



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – First Session

Wednesday, 6 September, 2017

The House met at 11.30 a.m.

{The Clerk of the Assembly (Mr. Jacob Ngwele) in the Chair}

(Convened by notification vide Legal Notice No.1 of 2017)

(The Nairobi City County Assembly met at 11.30 a.m. at the County Assembly Chamber City Hall Buildings, North Wing, Nairobi, on Wednesday 6th September, 2017, it being the First Sitting of the Nairobi City County Assembly)

(The proceedings were opened with a prayer read by the Clerk of Nairobi City County Assembly (Mr. Jacob Ngwele))

COMMUNICATION FROM THE CLERK

WELCOME TO HON. MEMBERS AND NOTIFICATION OF PLACE
AND TIME OF FIRST SITTING OF THE MEMBERS

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, Good Morning. Congratulation for your Nominations and Elections, as Members of Nairobi County Assembly. Sorry for the slight delay that we had, today morning we received several court documents relating to the activity which we are about to begin. I have looked at the documents and I have decided that I need to do a verification of the same, so that we don't embark on a process that is going to put us at a risk on our activity. So I will be suspending the session for 30 Minutes to verify the authenticity of these documents and then we can resume the sittings after 30 minutes.

Therefore, Members you can go for a cup of tea, then we can resume after 30 minutes. The session is still on but it is only under the Standing Order, that we have just suspended the session and then we will proceed from where we are. Thank you very much.

(Session adjourned for 30 minutes)

(Resumed session)

I welcome you to this first sitting of the Second Assembly of the Nairobi City County and take this special opportunity to welcome back all Members who served in the First Assembly and who have been re-elected. Similarly, I also extend a special welcome to Members joining us for the very first time.

Hon. Members, today's sitting is the outcome of several activities which preceded our gathering here for this historic occasion. Firstly, Standing Orders 4(1) and 27 of the Nairobi City County Assembly Standing Orders provide that "*Whenever a new County Assembly is elected, the Governor, by notice in the Kenya Gazette and the County Gazette, shall appoint the place and date of the First Sitting of the new County Assembly, which date shall not be later than thirty days after the election*".

Accordingly, His Excellency the Governor of the Nairobi City County was notified of this first sitting of the Second Assembly of Nairobi City County vide Legal Notice No. 1 of 2017 dated 30th August 2017.

Hon. Members, Standing Order 4(2) (a) provides that "On the first sitting of a new County Assembly after a general election, the Clerk shall read the notification of the convening of the First County Assembly as published in the Kenya Gazette and the County Gazette.

Hon. Members, I wish to read the notification by the Governor. Legal notice No. 1 of 2017 published in Kenya Gazette supplement No.18 dated 30th August, 2017. In the matter of the Constitution of Kenya, in the matter of the County Government Acts, in the matter of Nairobi City County Assembly Standing Orders. Notification of the first sitting of the New County Assembly,

"Pursuant to Standing Order 4(1) of the Nairobi City County Assembly Standing Orders, it is notified for information of the Members of the County Assembly of Nairobi City that the Governor of Nairobi City County Assembly, His Excellency Kioko Mike Sonko Mbuvi Gideon, appoint the first sitting of the Second County Assembly which shall be held at the County Assembly's Chamber, City Hall Buildings, North Wing, Nairobi, on Wednesday 6th September, 2017, at 9.00 a.m."

This notice is dated 29th August, 2017 and it is signed by His Excellency the Governor Kioko Mike Sonko Mbuvi Gideon. So Hon. Members this Assembly has duly been notified next order.

PAPER LAID

LAYING OF GAZETTE NOTICES FOR DECLARATION OF MEMBERS ELECTED TO THE COUNTY ASSEMBLY

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, Standing Order 4(2) (a) provides that on the first sitting of a County Assembly after a general election, the Clerk shall read the notification of the convening of the County Assembly as published in the Kenya Gazette and the County Gazette. Which I have just read!

Hon. Members, this has now been done. Further, Standing Order 4(2) (b) provides that on the first sitting of a new County Assembly after a general election, the Clerk shall lay a list of the names of the persons elected as Members on the Table of the County Assembly.

Hon. Members, by election, here it means, members elected from the 85 Wards in Nairobi City County, and the equivalent number of nominated Members of County Assembly who have been nominated, pursuant to provision of Article 177(1) (b) and (c) of the Constitution. I confirm that I have prepared a list containing the names of all persons elected as I have explained.

Hon. Members, the elected Members of the Nairobi City County Assembly were formally declared vide Gazette Notice No. 8240 and Gazette Notice No. 8380.

Hon. Members, having received the said Gazette Notices I will now call upon the Deputy Clerk to lay the same on the floor of the table of the Assembly now. The two Gazette Notices one is dated 22nd August for the elected Members and the other one is dated 28th August for the Members who are duly nominated.

(Deputy Clerk lays Papers)

(Pause)

ADMINISTRATION OF OATH

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, as you can refer to you Order Paper again, you can see that we are moving at a speed of light, so now we are on the 3rd Order.

Hon. Members, the Constitution of Kenya under Article 74 provides that *"Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament"*.

As you are aware, Hon. Members, the office of a Member of County Assembly is among those defined as a State office under Article 260 of the Constitution.

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Further, Hon. Members, Standing Order 4(2) (c) requires that on the first sitting of a new County Assembly, pursuant to the Governor's notification under Standing Order 27 of the County Assembly Standing Orders, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule to the County Governments Act, 2012 to all Members present in the Assembly in the order set out in Standing Order 4(3).

Specifically, Standing Order No. 4 (3) provides that *"The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence:*

- a) Members with the longest cumulative period of service in the County Assembly;
- b) Members with the longest cumulative period of service in the County Assembly and any local authority existing prior to the final announcement of all the results of County Assembly as contemplated under section 2 of the Sixth Schedule to the Constitution;
- c) All Members."

Further, Standing Order 4(5) further provides *"When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the County Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.*

Hon. Members, unless a person elected to this Assembly takes and subscribes to the oath prescribed by the First Schedule to the County Governments Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly including the election of the Speaker and Chairperson of Committees for the purposes of today's sitting.

Accordingly, Hon. Members, in order to comply with the provisions of the Constitution and the County Governments Act, 2012, as well as our own Standing Orders, the first substantive business of a new County Assembly is the swearing in of Members of County Assembly.

Hon. Members, for the convenience of the County Assembly, we will administer the Oath beginning with Members living with disabilities who, for any reason or the other, may not be able to approach the Chair, and thereafter we will proceed with the list which has been distributed. If you look at the schedule of the Order Paper we have prepared a list which has got all the Members in the order in which we will call them.

I wish to remind Members that this is a sitting of the County Assembly and, therefore, Members are expected to be orderly in their conduct and follow the rules of procedure as per our Standing Orders,

established precedent, customs, procedures and traditions of the Assembly. So, this one is indeed a sitting of the Assembly.

Hon. Members, the swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), earlier highlighted. The Clerk-at-the-Table, now I am explaining the procedure which we are not going to do during the swearing in. I have now explained the foundation of the law, so the procedure that we are going to follow will be as I am communicating now. The swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), earlier highlighted.

The Clerk-at-the-Table shall call the names of Members for purposes of swearing-in in the Order outlined in the Order Paper. The Member so called shall proceed to the Lectern marked as Station 1, which is here on my right hand side, if you look at the order paper we have also put a diagram on how the flow of the activities will be. So the Members will be called and then they will come to the Lectern and then they will take the Oath or affirmation.

Oath here it means you can either take an Oath or you can affirm by lifting your hand, all those positions are available it just you need to declare which position are you going to follow and also which religion are you prescribed to since we have all the documents here.

Hon. Members, once sworn in, a Member shall then proceed to Station 2 (*located directly in front of the dispatch box*). After a Member has taken the Oath they will proceed to the front side and they will have to signing of the Oath Book and also sign Oath Certificate as provided for under the Leadership and Integrity Act every Member is supposed to prescribe the specific Leadership Integrity Code, which is a requirement for all State officers. So you will also sign the same.

Hon. Members, having laid out the procedure to be followed in this exercise, I now seek the indulgence of the Assembly to proceed to swear in Members living with disability. We have one Member who is living with disability. If the Member is comfortable to come in front, he can come and if not we can proceed to the table, and afterward I will proceed as I have listed in the schedule and then now we will proceed in that order.

The Oath of Allegiance was administered to the following Members:

Husni Mohamed	PWD
Kados Paul Muiruri Kiguathi	Mihango
Abdi Ibrahim Hassan	Matopeni/Spring Valley
Elias Otieno Okumu	Kileleshwa
Herman Masabu Azangu	Land Mawe
Michael Ogada Okumu	Embakasi

Robert Mbatia	Embakasi West
Wilson Ongele Ochola	Utalii
Alvin Olando Palapala	Kitisuru
David Njilithia Mberia	Karen

(Loud Laughter)

The Clerk of the Assembly (Mr. Ngwele): Order! Hon. Members, I wish to give direction regarding the Oath. I think it is clear that the Oath is a clearly written so I am requesting Members that when you are called upon so that we can save time we just read the Oath as it is provided for otherwise you will not have taken the Oath for the interest of time and the House. Thank you.

Anthony Kiragu Karanja	Waithaka
Charles Thuo Wakarindi	Dandora Area III
Chege Mwaura	Ngara
Clarence K. Munga	Kabiro
Fredrick Njogu Njoroge	Kawangware
Jane Muasya	Nominated Member
Mark Ndung'u Ng'ang'a	Maringo/Hamza
Maurice Gari Otieno	Nairobi West
Millicent Wambui Mugadi	Ziwani/Kariokor
Moses Ogeto Nyangaresi	Kilimani
Osman Adow Ibrahim	Eastleigh North
Peter Anyule Imwatok	Makongeni
Peter Muriithi Warutere	Roysambu
Peter Wahinya Kimuhu	Ngando
Peter Wahinya Njau	Pangani
Peter Wanyoike Gitau	Dandora Area I
Pius Mwaura Mbono	Zimmerman
Rose Adhiambo Ogonda	Kware

Wilfred Oluoch Odalo	Mabatini
Cartherine Okoth	Nominated Member
Abraham Mwangi Njihia	Woodley/Kenyatta Golf Course
Anita Thumbi	Nominated Member
Ann Catherine Akinyi	Nominated Member
Antony Kimemia Gathumbi	Harambee
Antony Ng'ang'a Gatune	Kahawa West
Antony Ngaruiyah Mburu	Kasarani
Beatrice Waithera Gakunyi	Nominated Member
Benson Mwangi Macharia	Mowlem
Carolyn Mayunzu	Nominated Member
Cecilia Achieng Ayot	Laini Saba
Daniel Ngengi Muturi	Nairobi Central
David Ayoi	Gatina
David Ruong'o Okello	Huruma
David Wambua Mbithi	Viwandani
Elijah Mputhia Irura	Njiru
Elizabeth Nyambura Kuria	Nominated Member
Emilly Ondeje Oduor	Nominated Member
Emilly Wanjiku Waithaka	Nominated Member
Esther Chege Waithera	Nairobi South
Esther Nyangweso	Nominated Member
Eunice Wanjiku Marimbi	Nominated Member
Evans Otiso	Kwa- Reuben
Francis Otieno Ngesa	Dandora Area IV
Fredrick Omondi Otieno	Lucky Summer

Fredrick Onyango Okeyo	Kayole South
Fuad Hussein Mohamed	Airbase
Geoffrey Nganga Mbuthia	Mwiki
Geophrey Odhiambo Majiwa	Baba Dogo
Habiba Hussan	Nominated Member
Hafsa Mohamud Khalif	Nominated Member
Hassan AbdiKadir Mohamed	California
Immapet Kemunto	Youth
Jacinta Wanjiru	Nominated Member
Jackline Apondi	Nominated Member
Jairus Amukhoye Omayo	Lindi
James Kiriba Kariuki	Riruta
James Mwangi Wambui	Kiamaiko
Jared Akama Ondieki	Mugumoini Ward
Jared Okoth Okode	Mathare North
Jayendra Virchand Malde	Parklands/Highridge
Jeremiah Karani Themndu	Kayole Central
John Kamangu Nyumu	Ruai
John Kamau Muthiga	Komarock
John Kyalo Mulyungi	Kwa- Njenga
John Nganga Mukiri	Mutu-ini
Joseph H Ouma Ndonji	Umoja II
Joseph Kiragu Wambugu	Karura
Joseph Mwangi Komu	Kahawa
Joyce Muthoni Kamau	Nominated Member
Juliet June Ndegwa	Nominated Member

Julius Maina Njoka	Kariobangi North
Kariuki Wanjiru	Nominated Member
Kennedy Odhiambo Oyugi	Nyayo Highrise
Kennedy Omondi Obuya	Imara Daima
Laura Mwendu	Nominated Member
Lawrence Otieno Odhiambo	Sarangombe
Leah Naikanee Supuko	Nominated Member
Malenya Eve	Nominated Member
Margaret Wanjiru Mbote	Nominated Member
Mark Mugambi Macharia Kevin	Umoja I
Mary Ariviza Mwami	Nominated Member
Maurice Ochieng Onyango	Mountain - view
Mbugua Kabiro	Youth
Mellab Atemah Lumalah	Nominated Member
Millicent Anyango Jagero	Nominated Member
Millicent Okatch	Nominated Member
Muthami Grace Nancy Maole	Nominated Member
Mwaura Samora Wacira	Clay City
Naftali Owuor Ogola	Korogocho
Naftaly Wagura Mathenge	Githurai
Ngoyo Doris Kanario	Nominated Member
Nicholas Okumu Ouma	Lower Savannah
Nimo Omar Hajji	Nominated Member
Njuguna Mary Njambi	Nominated Member
Osman Khalif Abdi	South C
Patricia Mutheu Musili	Mlango Kubwa

Patrick Kanyangi Logedi	Eastleigh South
Patrick Karani	Utawala
Patrick Musili Mbangula	Hospital
Paul Ndungu Irungu	Pumwani
Paul Shem Shilaho	Kangemi
Redson Otieno Onyango	Ngei
Rose Matista	Nominated Member
Ruth Ndumi Maingi	Nominated Member
Samuel Muchene Kabiru	Uthiru/Ruthimitu
Samuel Ng'ang'a Mwangi	Kayole North
Silas Matara Ongwae	Dandora Area II
Solomon O Magembe	Makina
Stazo Elijah Omung'ala Ang'ila	Upper Savannah
Stephen Kanyi Gikonyo	Pipeline
Susan Mukungu Kavaya	Youth
Sylvia Moseiya	Nominated Member

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, as we wait for the last Member to sign, is there any Member who by any chance may not have taken the Oath of office before we move to the next order? Is there any Member who has not been sworn-in?

Hon. Members, that marks the end of order no. 3. That is the administration of Oath. And the next order is the election of the Speaker. And in order to proceed to that stage, I do request that the Sergeant-at-Arms ring the bell for 5 minutes to allow the Members who are out to come in. can the Serjeant-at-Arms ring the division bell for 5 minutes as we prepare?

(Bell is rung for 5 minutes)

ELECTION OF THE SPEAKER

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, before we proceed to the election of the Speaker, I have a Communication to make regarding the procedure to be followed in the election of the Speaker of the County Assembly.

Firstly, Hon. Members, I wish to confirm that the Assembly is properly constituted in terms of Standing Order 35, which provides that *a quorum of the County Assembly or of a Committee of the Whole County Assembly shall be a third of its members*, which number is 41 members. From my counting and looking at the Membership seated in the Assembly, I can confirm that the Assembly is properly seated, having attained the 41 Members requirement.

Hon. Members, His Excellency the Governor of the Nairobi City County was notified of this first sitting of the 2nd Assembly of the Nairobi City County vide Legal Notice No.1 of 2017 dated 30th August 2017.

Hon. Members, Article 178(1) of the Constitution provides that each County Assembly shall have a speaker elected by the County Assembly from among persons who are not members of the Assembly.

In furtherance of the foregoing, Standing Order No. 5(1) of the Nairobi City County Assembly Standing Orders provides thus:-

“A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.”

Accordingly, the Office of the Speaker became vacant at the commencement of this sitting today in the morning, being the first sitting of a new County Assembly after an election.

Hon. Members, pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each activity and the manner in which we have complied with the Standing Orders.

Firstly, Standing Order No. 6(1) requires:-

“Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order 4, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.”

In exercise of the powers conferred by Standing Order No.6 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via *Gazette Notice* No. 8383 of 2017 dated



30th August, 2017. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation.

In the notice and advert, I invited interested persons who qualify to be elected as Members of County Assembly, but are not such Members to submit their nomination papers for election as Speaker of the County Assembly.

Hon. Members, for the position of Speaker of the County Assembly, the following candidates collected nomination papers as at the close of the nomination period:-

Hon. Beatrice K. Elachi
Hon. Karen Wanjiku
Bishop Gabriel A. Bakhwenya
Mr. Francis Shivelenge Jumba
Mr. Mohamed Ibrahim Idle
Mr. Credius Nyamwange Oigara
Ms. Mildred Achieng Biko Ajumbo
Hon. Kamau Thuo Fiunifiu
Mr. Nicario Irungu Wamwea
Mr. Kirimi Henry Misheck
Mr. Edward Lisamula Milimu
Mr. Abdi Ali Abdi
Dr. Sidhe Robert
Mr. Collins Ochieng Opande
Mr. Erick Ochieng Oloo
Mr. George Wainana Njogu
Mr. Joseph Mungai Thiongo
Mr. Ahmed Dubow Subanea
Mr. Ismael Atudo Otieno
Mr. William Odhiambo Osodo
Hon. Kennedy O. Ngondi
Hon. Samwel N. Nyangwara
Hon. John C. Chege

Hon. Members, as per the *Gazette Notice* and advertisement, a person who collected nomination papers was required to submit the completed papers together with his or her curriculum vitae and relevant supporting documents as detailed under the First Schedule to the Standing Orders to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on Monday, 4th September 2017.

At the close of the nomination period, which was Monday, 4th September, 2017 at 9.00 a.m., the following five persons had submitted their nomination papers for election as Speaker of the County Assembly:

Hon. Beatrice K. Elachi
Hon. Karen Wanjiku
Hon. Kamau Thuo Fiunifiu
Mr. Abdi Ali Abdi
Mr. George Wainana Njogu

Hon. Members, pursuant to the provisions of Article 193 of the Constitution and Standing Order 6 of the County Assembly Standing Orders, all the five persons who completed and submitted their nomination papers, qualified as candidates for election as the Speaker of the County Assembly:

Secondly, Hon. Members, Standing Order 6(5) requires that:-

“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.”

I hereby confirm that a register has been maintained in accordance with the requirements of this Standing Order.

Thirdly, Hon. Members, Standing Order No. 6 (6) requires that:-

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-

- (a) publicize and make available to all Members, a list showing all qualified candidates; and*
- (b) Make available to all Members, copies of the curriculum vitae of the qualified candidates.*

Hon. Members, I hereby confirm that a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members a list with extracts of the curriculum vitae of the qualified candidates.

Hon. Members, Standing Order 7 provides that the election of the Speaker shall be by secret ballot.

Specifically, Standing Order 7 (2) provides that:-

“The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot.”

Hon. Members, Standing Order 7(3) requires that the Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

To facilitate this process, the name of each Member shall be called out; following which the Member shall come to the table (*Station 1*), directly in front of the Clerks-at-the-Table and obtain a ballot paper.

Hon. Members, each Member shall then proceed to either of the two polling booths which are clearly displayed and while there, mark the ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for and fold it. The Member shall then leave the booth and place the marked ballot paper in the ballot box at the dispatch area.

The polling booths are on my extreme left and right as displayed.

Hon. Members, Standing Order 7(4) provides that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned. So Hon. Members, once you go to the booth and make a wrong mark, do not proceed with the vote.

Hon. Members, when it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Standing Order 7(7) provides that a ballot paper is spoilt, if in the Clerk’s opinion, it does not identify the candidate purported to be selected by the Member voting. The Clerk shall declare a ballot paper to be invalid in the presence of and after inspection by the Members representing each of the candidates in the election. The counting of the ballots shall take place in the presence of all Members and Members appointed as agents or representatives by the candidates. So I will shortly ask for the agents of the candidates to come forward.

If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot. The candidate who receives the highest number of votes in the further ballot shall be elected Speaker, and I will declare so. Hon. Members, I wish to remind the Assembly that the voting exercise we are about to undertake is by secret ballot as earlier communicated. Accordingly, Members are not allowed to display their marked ballot papers to the Assembly, the galleries or to any other person.

Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that: "Wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot."

Hon. Members, we have arranged the two voting booths on my extreme left and right. For convenience of the Assembly, Members on my right side will cast their ballots in the voting booth to my right and vice-versa. We are now ready to commence the voting process. But before we start, may the agents or representatives for the candidates please come forth?

Agent for –

Hon. Beatrice K. Elachi

Hon. Karen Wanjiku

Hon. Kamau Thuo Fiunifiu

Mr. Abdi Ali Abdi

Mr. George Wainana Njogu

Having explained the voting procedure, I now direct the Sergeant-at-Arms to open the ballot box and display it to the Assembly.

(The Sergeant-at-Arms displayed the ballot box, empty and opened)

Hon. Members, you have all witnessed for yourselves that the ballot box is empty, in which case I now direct the Sergeant-at-Arms to close it and seal it.

(The Sergeant-at-Arms locked the ballot box)

Hon. Members, we are now ready to vote. I direct the Clerks-at-the-Table to call out the names.

(Agents verify the ballot boxes)

Hon. Members, we are now ready to vote. I now direct the Clerks at the table to call out the names in the order which we began with and in the same order I will start with the Member who is living with disability to be first called and then proceed with the order as it appears in the Order Paper. I call upon the Clerks to call upon the first Member.

Hon. Member: Point of Order

(Hon. Husni Mohammed standing)

The Clerk of the Assembly (Mr. Ngwele): Hon. Member, kindly take up your seat first, so that I may dispense off with the Point of Order

(Inaudible)

Let the mic be provided.

Hon. Mr. Charles Thuo: Thank you. My question is that you did not clarify on the process to be taken if a Member is incapacitated and cannot vote for himself or herself? I personally have an injury on my finger and need to be assisted at the box.

Clerk of the Assembly (Mr. Ngwele): Hon. Member, the Standing Orders does not have that provision. The provision that we have is for the agents-

Hon. Charles Thuo: So the agents can assist?

The Clerk of the Assembly (Mr. Ngwele): The agents for the candidates are there to observe that the process is independent. Placing a mark can be done by either arm.

Hon. Charles Thuo: I am only able to write with my right hand and it is injured. I need assistance at the ballot box.

The Clerk of the Assembly (Mr. Ngwele): I don't think it is allowed.

Hon. Charles Thuo: Does it mean I don't vote?

The Clerk of the Assembly (Mr. Ngwele): The Clerks here in the presence of an agent can assist you to mark but you have to declare it to the Clerk on the table.

Hon. Charles Thuo: Okay.

The Clerk of the Assembly (Mr. Ngwele): Can we proceed! Call upon the first Member to come and vote.

(The ballot papers were issued to the Hon. Members and they proceeded to vote)

Hon. Kariuki Wanjiru

Hon. Kennedy Odhiambo Oyugi

Hon. Kennedy Omondi Obuya

Hon. Laura Mwendu

Hon. Lawrence Otieno Odhiambo

Hon. Leah Naikanee Supuko
Hon. Malenya Eve
Hon. Margaret Wanjiru Mbote
Hon. Mark Mugambi Macharia Kevin
Hon. Mary Ariviza Mwami
Hon. Morris Ochieng Onyango
Hon. Mbugua Kabiro
Hon. Mellab Atemah Lumalah
Hon. Millicent Anyango Jagero
Hon. Millicent Okatch
Hon. Muthami Grace Nancy Maole
Hon. Mwaura Samora Wachira
Hon. Naftali Owour Ogolla
Hon. Naftali Wagura Mathenge
Hon. Ngoyo Dorris Kanario
Hon. Nicholas Okumu Ouma
Hon. Nimo Omar Haji
Hon. Njuguna Mary Njambi
Hon. Oman Halif Abdi
Hon. Patricia Mutheu Musyimi
Hon. Patrick Kanyangi Logedi
Hon. Patrick Karani
Hon. Patrick Musili Mbangula
Hon. Paul Ndung'u Irungu

Hon. Paul Shem Shilaho

Hon. Redson Otieno Onyango

Hon. Rosemary Matista

Hon. Ruth Ndumi Maingi

Hon. Samuel Muchene Kabiro

Hon. Samuel Ng'ang'a Mwangi

Hon. Silas Matara Ongwae

Hon. Solomon Magembe

Hon. Stazo Elijah Omung'ala Ang'ila

Hon. Stephen Kanyi Gikonyo

Hon. Susan Mukungu Kavanga

Hon. Sylvia Musea

The Clerk of the Assembly (Mr. Ngwele): There is a Member who did not vote when you called out the names, Hon. Mberia. He was outside when you called his name. Just call the name.

(Hon. David Njilithia Mberia's name is called out and he votes)

Hon. Members, is there any Member who by any chance did not vote? Is there any Member who has not cast his vote for any reasons? Before I proceed to the next stage, I wish to recognize at the Speaker's Gallery, H.E. the Governor of Nairobi Hon. Mike Mbuvi Sonko Gedion.

(Applause)

The Clerk of the Assembly (Mr. Ngwele): I also wish to recognize His Excellency the Deputy Governor of Nairobi City County, Polycarp Igathe and the Senator of Nairobi City County Hon. Johnson Sakaja.

(Applause)

The Clerk of the Assembly (Mr. Ngwele): And also Hon. Theuri, I am told that he is also here. Hon. Members it appears that all the Members who wish to vote have already done so. Hon. Members, Standing Order 76 provides that, when it appears to the Clerk that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers, and having rejected those unmarked or spoiled, report the

results on the ballot. And no Members who have not already recorded his/her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Therefore in accordance with this Standing Order Hon. Members, I direct that the ballot box be unlocked in the presence of the agents and the ballot papers be examined and once they ascertain whether there are some which are unmarked or spoilt, we shall start counting the votes. So Serjeant-at-Arms, you may now open the box and break the seals.

(The ballot box is unlocked)

(The Serjeant-at-Arms displayed the ballot box, empty and opened)

The Clerk of the Assembly (Mr. Ngwele): Okay the seals have been broken. So the Serjeant-at-Arms may pour the ballot papers on the dispatch table and then the votes are going to be sorted out, grouped and then we are going to count. Everything is going to be done in the open. So the Clerks, open the box and show that all the ballot papers have been emptied. Now my officers, the Clerks-at-the Table are going to go through the votes and sort them out and they will be calling them as we proceed and then we have the results, proceed.

(The ballot papers are sorted out and grouped)

The Clerk of the Assembly (Mr. Ngwele): Now that one was sorting, Clerks can you continue with the counting.

(The Clerks- at- the-Table proceeded to count the votes)

(Loud consultations)

Hon. Members, we are counting.

(Counting continued)

The Clerk of the Assembly (Mr. Ngwele): Okay, now we are counting for Hon. Elachi.

(Applause)

The Clerk of the Assembly (Mr. Ngwele): Hon. Members, I wish to announce the results of the first ballot.

NAME	VOTES
Karen Wanjiku	- 1
George Wainaina Njogu	- 4
Abdi Ali Abdi	- 27
Beatrice K. Elachi	- 90

Hon. Members, as I had communicated earlier, for a person to be elected as a Speaker, he or she must garner two-thirds of the total no. of Members which is 122, therefore the no. is 81. So, the candidate with the highest no. of votes obtained 90 votes and therefore meets the threshold as provided for in the Standing Orders.

Hon. Members, having met the two-thirds threshold as prescribed in the Standing Order No. 8 (1), I therefore declare Beatrice K. Elachi as the duly elected Speaker of the Nairobi City County Assembly.

(The Clerk accordingly declared Hon. Beatrice K. Elachi elected Speaker of the Assembly)

(Applause)

Hon. Members, Standing Order 11 provides that immediately the results are declared, which I have already declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the County Assembly and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.

I now direct that the ballot papers be packed and sealed for safe custody. Serjeant-at-Arms!

(The ballot papers were collected and sealed)

Members can confirm that the ballot papers have been sealed and packed. They will be kept in the custody of the Clerk for the period of six months.

Hon. Members, Standing Order 13 provides that immediately following the election of the Speaker, which we have already done, the Clerk shall administer the Oath or Affirmation of Office to the Speaker in the presence of the assembled County Assembly.

The said Oath of Office for the Speaker derives from the Constitution under Article 74, which provides that- *"Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament."* That is the 3rd Schedule of the County Government Act

Hon. Members, the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012 which provides a specific Oath for the Speaker.

Hon. Members, may I now direct the Serjeant-at-Arms to search, find the said Beatrice K. Elachi and present her before the Assembly forthwith for Swearing-in.

(The Clerk accordingly directed the Serjeant-at-Arms to search for the said Beatrice K. Elachi and bring her to the Chamber)

(On arrival of Hon. Beatrice Elachi in the Chamber, she was escorted to the Chair by Hon. Abdi Hassan and Hon. James Chege)

(Applause)

Hon. Abdi Hassan: Mr. Clerk, may I present Madam Beatrice K. Elachi the Speaker-elect of Nairobi City County Assembly. Thank you.

(On arrival at the Chair, the Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, Hon. Beatrice Elachi)

(The Speaker, Hon. Beatrice Elachi, then took the Chair and the Mace which had been covered was uncovered)

(Applause)

COMMUNICATION FROM THE CHAIR

SUBMISSION OF THE SPEAKER TO THE WILL OF THE HOUSE

Hon. Speaker: Hon. Members, Mr. Clerk, our Senator, Governor, deputy Governor, Hon. Members in the gallery, good afternoon? I take this opportunity to thank the Almighty God for giving me another chance to serve the people of Nairobi County. I am humbled and I want to thank you all for the honour you have bestowed on me as the second Speaker of the County Assembly of this City. In 2010, Kenya adopted a new Constitution. One of the key hallmarks of the Constitution is the adoption of the devolved system of Government. Devolution is at the center of transformation for the country. Article 174 of the Constitution itemizes the functions of devolution. The functions revolve around insuring equity in the distribution of national resources, enhancing a sense of belonging to all Kenyans and promoting democratic and accountable exercise of power.

Hon. Members, each of the 47 counties are distinct. They have to design their paths of realizing the promise of devolution. In doing so, there exist both the County Government and County Assembly. We have been entrusted with the responsibility of delivering for the people of Nairobi as Members of this August House. To do so, we have to be true to our Oath of office, the promise you all made to the electorates during campaigns and constitutional stipulations. The role of each legislative Assembly is to legislate, oversight and represent. We will be expected to deliver on each of these areas. As a House, we have to remember that the citizens will judge us, not by how much we disagree, procrastinate, not by how many meetings we attend, not by the wards we represent, but by how much we make their lives better. It is consequently incumbent on us to set our targets on each of our legislative roles and get down to business. As we debate in this House, let us not lose sight for the fact that we exercise delegated authority. The power bestowed upon us by the citizens of this County is one we should use fully and for their benefit.

Hon. Members, Nairobi is not just one of those 47 counties; it is also the Capital City of our motherland Kenya. The Assembly is also the largest in the whole of the Country. It is the second to parliament. As members, I urge all of you to appreciate two implications of being the Capital City. First, we are the host to the seat of the National Government. We thus have to give true meaning to the constitutional stipulations that counties are distinct but inter-dependent. We are required to promote a culture of consultation and co-operation with the National Government and national institutions. Being a

legislative Assembly, while we are distinct, there is a lot we can gain from greater linkages with the Senate as the legislative arm that is designed to protect and guard devolution at the national level.

Hon. Members, having been a Senator, I know that the relationship between the County Assemblies and the Senate can be improved. We are both designed to serve the same interests which is to ensure that devolution delivers on its promises. We are neither subordinates nor in competition with the Senate. I hope Members will join me in cultivating a respectful and deeper relationship with the Senate so that Nairobi can become a model of legislative light guiding devolution and ensuring progress for the residents of the County.

As Speaker, my role is to guide debate and to ensure that the dignity of the House is maintained. I will be Speaker for all Members, the Majority party and the Minority party. I have constitutional responsibilities and recognition. The House requires each of you to play your role for it to deliver on its mandate. I urge you to promote a spirit of give and take and to compromise so that we have as much as it is possible to deliver in a by-partisan manner as possible. There is no law that once enacted, only benefits those who voted for the Majority or the Minority party. Every legislation affects the residents of this County. There is no budget that is only for a specific function of this City. I urge all of us to never lose psyche of this greater good. Politics is competitive. The House is for bringing those opposing ideas to the table. As part of that process, they will necessarily be disagreements, which are the nature of multi-party democracy. Competing ideas does not mean enmity neither does it mean demeaning each other.

Hon. Members, the term Honorable means we have to bring honor both to this House and to our positions as leaders. As Speaker, I urge all Hon. Members to carry themselves with decorum and to conduct their affairs in accordance with the Standing Orders, the Constitution and the law of this land. As your Speaker, I promise to serve all of you fairly and faithfully so that we can conductible make this second Assembly memorable in the journey of transforming this greater County and City. Thank you very much, Hon. Members.

(Applause)

ELECTION OF THE DEPUTY SPEAKER

The Clerk of the Assembly (Mr. Ngwele): Hon. Speaker, I have a report to make regarding the procedure to be followed in the election of the Chairperson of Committees or Deputy Speaker. If it pleases the Assembly, for purposes of the said Election, I am the Retuning Officer.

Hon. Speaker, Hon. Members, Article 178(1) of the Constitution provides that each County Assembly shall have a Speaker elected by the County Assembly from among persons who are not members of the Assembly.

Further, Article 178(2) (b) provides that in the absence of the speaker, another Member of the Assembly elected by the Assembly shall preside over a sitting of the County Assembly.

In furtherance of the foregoing, the Second Schedule to the County Governments Act, 2012, provides for the Office of the Chairperson of Committees or a person to deputize the Speaker as provided for under Article 178(2) (b), as amongst matters to be provided for in the Standing Orders.

Appropriately, the said Office of Chairperson of Committees or Deputy Speaker is provided for under Part III of the Nairobi City County Assembly Standing Orders.

Hon. Members, the Office of the Chairperson of Committees or Deputy Speaker became vacant at the commencement of today's sitting at 9.00 a.m. in the morning, being the first sitting of the new County Assembly after an election.

Hon. Members, Standing Order No.15 (1) provides as follows regarding the election of the Chairperson of Committees – *“As soon as practicable after the election of a Speaker following a General Election, a Chairperson of Committees shall be elected in accordance with Article 178(2) (b) of the Constitution and as referred to in Section 9(5) of the County Governments Act, 2012.”*

Specifically, Standing Order 15(3) provides that the Speaker shall preside over the election of the Chairperson of Committees under paragraph (1).

Most importantly, Hon. Members, Standing Order No.15(4) in terms of elections for the said office provides that the procedure for electing a Chairperson of Committees shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. This means that we will be making reference to Standing Orders No. 5, 6, 7, 8, 9, 10, 11, 12 and 13.

Accordingly, Hon. Members, in exercise of the power conferred by Standing Order 6 (*Nomination of candidates*), I notified the membership of a vacancy in the Office of the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly vide a memo dated 3rd September, 2017, circulated on all Notice Boards of the Assembly and similarly communicated to all Members through the Assembly SMS platform.

In the notice, I invited interested persons who qualify to be elected as Chairperson of Committees or Deputy Speaker of the Nairobi County Assembly in accordance with the Constitution to submit their nomination papers for elections as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, the following candidate collected nomination papers from the office of the Clerk of the Nairobi City County Assembly, namely:

1. The Hon. John Kamangu Nyumu, MCA

Hon. Speaker, Hon. Members, as per the *Notice*, the persons who collected nomination papers were required to submit the completed papers together with their Curriculum Vitae (CV) and relevant supporting documents to the Office of the Clerk of the County Assembly not later than 9.00 a.m. on Tuesday 5th September, 2017.

Hon. Speaker, at the close of the nomination period, only Hon. John Kamangu Nyumu, MCA submitted his nomination papers for election as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

Hon. Speaker, Hon. Members, as earlier alluded to, the provision of Standing Order No.12 applies in respect to the election of a Chairperson of Committees or Deputy Speaker as provided for in Standing Order No.15 which provides: *“The procedure for electing a Chairperson of Committees shall, with necessary modifications, be the same as that prescribed for the election of the Speaker”*.

In this regard and pursuant to the provision of Standing Order No.12, which provides that if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required, I therefore declare one Hon. John Kamangu Nyumu, MCA duly elected as the Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, I now invite the Hon. Speaker to proceed with the necessary steps to admit the said Member to the Office of Chairperson of Committees or Deputy Speaker of the Nairobi City County Assembly. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, the Clerk having declared that the said Hon. John Kamangu Nyumu is duly elected as the Chairperson of Committees or the Deputy Speaker of the Nairobi City County Assembly in the Second Assembly, I now direct that the said Hon. John Kamangu be searched and brought to the Assembly. The Serjeant-at-Arms!

(The Speaker accordingly directed the Serjeant-at-Arms to search for the said John Kamangu and bring him to the Chamber)

(On arrival of Hon. John Kamangu in the Chamber, he was escorted to the Chair by Hon. Abdi Hassan and Hon. James Chege)

Hon. James Chege: Madam Speaker, I am pleased to present to you Hon. Nyumu, the Deputy Speaker-elect.

(The Speaker accordingly declared Hon. John Kamangu elected Deputy Speaker of the County Assembly and administered the Oath to him accordingly)

ADJOURNMENT

Hon. Speaker: Hon. Members, Standing Order No.14 (1) states: "Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order No. 13 (Swearing-in of the Speaker), the Speaker shall notify the Members of the place, date and time of the opening of County Assembly."

Further, Standing Order No.14 (2) provides that following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County Assembly."

Separately, Hon. Members, Standing Order No. 22 provides thus, "*The Governor shall address the opening of each newly elected County Assembly.*"

Hon. Members, in this regard, I wish to notify you that I shall communicate the place, date and time of the opening of the County Assembly in due course.

Hon. Members, before we adjourn, allow me to invite you for high tea and other hospitality services organized by the Assembly in celebration of the occasion of this First sitting at Charter Hall, just adjacent to this Chamber.

Hon. Members, the Assembly will now stand adjourned and will resume on a date to be communicated after consultations with the leadership of the Assembly and the Governor on official opening of the County Assembly pursuant to Standing Order No. 22. Thank you.

(The House rose at 4:45 p.m.)