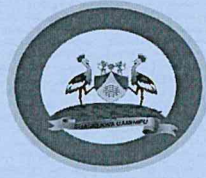


COUNTY GOVERNMENT OF NAIROBI CITY



THE NAIROBI CITY COUNTY ASSEMBLY THIRD ASSEMBLY

(FOURTH SESSION)

COMMUNICATION FROM THE CHAIR

23.9.2025

RESUMPTION FROM LONG RECESS

Welcoming from Long Recess

Honorable Members, I have the following Communication to convey:

Honorable Members,

I take this opportunity to welcome you all back to this Assembly after a long and well-deserved recess. It is my hope and belief that this long period of break has afforded you the opportunity to rest, reflect, and reconnect with your constituents whose interests we are all here to serve and your families.

Honorable Members,

We resume at a moment when many tremendous activities have faced the County including some which are related to the how different entities within the structure of the County Government relate to one another. However, I must commend you the Members of the County Assembly for ultimately rising above discontent that was driven by genuine concerns and putting Nairobi City County first. Your decision to give office holders in the County a second chance to re-commit to the social contract of quality service delivery to the citizens of Nairobi has not only ensured tranquility and business continuity but also elevated the dignity of the County Assembly. We have made it clear that the Assembly's relationship with the County Executive and its officers should always prioritize quality service delivery. As your Speaker, I assure you of my commitment to the provision of an enabling environment for the Members to exercise their mandate and in collaboration with the Assembly leadership, we will neither relent nor walk back on our commitment to Member's welfare and a functioning government which is committed to service delivery.

Honorable Members,

The foregoing notwithstanding, our Constitutional calling remains supreme. Our roles as defined in the Constitution and statutes must always be upheld as the ones to define our being representatives of the people of Nairobi. We will be judged only by how effectively we discharge of these roles. Therefore, there should be no fear, relaxation, excuse or special consideration when carrying out representation, legislation and oversight. Therefore, I call upon all Members and Assembly Committees not to relent in the conduct of their mandate.

Priority business in the coming period of the Calendar

Honorable Members,

On the day the Assembly adjourned for the Long Recess, I observed that the Assembly's legislative performance was not satisfactory having only passed one substantive sectoral bill which has successfully transitioned into an Act, that is, the Regularization of Unauthorized Development Act which has since been Gazetted. However, I also appreciated the Members for the efforts to initiate legislative proposals. I am aware that there are numerous legislative proposals at various stages including in Committees for scrutiny. May I call upon the Clerk and Committee Chairpersons to expedite processing of these proposals and Bills and bring them up for consideration by the Assembly.

Honorable Members,

Committees are critical in the discharge of the overall mandate as an Assembly. The Committees conduct crucial deliberative business that can only be manifested through reports to the Plenary. It has come to my attention that crucial businesses are pending before Committees including Statements, reports on Petitions, reports to site inspection visits amongst others. In addition, we are at the inception stage of the budget cycle and with the tabling of the Annual Development Plan, we are expected to process the same in the interest of the people of Nairobi. I therefore call upon all Chairpersons to expedite the consideration of pending business and present reports to the Plenary for consideration.

Status of Nairobi City County Early Childhood Education Bill

Honorable Members,

You will recall that this Assembly considered H.E. the Governor's first memorandum on referral of the said Bill on 10th June, 2025. At that sitting, the Assembly partly took into account the Governor's reservations, while overturning the others, and the Bill was thereafter resubmitted to His Excellency the Governor on 18th June, 2025 for assent.

Honorable Members,

I have since received a further communication from the Governor by way of a second memorandum, vide a letter reference NCC/GOV/ADM/097/2025 dated 20th June, 2025, which was delivered to my office on 21st August, 2025. This second memorandum repeats some of the earlier concerns while also raising new ones.

Honorable Members,

before I guide the Assembly on the way forward, allow me to remind you of the law that governs this process.

First, **Article 185 of the Constitution** vests legislative authority of a county in its County Assembly. Further, **Section 14 of the County Governments Act** empowers this Assembly to regulate its procedure through Standing Orders.

Second, **Sections 21 to 25 of the County Governments Act, 2012**, read together with **Part XIX of our Standing Orders**, set out the procedure for enactment of County laws.

Third, **Section 24(5) of the Act** is very clear and it states that if the Assembly passes a Bill a second time, whether or not it accommodates the Governor's reservations, and the Bill is supported by at least two-thirds of the Members, the Speaker must resubmit it to the Governor within seven days, and the Governor must then either assent to it or refer it back within seven days.

Honorable Members,

Section 24(6) further provides that if the Governor does not act within that statutory period, then the Bill is deemed to have been assented to automatically. In computing that time, **Section 58 of the Interpretation and General Provisions Act, Cap. 2** excludes the day of the act. This means that, since the Bill was resubmitted to the Governor on 18th June, 2025, the seven-day deadline lapsed on 25th June, 2025.

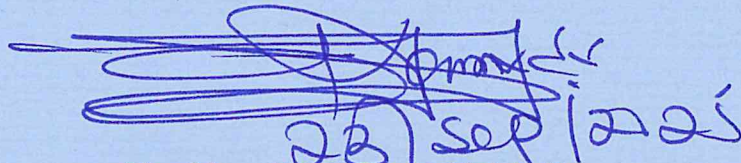
In the present case, **Honorable Members**, the Governor's second memorandum was received in this Assembly on 21st August, 2025 being **fifty-seven (57) days** outside the statutory period. I need to emphasize that the timelines under **Section 24** are strict and leave no room for discretion or extension.

It follows therefore, **Honorable Members**, that by operation of **Section 24(6) of the County Governments Act**, the *Nairobi City County Early Childhood Education Bill, 2025* stood assented to once the statutory period expired. This law is self-executing; once the deadline lapses, the Bill becomes law without further action.

Therefore, the second memorandum is invalid in law and cannot be entertained by this Assembly. The Bill now stands as the *Nairobi City County Early Childhood Education Act, 2025*.

However, **Honorable Members**, should His Excellency the Governor or the County Executive wish to pursue any further policy concerns on this matter, the lawful route is to introduce an **Amendment Bill**, to be processed in the ordinary legislative way.

You are so guide. I thank you Honorable Members.



The Hon. Kennedy O. Ng'ondi

SPEAKER, NAIROBI CITY COUNTY ASSEMBLY

Tuesday 23rd September 2025