



## THE NAIROBI CITY COUNTY ASSEMBLY

## THIRD ASSEMBLY

## (SECOND SESSION)

## COMMUNICATION FROM THE CHAIR

27<sup>TH</sup> SEPTEMBER 2023

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**IMPLEMENTATION OF ASSEMBLY RESOLUTIONS BY THE COUNTY EXECUTIVE**

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**Hon. Members,** Good afternoon. Welcome to this afternoon Sitting of the Assembly. I have the following Communication to convey:

**Hon. Members,** you recall at the Assembly Sitting held yesterday, 26<sup>th</sup> September 2023, I gave an undertaking to give directions on the Statement made by the Chairperson of the Select Committee on Implementation on challenges the Committee is facing in the course of conducting its business.

**Hon. Members,** in the said Statement, the Chairperson informed the Assembly as follows:

1. That, since the Second Assembly hitherto, numerous Motions, Reports and Acts have been passed and it is within the scope of the Committee's mandate to monitor and report on their implementation;
2. That, the County Executive Officers have constantly failed to give reports on the implementation status of the foregoing business despite several reminders; and
3. That, the Committee invited officers from the Executive to its 1<sup>st</sup> Quarter workshop in order to undertake a comprehensive review of the said business and agree on a way forward. However, the said officers dispatched junior officers whose engagement with the Committee was unsatisfactory as they could not conclusively address the issues raised.

**Hon. Members,** in view of the foregoing, I wish to guide the Assembly as follows:

1. Section 14 of the County Governments Act, 2012 gives County Assemblies latitude to regulate their own procedures and establish Committees which are at the center of the oversight role over the conduct of the Executive;
2. Despite the specificity of mandate of Sectoral Committees to oversight respective Sectors at the Executive, in its wisdom, the Assembly established the Implementation Committee to monitor and report on implementation of Plenary resolutions; and
3. That it is incumbent upon the County Executive Committee Members to provide regular reports to the County Assembly in line with Article 183 (3) of the Constitution of Kenya. They do so by sending such reports on request of Committees or by physically appearing before the respective Committees on request.

**Hon. Members**, this Assembly is not limited in sanctions it can invoke on hurdles in the course of its work. Indeed, courtesy of the Constitution, County Assemblies Powers and Privileges Act, 2017 and the Standing Orders, the Assembly and its Committees has an array of unique powers, privileges, instruments and recourses during the conduct of our business. These instruments can be applied to overcome and address any impediments that stand in the way of conduct of our business.

**Hon. Members**, to strike home, for instance, Standing Order 207 (3) gives the Select Committee on Implementation powers to recommend to this Assembly, any action on County Executive Committee Member who, without justifiable reasons, fail to cooperate with the Committee. This is not limited to summons, censure motions, removal from office and engagement of external support institutions.

Therefore, **Hon. Members**, I want to call upon the Select Committee to make use of the foregoing provision as they bring the matter to the attention of the Assembly. Nonetheless, **Hon. Members**, as the Speaker of this Assembly, I am sending a stern warning to the Executive Officers who refuse to cooperate or work with Committees within the laid down structures, that my office and indeed the Assembly Leadership will not be available to protect them when this Assembly resolves to take action courtesy of their insolence. Indeed, **Hon. Members**, it would not be the first time for this Assembly to *bite*, for those who were here



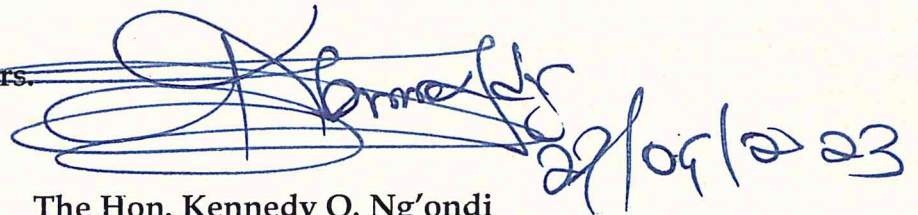
during the First Assembly, you reminisce what happened and can attest that this Assembly can *bite*, and *bite* hard.

**Hon. Members**, we are not engaging in conduct of legislative business for self-aggrandizement or to serve the interest of the few, but for the common good because tax payers' money is involved and that it is our Constitutional duty, the same Constitution that binds the County Executive. Therefore, we shall not relent to carry out oversight because few officers are demonstrating laxity in their Sectors and are not willing to be accountable.

**Hon. Members**, since this matter threatens the effective execution of the core mandate of the Assembly and the efficient conduct of business of Assembly Committees, I direct the Deputy Speaker, who is the Chairperson of the Select Committee on Liaison to take up this matter with the Committee and make recommendations to my office within three weeks for further action.

You are so guided.

I thank you **Hon. Members**.

A handwritten signature in blue ink, which appears to be 'Kennedy O. Ng'ondi', is written over the printed name. To the right of the signature, the date '27/09/2023' is handwritten in blue ink.

The Hon. Kennedy O. Ng'ondi  
SPEAKER, NAIROBI CITY COUNTY ASSEMBLY  
Wednesday 27<sup>th</sup> September 2023