

COUNTY GOVERNMENT OF NAIROBI CITY



SECOND ASSEMBLY

THE NAIROBI CITY COUNTY ASSEMBLY

(THIRD SESSION)

COMMUNICATION FROM THE CHAIR

No. 01 of 2020

SPECIAL SITTING.

Hon. Members, I wish to make a communication regarding today's sitting.

Hon. Members, first and foremost let me wish you all a happy new year. I trust that you had a wonderful festive season with your family and friends. Welcome back. The year 2020 is a spiritual year, biblically 20 is complete number. It is a perfect waiting period that signifies fullness. It is our obligation to ensure that the pledges we made to *Wanainchi* are fulfilled.

Hon. Members, as you may all be aware, the Nairobi City County Assembly's special sitting for today was published in the Kenya Gazette on 8th January 2020 under the Gazette Notice No. 56 and pursuant to the Provisions of Standing Order No. 30, with the sole purpose of deliberating on the leadership crisis experienced in the County and seek a way forward.

For avoidance of doubt Hon. Members, Standing Order No. 30 (4) provides that, and I quote; *"whenever the County Assembly meets for a special sitting, the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the **only** business before the County Assembly during the special sitting, following which the County Assembly shall stand adjourned until the day appointed in the County Assembly calendar."*

Accordingly, Hon. Members, the Office of the Speaker is in receipt of a message from H.E the Governor of Nairobi City County, vide letter **ref: NCC/GOV/VOL1/JAN/20/001** dated **6th January 2020**, nominating one **Ms. Anne Kananu Mwenda** to the position of **Deputy Governor**. Hon. Members, the Assembly has since sought Legal Advisory from the Office of the Attorney General and The Supreme Court on Monday, 6th January 2020 under Supreme Court Advisory ref: 1 of 2020. I therefore urge all parties concerned to be patient since it is in the interest of all of us to have a legally and politically stable County.

Hon. Members, I therefore invite you to soberly debate these issues knowing very well that the future of Nairobi is on our shoulders. I also wish to remind you to uphold the provisions **of Standing Order 94 on the sub-judice rule** as

you debate this matter. For clarity, the said Standing Order provides as follows:-

“ 94. (1) Subject to paragraph (5), no Member shall refer to any particular matter which is sub judice or which, by the operation of any written law, is secret.

(2) A matter shall be considered to be sub judice when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.”

It is so guided.

I thank you Hon. Members.

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

Thursday, 9th January 2020

COUNTY GOVERNMENT OF NAIROBI CITY



SECOND ASSEMBLY THE NAIROBI CITY COUNTY ASSEMBLY (THIRD SESSION)

DIRECTIONS FROM THE CHAIR

No. 01 of 2020

Hon. Members, I thank you for your candid contributions. It has shown how mature we have come and I know we shall rise from this crisis stronger than before. I want Nairobians and Kenyans at large to be patient as we address this matter and set precedent.

Consequently, Hon. Members, I have the following directions to give:-

i) Bribery allegations.

Hon. Members, we have been elected by a Majority of Nairobians to represent them in this Assembly. The Constitution at Article 260 categorizes MCAs as one group of state officers. On the conduct of state officers, Article 75 of the Constitution provides as follows:-

“75 (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—
(a) any conflict between personal interests and public or official duties;
(b) compromising any public or official interest in favor of a personal interest; or
(c) demeaning the office the officer holds.

Equally, Hon. Members, The Leadership and Integrity Act, 2012 at Section 29 provides that: - *“A State officer shall not knowingly give false or misleading information to any person”*. Further, the said Act requires all of us to ascribe to a code of conduct in accordance with Section 40 and any breach of the same amounts to misconduct for which the State officer may be subjected to disciplinary proceedings or removal from office. In the same vein, I wish to remind you Hon. Members that the Constitution of Kenya creates two levels of Government comprising of the National and forty seven (47) Counties. At the County level, the Constitution at Article 176 creates County Governments comprising of County Assemblies and County Executives that are separate and distinct in terms of functions and operations. The County Assemblies under Article 185 have been mandated to legislate for the County Government and to exercise oversight over the County Executive Committee and any of its organs.

With the forgoing Hon. Members, my office is perturbed by unfounded allegations that officers from the Planning Department who are on suspension have raised money to bribe a section of Members including the Office of the Speaker in order to influence their return in the office. This allegation is being peddled by one Hon. Anthony Kiragu who is the immediate former Chairperson of the Sectoral Committee of Planning and Housing. This is an allegation that this Assembly let alone the Office of the Speaker cannot take lightly. As such Hon. Members, I direct that any Member with such information directs it to the relevant state agencies, in particular the DCI and the EACC.

ii) **Doctrine of Separation of Powers.**

Equally, **Hon. Members**, I also remind you of the Standing Order No. 30 (4) on the need to stick on the subject of today's sitting since I will not entertain any deviation. Moreover, **Hon. Members, we cannot be the judge, the jury and executor on such weighty matters.** I also remind you on our roles as Members of the County Assembly which is to legislate, represent and oversight.

iii) **Revamping of the Nairobi City regeneration Committee**

Hon. Members, due to the good work that has been done by the Nairobi regeneration Committee appointed by H.E.the President, I direct that the same is revamped and proceed its work together with the County Executive to ensure effective service delivery to the residents of Nairobi, particularly on the following areas;

- Water; Nairobi Water and Sewerage Company to provide water rationing schedule to the Residents of Nairobi;
- Roads; the Executive to ensure that they partner with Kenya Urban Roads Authority (KURA) in tarmacking and maintenance of the County Roads;
- Pending Bills; all pending bills, particularly for Youths, Women and Persons With Disabilities be cleared;
- Solid Waste Management; the Executive to develop a structured work frame on how to deal with the refuse collecting firms;

It is so directed.

I thank you Hon. Members.

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

Thursday, 9th January 2020