assembly shall be subjected to sanctions as provided for under Standing Orders 104 and 105”.

4. MOTION- TO MARK COUNTY ROADS, STREETS AND BUILDINGS.

Motion made and Question proposed –

THAT, aware that Nairobi City County has the highest population with the fastest infrastructure development; deeply concerned that the failure to mark and name all roads and streets and to number all the buildings is hampering the aforementioned development; noting that this is crucial in order to see the provision of quick and efficient services such as courier, firefighting, security and postal services, this Assembly resolves that the County Government move with speed and ensure all county roads, streets and buildings are marked and the building number should coincide with the land registration number of where the building stands.

(Hon. Andrew Macharia Mba)

Debate arising;
Mover replied;
Question put and agreed to

5. MOTION – TO ADOPT THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION

Motion made and Question proposed –

THAT, pursuant to Standing Order 180 (6), this Assembly adopts **THE SEVENTH REPORT OF THE COUNTY ASSEMBLY SECTORAL COMMITTEE ON WATER AND SANITATION ON THE SITE INSPECTION VISIT TO LAINI SABA AND NYAYO HIGHRISE WARDS**, laid on the Table of the Assembly on Tuesday March 25th, 2014.

(The Chairperson of the Sectoral Committee on Water and Sanitation)

Debate arising;
Mover replied,
Question put and agreed to

6. ASSEMBLY ROSE - at fifty one minutes past Four O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, June 5, 2014 at 2.30 p.m.