



**NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY
(SECOND SESSION)**

**COMMUNICATION FROM THE CHAIR
31st October 2023**

**ABUSE OF ASSEMBLY RULES AND PROCEDURES ON ENGAGEMENT OF THE
MEDIA**

Hon. Members,

Good afternoon, I have the following Communication to convey regarding engagement of the media:-

Hon. Members,

May I take this early opportunity to extend my warm welcome to you all as the Assembly resumes from the Short Recess. Indeed the Recess accorded us an important break and presented us the opportunity to join, listen to and interact with our electorate and to mingle with our families. It is therefore my belief that you also took advantage of the break to introspect about your role as a representative of the people and prayed for God's providence in the work that we do here collectively as an Assembly. Feel welcome and I want to wish you all fruitful discharge of your duties in this last part of the Second Session.

Hon. Members,

My attention has been drawn to the events of Friday 27th October 2023 where a group of Members called the press and issued a Statement regarding the alleged ownership and administration of Nairobi City County Revenue collection system. Indeed, Hon. Members, the County Assemblies Powers and Privileges Act, 2012 accords Hon.

Members an array of privileges including freedom of speech. However, these privileges are not absolute. They are subject to processes and procedures guided by the said Act, the Assembly Standing Orders and the Speaker's Rules.

Hon. Members,

Houses of Parliament across the world adopt and adhere to rules of procedure in order to maintain decorum to facilitate the orderly transaction of business. Therefore, this Assembly cannot be an exception unless we want to operate in anarchy. In as much as we share in your concerns, frustrations and drive to go out of your way in your quest to address issues that affect the people of Nairobi, the Constitution, Statutes and Standing Orders provide adequate structures and mechanisms of exercising oversight responsibilities.

Hon. Members,

The import of these provisions is that while members are free to engage the media, it is important that when engaging on issues related to the proceedings of this House and Committees the Speaker ought to be aware in order to ensure compliance with the law and for good order. It is not intended to gag members or the media as some might think.

Hon. Members,

In this regard, I am aware that the Sectoral Committee on ICT and Energy is conducting an inquiry into revenue and revenue collecting system in the County. Further, just before proceeding to Recess, the Assembly passed a Motion for the establishment of an *ad hoc* Committee to investigate revenue issues in the County. The Committee is yet to conclude and Table its report on the same.

At this juncture, **Hon. Members**, may I draw your attention to the provisions of Standing Order 94 which provides as follows and I quote:

“A Member shall not refer to the substance of the proceedings of a Select Committee before the Committee had made its report to the County Assembly”

Hon. Members,

I was therefore surprised to see a section of Members of the Sectoral Committee on ICT and Energy led by Hon. Robert Alai, the Vice Chair of the said Committee issuing a presser on matter which clearly has not been concluded. To make matters worse, the Speaker was not even aware of the media briefing. I therefore find that the conduct of the members involved was in breach of the Standing Orders. It is also unfortunate that the Chair having raised these valid concerns with the Hon. Member, the said Hon. Member has proceeded to cast aspersion to the office of the Speaker and throwing unprintable abuses in the social media. It therefore follows that the media proceedings by a section of Members of the Sectoral Committee on Energy and ICT on Friday 27th October 2023 were not privileged in terms of the provisions of the County Assemblies Powers and Privileges Act and our Standing Orders.

Hon. Members,

I have also observed the unbecoming conduct of some Hon. Members who choose to abuse other Hon. Members on social media especially the Members WhatsApp groups. May I remind you that the Law on Cyber Crimes is very explicit on the responsibilities and consequences of administrators of these WhatsApp groups and those who choose to abuse the platforms. Standing Orders 116 and 117 further prohibits such actions and prescribe various sanctions which the Chair will not hesitate to impose if this trend continues.

Accordingly **Hon. Members**, in order to protect the integrity of the proceedings of this Assembly and its Committees, I wish to direct as follows on engagement with media:

- i) That for purposes of dissemination of factual, authentic and timely information to the public, Members are required to observe and adhere to the

laid down structured media engagement protocol. For avoidance of doubt, should a Member or a Committee wish to engage the media, you are required to liaise with the Assembly Public Communications and Media Relations Office who will escalate the same through the office of the Clerk to the Office of the Speaker in accordance with their Standard Operating Procedures (SOPs). The said Department is the Assembly's authorized Office that is charged with messaging for the Assembly.

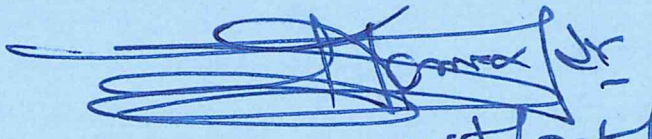
- ii) That Pursuant to the provisions of Standing Order 94, Members should desist from discussing or addressing the media on any matter that is still under consideration or investigation before any Assembly Committee until the Committee concludes its investigation or consideration of the matter in question and tables its report. Committees are free to table progress reports; and
- iii) That Hon. Members are required to uphold decorum in terms of their conduct while within or outside the Assembly precincts. Members should desist from using vulgar language against fellow Members be it physically or electronically on social media.

Hon. Members,

The Chair will henceforth closely monitor the conduct of Hon. Members and will not hesitate to take any lawful action against any Member who is in breach of the issues raised herein.

The Assembly is so guided.

I thank you.



21st / Oct / 2023.

The Hon. Kennedy Okeyo Ng'ondi, MCA

SPEAKER, NAIROBI CITY COUNTY ASSEMBLY

Tuesday, 31st October, 2023