



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY - (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 22, 2016 AT 2.30 PM

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was no Quorum caused the Division Bell to be rung for Ten minutes.

There being a quorum at the expiry of the ten minutes, the Speaker called the Assembly to order.

3. PAPERS LAID:-

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

- i. County Fiscal Strategy Paper 2017/2018

(The Leader of the Majority Party)

- ii. Report of the Sectoral Committee On Justice and Legal Affairs on the consideration of the Nairobi City County Office of the County Attorney Bill, 2016 (Assembly Bill No.4 of 2016)

(Chairperson, Committee on Justice and Legal Affairs)

4. NOTICE OF MOTION PURSUANT TO STANDING ORDER 30 - (Hon. Abdi I. Hassan)

WHEREAS Article 176 of the Constitution establishes County Governments, consisting of a County Assembly and a County Executive;

WHEREAS Section 136 of the County Governments Act, 2012, provides that the first sitting of the County Assembly after the first election under the Constitution, shall take place at a time, place and date determined by the Independent Electoral and Boundaries Commission (IEBC), which

date shall not be later than fourteen days after the results of the elections have been gazetted;

WHEREAS pursuant to the foregoing the Chairperson of IEBC via gazette notice number 3159 dated 13th March, 2013 gazetted City Hall Council Chambers and offices of the County Assembly in the North Wing of City Hall;

WHEREAS Section 2 of the National Assembly (Powers and Privileges) Act, 2012 defines “**precincts of the Assembly**” to include *the Chamber, every part of the building in which the Chamber is situated, the offices of the Assembly, the galleries and places provided for the use or accommodation of members, strangers, members of the public and representatives of the press, and any forecourt, yard, garden, enclosure or open space appurtenant thereto and used or provided for the purposes of the Assembly;*

WHEREAS in furtherance of the foregoing the Speaker of the County Assembly through gazette notice number 6614 of 11th September, 2015 gazetted the precincts of the County Assembly to include the whole of the North Wing of City Hall, from basement to 5th Floor, which exercise was undertaken cognizant of Section 12 of the County Governments Act, 2012 which notes one of the functions of the County Assembly Service Board (CASB), for which the Speaker is Chair, *as providing services and facilities to ensure the efficient and effective functioning of the County Assembly,* but which gazettelement the County Secretary now seeks to quash;

WHEREAS in light of the foregoing the Assembly Service Board has engaged the County Executive on numerous occasions for space, with the last consultative meeting held on 18th October, 2016 during which it was agreed that the County Executive vacate the basement within seven days to pave way for construction of Committee rooms; two months to vacate fourth floor and a month to vacate fifth floor of the North Wing for provision of offices for Members of the County Assembly and staff, with effect from the 18th of October, 2016;

WHEREAS despite the aforesaid mutual agreement and giving of sufficient notice for vacation of premises reserved for the Assembly the County Secretary went to Court behind the County Assembly to obtain orders to continue renovating 4th Floor of the North Wing, City Hall buildings, and whereas the CASB issued summons on 16th November, 2016 for the County Secretary to appear before it on 22nd November, 2016 for purposes of ironing out whatever issues there were despite the force of the letter in which the County Executive agreed to vacate premises reserved for the Assembly;

AND WHEREAS the County Secretary instead of responding to the summons rushed to Court to obtain orders to completely evict the County Assembly from its current precincts in the South Wing of City Hall, this Assembly adjourns pursuant to Standing Order 30 to discuss the impending supposed eviction of the Assembly from its precincts by the County Secretary as a matter of definite and urgent County importance, and resolves as follows: -

1. The Assembly will not vacate from its precincts that were gazette by the IEBC on 13th March, 2013 under gazette notice No.3159 and by the Hon. Speaker on 11th September, 2015 under gazette notice No.6614 as sought by the Ag. County Secretary;
2. All the strangers do vacate from the precincts of the Assembly as gazetted;
3. The Assembly censures strongly the Ag. County Secretary for utter contempt of the County Assembly, and recommends that the Governor do forthwith appoint another person in that office other than one Dr. Robert Ayisi;
4. The Assembly affirms categorically that forthwith it shall not conduct any business with one Dr. Robert Ayisi, the Ag. County Secretary;
5. The Assembly shall consider any business transacted by the Ag. County Secretary, Dr. Robert Ayisi, as null and void and will pay no recognition nor respect to any actions by the aforesaid in dispensing with the duty of the office of the County Secretary.

5. MOTION – ADJOURNMENT OF THE ASSEMBLY ON MATTER OF COUNTY IMPORTANCE PURSUANT TO STANDING ORDER 30

Motion made and question proposed-

THAT, Mr. Speaker Sir, I wish to move the following motion pursuant to Standing Order 30;

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WHEREAS Section 136 of the County Governments Act, 2012, provides that the first sitting of the County Assembly after the first election under the Constitution, shall take place at a time, place and date determined by the Independent Electoral and Boundaries Commission (IEBC), which date shall not be later than fourteen days after the results of the elections have been gazetted;

WHEREAS pursuant to the foregoing the Chairperson of IEBC via gazette notice number 3159 dated 13th March, 2013 gazetted City Hall Council Chambers and offices of the County Assembly in the North Wing of City Hall;

WHEREAS Section 2 of the National Assembly (Powers and Privileges) Act, 2012 defines “**precincts of the Assembly**” to include *the Chamber, every part of the building in which the Chamber is situated, the offices of the Assembly, the galleries and places provided for the use or accommodation of members, strangers, members of the public and representatives of the press, and any forecourt, yard, garden, enclosure or open space appurtenant thereto and used or provided for the purposes of the Assembly;*

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WHEREAS in light of the foregoing the Assembly Service Board has engaged the County Executive on numerous occasions for space, with the last consultative meeting held on 18th October, 2016 during which it was agreed that the County Executive vacate the basement within seven days to pave way for construction of Committee rooms; two months to vacate fourth floor and a month to vacate fifth floor of the North Wing for provision of offices for Members of the County Assembly and staff, with effect from the 18th of October, 2016;

WHEREAS despite the aforesaid mutual agreement and giving of sufficient notice for vacation of premises reserved for the Assembly the County Secretary went to Court behind the County Assembly to obtain orders to continue renovating 4th Floor of the North Wing, City Hall buildings, and whereas the CASB issued summons on 16th November, 2016 for the County Secretary to appear before it on 22nd November, 2016 for purposes of ironing out whatever issues there were despite the force of the letter in which the County Executive agreed to vacate premises reserved for the Assembly;

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4. The Assembly affirms categorically that forthwith it shall not conduct any business with one Dr. Robert Ayisi, the Ag. County Secretary;
5. The Assembly shall consider any business transacted by the Ag. County Secretary, Dr. Robert Ayisi, as null and void and will pay no recognition nor respect to any actions by the aforesaid in dispensing with the duty of the office of the County Secretary.

(Leader of Minority Party)

Debate arising;
Mover replied;
Question put and agreed to

And the time being twenty minutes past Four O'clock, the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

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

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, November 23rd, 2016 at 2.30p.m

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