

**COUNTY GOVERNMENT OF NAIROBI CITY**



**THE NAIROBI CITY COUNTY ASSEMBLY  
(THIRD ASSEMBLY -THIRD SESSION)**

**COMMUNICATION FROM THE CHAIR**

**5.11.2024**

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**GUIDANCE ON EMERGING ISSUES REGARDING THE APPLICATION OF  
STANDING ORDERS AND TRANSACTION OF COMMITTEE BUSINESS**

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**Honorable Members**, good afternoon. Welcome to this afternoon Sitting. I have the following Communication to convey:

**Honorable Members**, you will recall that during the sitting of Tuesday, 29<sup>th</sup> October, 2024, I guided the Assembly on the procedure for handling business before Committees reiterating the provisions of Standing Order No. 94 which prohibits Members from referring to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly. Upon issuing of my guidance, the Hon. Robert Alai, MCA rose on a point of Order and argued that the provisions did not apply to Sectoral Committees. It was the contention of the Hon. Member that there was a difference between Select Committees and Sectoral Committees.

**Honorable Members**, at that time, I did indicate to the Hon. Member that all committees were Select Committees and therefore bound by the provisions of Standing Order No. 94. However, I thereafter received a letter dated 30<sup>th</sup> October, 2024 from **Hon. Robert Alai** raising various misleading allegations on the very guidance I had issued and on the issue of resignation from Assembly Committees.

**Honorable Members**, whereas I would have ordinarily responded to the letter from my Chambers, I have reviewed the correspondence and found it prudent that due to serious legal, procedural and factual issues it raises, I need to address those



issues on the floor of this Assembly and put to an end any speculations regarding the application of Standing Order No. 169 (3), Standing Order No. 94 and Part (22) XXII of our Standing Orders as follows:-

1) **Resignation from Assembly Committees.**

Honorable Members, in a letter dated 7<sup>th</sup> October, 2024, Hon. Robert Alai tendered his resignation from all Assembly Committees. Standing Order No. 169(3) anticipates that a Member might opt to resign from any Committee upon which the resignation becomes **effective** once the Member tenders the resignation and no action is required of me to validate such resignation. In essence, a Member's resignation becomes effective once he/she submits the resignation letter to my office and that of his/her Party Whip. However, the concerned party/coalition is required to fill the vacancy that arises within fourteen (14) days. Further, the party and the concerned member must be alive to the provisions of Section 14(4) of the County Governments Act, 2012 which provides:-

*"(4) The County Assembly shall in establishing committees under this section ensure that each member of the county assembly is appointed to at least one committee."*

To this end **Honorable Members**, all members of the County Assembly have a public duty to be at least in one Committee.

2) **Categorization of Assembly Committees.**

Under the commonwealth parliamentary practice, which we heavily borrow from, parliaments establish Committees to conduct business on their behalf in order to effectively discharge their mandates. Assembly Committees are the best and ideal avenues for the Assembly to play its roles more effectively especially the oversight role. The Committees report back to the Assembly on matters referred to them by the speaker, petitions received, or on any other matter within the scope of their mandate that they consider necessary for their consideration and reporting.

Further, under the commonwealth parliamentary practice, all parliamentary committees are, by and large, '**select committees**' since they are constituted by the



entire Assembly through a selection process that involves the consideration of a report of the **Selection** Committee as provided for under Standing Order 171 (1) and (2). Indeed, the entire provisions of **Part XXII** of our Standing Orders speak to matters related to “**SELECT COMMITTEES**”. Under this part, the procedure of the Assembly allows for four kinds of Assembly Committees i.e. **Sectoral, House Keeping, Investigatory/Watchdog/Financial Management and Ad hoc** Committees as follows:-

**(i) Sectoral Committees**

The mandate of Sectoral Committees is in respect to the subject matter assigned by the Standing Orders and is exercised within the limits contemplated under Part 2 of the Fourth Schedule to the Constitution. Currently, the Standing Orders provides for the following Sectoral Committees:-

- a) Agriculture, Livestock and Fisheries
- b) Environment and Natural Resources
- c) Energy and Information, Communications and Technology
- d) Transport and Public Works
- e) Planning and Housing
- f) Trade, Tourism and Cooperatives
- g) Water and Sanitation
- h) Culture and Community Services
- i) Justice and Legal Affairs
- j) Labour and Social Welfare
- k) Health Services
- l) Children, Early Childhood Education and Vocational Training

Indeed, **Hon. Members**, Standing Order 209 clearly provides that and I quote:-

*“209. (1) There shall be select committees to be known as Sectoral Committees comprising of not less than fifteen and not more than seventeen members who shall be nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every County Assembly.”*



**Hon. Members,** this emphasizes the fact that Sectoral Committees are Select Committees.

**(ii) Housekeeping Committees**

Housekeeping Committees generally are concerned with the smooth administration of the Assembly. Currently the main house-keeping Committees are:-

- a) Assembly Business Committee
- b) Liaison Committee
- c) Committee of Powers and Privileges
- d) Procedure and Assembly Rules Committee

**(iii) Investigatory/Watchdog and Financial Management**

Investigatory Committees are mandated to examine the financial affairs and accounts of the County Government Departments including the County Assembly and County investments/enterprises. They fulfill their mandate by examining reports of the Auditor General and make recommendations to the Assembly for appropriate action to be taken. Currently, the standing orders provides the following as the Investigatory/Watchdog Committees:-

- (a) Public Accounts Committee(PAC); and
- (b) Public Investments Committee(PIC)
- (c) Finance, Budget and Appropriations Committee

**(iv) Ad hoc Committees**

Ad hoc Committees are formed through a resolution of the Assembly on a matter that does not fall under the mandate of any other select Committee. They are dissolved as soon as proceedings are concluded, report compiled and tabled.

**3. Application of Standing Order 94 and suppression of oversight.**

In my communication issued on the floor of the Assembly on **Tuesday, 29<sup>th</sup> October, 2024**, I conclusively addressed this matter. Nonetheless, I wish to reiterate that having established that all Committees are select committees within



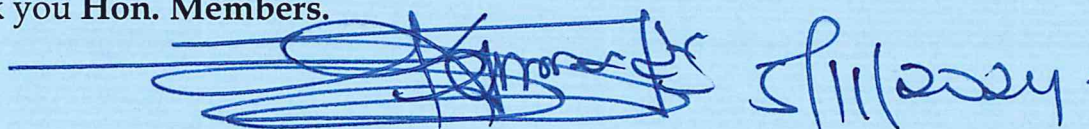
the meaning of Part XXII of our Standing Orders, it follows therefore that Standing Order 94 applies to all Committees of the Assembly. Further, as expressed in my communication to the Assembly cited herein, the purpose of the said Standing Order is not to gag Hon. Members but to allow Committees, which are extension of the Assembly, to conclude considering business before them and submit their reports to the Assembly in order to inform debate and also allow them to conduct business objectively and independently without undue influence. This also ensures that Members do not pre-empt debate on business before the Assembly which is an established practice. Even so, nothing stops you or any other Member from appearing before the relevant Committee to raise issues under its consideration.

**Hon. Members**, this guidance should therefore settle all matters raised herein with regards to resignation of members from committees and the application of standing order 94. I further direct that the Majority Party/Coalition takes necessary steps contemplated under Standing Order <sup>169</sup>~~194~~(3) with respect to Hon. Robert Alai's resignation while taking into account the provisions of Section 14(4) of the County Governments Act, 2012

I also wish to reiterate that the Speaker my role is to guide the County Assembly to ensure strict adherence to our Standing Orders and the law and to facilitate Hon. Members to execute their broad mandate. Thus, as far as I am concerned, I have remained faithful to this doctrine even as I undertake that my office shall remain open to offer any assistance to all Hon. Members as they discharge their roles within the law.

**The Assembly is so guided!**

I thank you **Hon. Members**.



**The Hon. Kennedy Okeyo Ng'ondi, MCA**

**SPEAKER, NAIROBI CITY COUNTY ASSEMBLY**

**Tuesday, 5<sup>th</sup> November, 2024**