

COUNTY GOVERNMENT OF NAIROBI CITY



THIRD ASSEMBLY

THE NAIROBI CITY COUNTY ASSEMBLY (THIRD SESSION)

COMMUNICATION FROM THE CHAIR

No. 10 of 2024

Misconduct of Members of the County Assembly

Hon. Members, I have the following communication to convey; -

Hon. Members, Standing Order 45(1) states that “The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly”.

Hon. Members, the functions of the Speaker amongst others include being the official spokesperson/ representative of the County Assembly in its dealings with the public, the Executive, the Judiciary, Parliaments in other jurisdictions and bodies outside the Assembly.

Hon. Members, may I remind you that the Speaker is the custodian and defender of the Constitution and all other rules of procedure in the County Assembly. In the said Constitution, Statutes and Standing Orders, members of the County Assembly are state officers who are subject to high measure of integrity standards.

Hon. Members, the County Assembly has rules of procedures that governs its conduct of any in the County Assembly.

Hon. Members, Section 30 of the County Assemblies Powers and Privileges Act, 2017 provides for a State officer who is convicted of an offence under the Act shall be deemed to have committed an act of gross misconduct within the meaning of Article 251(1)(b) of the Constitution.

Hon. Members, Section 16 of the County Assemblies Powers and Privileges Act, 2017 states that Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member—

- (a) contravenes sections 25, 26(1), 27 or 29;
- (b) commits an act mentioned in section 28(1)(a), (b) or (2) and (3)(d),
- (e), (f) or (g);
- (c) willfully fails or refuses to obey any rule, order or resolution of a county assembly;
- (d) contravenes any provision of the Speaker's orders issued under section 40 of this Act; or
- (e) conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a county assembly, or of the Members or to be contrary to the best interests of a county assembly or its Members.

Hon. Members, Standing Order 117(1)(g) and (h) states that a Member's conduct is gravely disorderly if such as Member acts in any other way to the serious detriment of the dignity or orderly procedure of the County Assembly; or commits any other breach of these Standing Orders that in the opinion of the Speaker constitutes grave disorderly conduct.

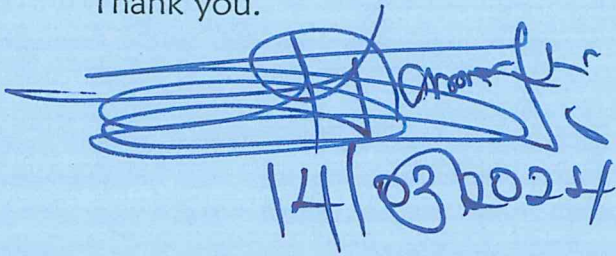
Hon. Members, my attention has been brought to a very grave misconduct where some Hon. Members purported to communicate an official message from H.E. the Governor regarding the scheduled retreat and attempted to incite Hon. Members against the house leadership through social media.

Hon. Members, this conduct of the two Hon. Members namely; **Hon. Oscar Lore** and **Hon. Brian Itenya** is not only against our Standing Orders but also has the potential of destabilizing the Assembly.

Accordingly, **Hon. Members**, in order to deter such behavior, I hereby suspend the aforementioned two (2) Members from the Assembly for a period of three sitting days and direct the matter to the Select Committee on Powers and Privileges to investigate this matter and report to the Assembly.

It is so directed

Thank you.

A handwritten signature in blue ink, which appears to be 'Kennedy O. Ng'ondi', is written over a large, scribbled-out area. Below the signature, the date '14/03/2024' is written in blue ink.

THE HON. KENNEDY O. NG'ONDI, MCA
SPEAKER OF THE NAIROBI CITY COUNTY ASSEMBLY

Thursday, 14th March, 2024

